





SCS #9009b



Thomas F. Torrance

The History  
of the Sufferings  
of the Church of Scotland,  
By Robert Woodrow.  
Vol II.  

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if they will forget the superior Laws of God, Nature, and Society: And if it reach this good End, there appears no Reason, why any concerned in the Persons named, ought to take this in ill Part, which is really unavoidable in Narratives of this Nature. After all, I hope it will appear, that all aggravating and personal Reflections are avoided; and if, at any Time, I have, by the Narratives I have made Use of, been insensibly led into any of those, which I as much as possible guarded again, I shall be heartily sorry for it.

IN short, were there any thing at all in this Objection, we must never more after this, have a History written, for what I can see; since a faithful Narrative of any Period, will have Persons Names and Designations in it, and some Side or other must be in the Wrong, and the alledged Consequence of reviving Heats, may still be cast up: But there is so much Unfairness, not to say ill Nature, in this Pretext, that I shall leave it. I hope, upon solid Consideration, it will be found to be altogether groundless.

MORE than once, in this *Second Volume*, I have pointed at the Necessity of an Abbreviate of the Fines and Losses through the different Shires and Parishes, as far as they have come to my Hand, and somewhere I almost promised it: Once I designed to have brought it into the *Appendix*, but, upon second Thoughts, it seems as naturally to come in here.

I may assure the Reader, that this Abstract of Fines and Losses throughout the Kingdom, hath cost me more Labour than many Sheets of the History: 'Tis formed out of several Hundred Sheets of Informations, from different Parishes through the Kingdom; many of them were gathered at and before the *Revolution*; yet, as will appear by the Lists themselves, no Informations are come to my Hand, from the far larger Part of the Parishes where the Persecution raged; and there are even several Shires where there were very sore Sufferings, from whom I have nothing almost, as *Argyle* Shire, *Dumbarton*, *Stirling*, *Linlithgow*, &c. Had Informations come to me from those, my Abbreviate had been much larger.

FURTHER, it would be observed, that, save in the Shires of *Roxburgh*, *Renfrew*, *Fife*, and *Perth*, the Fines I give the Abstract of by the Papers in my Hands, most of them signed, were actually exacted from the Country, and, generally speaking, in a few Years of the black Period I have described, mostly from the 1679 to 1685.

WHEN I went through this vast Heap of Informations, I found the Fines uplifted from the more common Sort, Country People, Tenants, and Cottars, save in a few Instances from Gentlemen, and meaner Heritors. The Forfeitures and exorbitant Fines from particular Gentlemen, and others narrated in the History, are omitted, save the Sheriff-fines last spoken of, those by *Middleton's* Parliament, and the Losses at *Pentland*, and by the Highland Host, which I have added, that the Reader may have them all together in his View.

I would willingly have inserted the Names of the Persons who were fined, and sustained those Losses in every Parish, according to the Lists I have; but that was impracticable, without adding a *Third Volume* to this *History*; and, in my Opinion, would have been of no great Use, save to preserve some Sort of Memory of the Persons, most of them truly religious; and, could this have been done easily, I should not have grudged it, since 10, 20, 40, or 100 Pounds from a Tenant, or Cottar, was as heavy to them as a Thousand to a landed Person.

ALL those Fines, even those accumulated by the Sheriff-courts, were in Terms of Law, and indeed are chargeable upon the iniquous Laws narrated in the Hi-

story,



story, excepting a few Losses by the Rudeness of the Soldiers, and the severe Courts, where very often the hard Laws themselves were exceeded.

UPON every Turn, I find it observed in the Papers before me, that, for want of full Information, the Accounts given in them are defective and lame; and, considering this, and the comparatively small Number of Parishes here insert, at a moderate Computation, this Abbreviate may be reckoned to fall short at least one Half.

How much of these Fines which stand in the Decrees in the Sheriff-books, which I have inserted, were uplifted, I cannot say; but, by particular vouched Accounts, come to my Hand from the Shire of *Fife*, and that only in Twelve or Fourteen Parishes, I find upwards of Fifty thousand Pounds actually paid; and, considering the Expences in Attendance, the Money given to the Attendants on these Courts, and the exorbitant Compositions the Sufferers were at length obliged to, we may well reckon them near the Sums here.

I shall now insert this Abbreviate of Fines, if once I had noticed, that none of the Fines imposed upon every Turn by the Council-decreets, upon Multitudes, for Conventicles, Noncompearance, &c. are insert in this Account: These the Reader hath scattered up and down the History, and I have not had Time to gather them up; neither have I cast in innumerable Instances of Losses of Horses, Kine, Sheep, and whole Years Crops, in the Informations that are in my Hands, those not being liquidate, and I wanting Leisure for this, though I am perswaded they would amount to a prodigious Sum. Perhaps some of the Parishes may be inserted in other Shires than they belong to, but I have kept by the Lists before me.

*Abbreviate of Fines and Losses in the different Shires and Parishes, from particular Informations in the Author's Hands.*

Shire of <i>Edinburgh</i> .				Jedburgh			
		L.	sh. d.			L.	sh. d.
Parishes of <i>West-caldor</i>	—	2958	16 8		—	6480	—
<i>Livingstone</i>	—	1787	17 8		—	366774	8 8
<i>Abercorn</i>	—	1243	—		—		
<i>Temple</i>	—	3713	06 8		—		
		9703	—		—		
Shire of <i>Forrest</i>	—	50649	—		—		
Parishes of <i>Esdale and Etnick</i>	—	2480	—		—		
		53129	—		—		
Shire of <i>Berwick</i> .				Shire of <i>Peebles</i> .			
		L.	sh. d.			L.	sh. d.
By the Earl of <i>Hume</i>	—	26666	13 4	Parish of <i>Peebles</i>	—	978	6 —
Parish of <i>Gordon</i>	—	3328	4 —	<i>Traquair</i>	—	374	2 —
<i>Lassiden</i>	—	137	13 4	<i>Kirkwood, Eddlestoun, Lintoun</i>	—	506	16 —
		30132	10 8	<i>Tweedmuir</i>	—	1130	—
						2989	4 —
Shire of <i>Roxburgh</i> , by Letters of Horning, executed Aug. 11, 1684.				Shire of <i>Anandale</i> .			
		L.	sh. d.			L.	sh. d.
Parishes of <i>Ancrum</i>	—	3349	6 8	Parish of <i>Johnstoun</i>	—	7512	1 8
<i>Hallindean</i>	—	11331	13 4	<i>Lochmaben</i>	—	4460	5 —
<i>Bowden</i>	—	480	14 0	<i>St. Mungo</i>	—	1178	—
<i>Smallholm</i>	—	612	—	<i>Tunnergirth, Hutton, Wamfrey, &amp;c.</i>	—	2134	1 8
<i>Mehofs</i>	—	40823	12 —			15285	1 4
<i>Stow and Herriot-muir</i>	—	8332	13 4				
<i>Selkirk-forest</i>	—	26666	13 4				
<i>Stitchil</i>	—	9413	14 —				
<i>Legerwood</i>	—	1666	13 4				
<i>Earlston</i>	—	781	16 8				
<i>Hownam</i>	—	747	12 —				
<i>Oxnam</i>	—	2484	—				
Shires of <i>Nithsdale</i> and <i>Dumfries</i> .				Parish of <i>Closburn and Dalgerno</i>			
		L.	sh. d.			L.	sh. d.
				<i>More in Closburn</i>	—	3006	5 8
				<i>Mortoun</i>	—	665	13 4
				<i>Keir</i>	—	333	6 8
				<i>Kirkmahoe</i>	—	159	—
				<i>Tindram</i>	—	2142	—
				<i>Kirkmichael and Gavil</i>	—	2473	6 8
				<i>Tinwald</i>	—	343	—
				<i>Torthorwald</i>	—	968	5 —
				<i>Carlawerock</i>	—	1192	11 —
				<i>Glencairn</i>	—	372	—
						2313	6 8



	L.	sh.	d.
Penpont	182	13	4
	14152	8	4
More from this Shire at Pentland	9517	9	10
	23669	18	4

## Shire of Galloway.

In the Stewartry	2889	14	-
Burgh of Stranraer	2365	5	4
Kirkcudbright	2184	18	4
Parish of Borg	6472	-	-
Twinnam	813	-	-
Anworth	333	6	8
Kirkmabrick	563	12	8
Lochrooton	519	13	4
New-abbay	948	-	-
Old-luce	6871	-	-
New-luce	6506	14	4
Balmaghie	363	16	-
Partan	5087	-	-
Orr	889	13	4
Cosmichael	300	-	-
Carsfarn	18597	-	-
Balmacellian	2126	-	-
Dalry	3200	-	-
Kells	9511	10	8
Penningham	4490	-	-
	74832	4	8

More fined before Pentland, besides  
Middleton's Fines

41982	-	-
116814	4	8

## Shire of Air.

Parish of Ballantree	3619	14	-
Colmonel	6545	16	8
Dalmellington	15780	-	-
Barr	20856	10	4
More in that Parish	417	6	4
Straitoun	6748	-	-
Kirkmichael and Maybols	1953	-	-
Kirkoswald	8104	-	-
Muirkirk	5726	6	8
Sorn	1800	-	-
Dalgen	1118	6	8
Cumnock	5366	13	4
Auchinleck	1646	-	-
Lowdon	2713	12	4
Kilmarnock	31700	-	-
Other Parishes here	6715	-	-
By the Highland Host, 1678.	137499	6	-
	258309	13	2

## Shire of Renfrew.

Parish of Eaglesham	3645	-	-
Cathcart	1256	1	-
Eastwood	650	-	-
Lochwinnoch	4579	13	4
By Decree against Gentlemen, about 1673.	368031	13	4
	378162	7	8

## Shire of Lanerk.

Parish of Libbertoun	232	8	-
Whatquhan	182	-	6
Biggar	1071	5	-
Walstoun	308	8	-
Dunsyre	177	12	-
Carmichael	266	13	-
Carnwath	6739	19	8
Lanerk	5000	-	-
Cambusnethan	6947	-	6
Dalziel	35	-	-

	L.	sh.	d.
Shotts	1708	10	8
Bothwell	11206	-	-
New-monkland	16674	5	4
Old-monkland	2666	13	4
Cambustang	3864	19	-
Hamilton	22681	6	4
Glasford	911	13	4
Dalserf	773	6	8
Evandale or Strathevan	54085	-	-
Kilbride	19570	6	8
Carmunnock	23299	2	4
Rutherglen	2171	6	4
Govan	1444	6	8
Calder	837	-	-
Kirkintilloch	700	-	-
	183554	3	4

## Shire of Fife, by the Sheriff-books of Cowpar.

Parish of Scoonie	6800	-	-
Cameron	8268	-	-
More from the same	13600	-	-
Deninno	1400	-	-
St. Andrews	10400	-	-
Cairnbee	5712	-	-
St. Fillans	13415	-	-
Leuchars	16340	-	-
Cleish	8700	-	-
Portmouk	32700	-	-
Aberdour	2100	-	-
Dalgaty	8400	-	-
Markinsh	5000	-	-
Falkland	3300	-	-
Auchterdeer	5040	-	-
Kinglassie	11800	-	-
Carnock and Dovehill	6700	9	-
Dysart	12000	-	-
Beeth	600	-	-
Auchtertule	4500	-	-
Abbotshall	10700	-	-
Kinghorn	1500	-	-
Largo	17400	-	-
Newburn	2700	-	-
Burntisland	22500	-	-
Inverkeithing	13400	-	-
Aberdour more	1200	-	-
Kilrinnie	4200	-	-
Anstruther-wester	4800	-	-
Anstruther-easter	8100	-	-
Pittenweem	3300	-	-
St. Minnan	5500	-	-
Ely	2700	-	-
Kilconquhar	8500	-	-
Munzie	900	-	-
Logie	6100	-	-
Ceres	12500	-	-
Orwel	1500	-	-
Ferry	2700	-	-
Balmerino	700	-	-
Kembach and Darfie	1800	-	-
Cult	4500	-	-
Leffy	10600	-	-
Kennoway	300	-	-
Cowpar	3700	-	-
Kirkaldie	10600	-	-
Coleffe	1200	-	-
Kettle	1500	-	-
Hindlie	2100	-	-
Auchtermuchty	1800	-	-
Dumfermlin	9600	-	-
Ballingie	600	-	-
Tory	5000	-	-
Stramiglo	5071	-	-
By the Sheriff-books of Falkland, S. J. Cal.	30000	-	-
	396050	9	-

Shire



	L.	sh.	d.		L.	sh.	d.
Shire of Perth.				Summa totalis	1743999	18	8
By the Sheriff-books there, where the				Middleton's Fines in the History	1017353	6	8
Extracts do not many times distin-				Gentlemen in Renfrew Shire, 1684.	237333	6	8
guish the Parishes.				as in History	55200	-	-
Persons, without Parishes named	107400	-	-	Gentlemen in Dumbarton Shire, as			
Parish of Forgundennie	11335	10	-	in the History	120933	6	8
Fosfoquhie	3000	-	-	Gentlemen in the Shire of Murray,	1430820	-	-
Kippen	2000	-	-	as in the History, 1685.			
Town and Parish of Perth	44000	-	-	Summa totalis	3174819	18	8
Perth	167735	10	-				

THIS is the shortest View I could give the Reader of the Fines, during this Period; a vast Number of others are to be found in the History it self, and far greater Numbers of Fines imposed and exacted, are not come to my Knowledge.

SINCE, in this History, I have frequent Occasion to name the Persons I speak of by their Offices, I thought it might be convenient for the Reader to subjoyn here a List of Persons, in such Offices, from the *Restoration* to the *Revolution*, as ordinarily come to be spoken of in this Work, and I may well begin with the Bishops, they being, as I have often remarked, the Springs of much of the Persecution I have described, though the Share of some of them was greater than that of others.

#### Archbishops of St. Andrews.

1662. Mrs. James Sharp.  
1679. Alexander Burnet.  
1684. Arthur Ross.

#### Bishops of Dunkeld.

1662. Mrs. George Halyburton.  
1665. Henry Guthrie.  
1677. William Lindsay.  
1679. Andrew Bruce.  
1686. John Hamilton.

#### Aberdeen.

1662. Mrs. David Mitchel.  
1663. Alexander Burnet.  
1664. Patrick Scougal.  
1682. George Halyburton.

#### Murray.

1662. Mrs. Murdoch Mackenzie.  
1677. James Atkin.  
1680. Colin Falconar.  
1686. Ross.  
1688. William Hay.

#### Brechin.

1662. Mrs. David Strachan.  
1671. Robert Lawrie.  
1678. George Halyburton.  
1682. Robert Douglas.  
1684. Alexander Cairncross.  
1684. James Drummond.

#### Dumblane.

1662. Mrs. Robert Leighton.  
1671. James Ramsay.  
1684. Robert Douglas.

#### Ross.

1662. Mrs. John Paterson, Father.  
1679. Alexander Young.  
1684. James Ramsay.

#### Cathness.

1662. Mrs. Patrick Forbes.  
1662. Andrew Wood.

#### Orkney.

1662. Mrs. Thomas Sydsers.  
1665. Andrew Honnynman.  
1677. Murdoch Mackenzie.  
1688. Andrew Bruce.

#### Edinburgh.

1662. Mrs. George Wisheart.  
1671. Alexander Young.  
1679. John Paterson, Son.  
1688. Ross.

#### Archbishops of Glasgow.

1662. Mrs. Andrew Fairfoul.  
1664. Alexander Burnet.  
1670. Robert Leighton.  
1674. Alexander Burnet restored.  
1679. Arthur Ross.  
1684. Alexander Cairncross.  
1686. John Paterson S.

#### Galloway.

1662. Mrs. James Hamilton.  
1673. John Paterson S.  
1680. James Atkin.  
1688. John Gordon.

#### Argyle.

1662. Mrs. David Fletcher.  
1666. William Scrogie.  
1675. Arthur Ross.  
1679. Colin Falconer.  
1686. Hector Maclean.

#### Isles.

1662. Mrs. Robert Wallace.  
1677. Andrew Wood.  
1680. Archibald Graham.

IN this List I have marked the Year of the Admission of each Bishop, and the Entry of his Successor; and, save the Time of Vacancy, which generally was very short, the intermediate Space is the Time of their Continuance in their Sees.

The Lord High Chancellors in this Interval were as follows.

1660. The Earl of Glencairn.  
1665. Rothes.

1680. Aberdeen.  
1684. Perth.

I might go on to the rest of the Officers of State, Secretaries, Justice-general, Advocate, and others; but the Time of their Admission and Continuance, may be found in the History it self, from which I shall no longer detain the Reader.



# ADDITIONS

AND

## AMENDMENTS to Vol. I and II.

I With my Friends, who have given themselves the Trouble of reading the former *Volume*; had been so kind as to send me their Remarks upon it. Nothing this way has come to my Hand, save a few Hints from a very intelligent Gentleman; for which I own my self in his Debt, and insert them as sent me.

‘ In your History, (*Book I.*) you mention Mr. *James Robertson* as one of the *English Judges*; it is true, he was nominate, but did not accept.

‘ You speak (on the Year 1678.) of the Lord *Melvil* as Earl, whereas he was not advanced to that Degree till after the Revolution.

‘ When you name the Members of the Council-committee 1677 and 1678. you give the Earl of *Cathness* as one of the Number, which is true; but lest it should be mistaken for *Sinclair* Earl of *Cathness*, in my Opinion it were not unfit that you notice, that the Laird of *Glenorchy* had at that Time the Title of the Earl of *Cathness*, and kept it some Two or three Years; but the nearest Heir-male of the *Sinclairs*, having the Title of the Earl of *Cathness* declared to be his Right, *Glenorchy* got, in room of it, that of the Earl of *Broad-albin*.

‘ You design Mr. *James Ramsay* (on the Year 1669.) Dean of *Hamiltoun*. The Title of his Office at that Time was Dean of *Glasgow*, though he was commonly called Dean of *Hamiltoun*, because he was Incumbent in that Charge.

‘ You say, *There was never, as far as you know, an Episcopal Incumbent in the Parish of Finwick*; which, no doubt, is true as to your Knowledge; but I can assure you, one Mr. *Andrew Crawford* was Episcopal Incumbent there.

‘ You mention (*Page 356.*) the late Earl of *Kinnoul* as fined for a Conventicle; I suppose the Person fined was *George Hay* of *Balhouseie* his elder Brother, who died unmarried.

‘ In one Place, you mention *William Lockhart* as Justice-clerk. You might have observed that this was the famous Colonel *Lockhart*, who succeeded his Father Sir *James Lockhart* of *Lee*, in that Post.

‘ I wish you had a little more clearly distinguished between the Time of Mr. *Robert Leighton*, his being Commendator of the Archbishoprick of *Glasgow*, and his being afterwards put into the Office of Archbishop.

What further hath occurred to my Observation, needful to be added here, take as follows. P. 218. I said, p. 218. *That the King was pleased to be at the Charges of the Earl of Glencairn's Burial*, and I am warranted to say so from his Majesty's Letter to the Council declaring so much: But I am since well informed, that the great Charges of the Funerals were never (for what Reason I know not) refunded to that noble Family, notwithstanding the singular Services they had done the King.

P. 266. In room of *Robert Gordon*, read *John Gordon*; he was elder Brother to the present *Robert Gordon* of *Garvery*, who after his Brother's Decease succeeded to him. I have lately sent me an attested Account of this worthy Gentleman's Sufferings, too large to be insert here. They began after *Bothwell*, where Mr. *Gordon* was; his House at *Carnavel* lying on the high Road 'twixt *Air* and *Galloway*, was often spoiled by the Soldiers in their Marches, and the Gentleman was forced for a long Time to forsake his own House, and wander in the Mountains, and in his Absence great Ravages were committed. Three Troops were quartered upon his Family, who cut down a large Bank of young Trees, destroyed his Corn and Meadows, killed great Numbers of his Sheep, and took away what they pleased from him and his Tenants. At the same Time Four Companies of Foot encamped in the Church-yard of *Carsfairn* not far from his House, and they brought in Multitudes of his Sheep, killed, and ate them. In short, *Garvery* was forced to retire to *London*, and after he had ventured home, 1683. he underwent great Hardships, and was obliged to hide till the Liberty 1687.

P. 268. When I was giving some Account of the Disposal of the forfeited Estates after *Pentland*, in common Course with the rest, I noticed, that the Lairds of *Wishaw* and *Halcraig* had Major *Learmond's* and *Quarreltoun's* given them; it would be remembered, that those Two Gentlemen had the Gifts of those Estates, not as General *Dalziel* and others mentioned, but through Interest made for the Gentlemen forfeited, and for their Behoof, as I am informed since.



# Additions and Amendments to Vol. I and II.

P. 414. Line 58. Instead of *Arnbuckles*, a Country Village in Old Monkland, read New Monkland.

P. 416. L. 60. There is a Mistake in the Remark I make upon the Words in the Proclamation against Conventicles, *And the Magistrates are to have their Relief from the common Stock of the Town*; which I say is unaccountable, and the Way to ruine the Royal Burghs. I have overlooked the following Expression in that Proclamation, where, upon a second View, 'tis plain the Magistrates were to have no Relief from the common Stock of the Town, as may be seen in the Proclamation it self, *App. N<sup>o</sup>. 77*. In some former Proclamations and Bonds, Relief was indeed allowed them in this Manner, and I have not observed the Change here. It is probable I may, through Inadvertency, have fallen into other Escapes in my Remarks on publick Papers, and, upon Discovery, I shall cheerfully amend them. But since all the Papers themselves are annexed as Vouchers, I flatter my self, any Error that has slipped in, can have no ill Consequence.

P. 521. As to the Process against *James Learmond*, I have certain Information which may be depended upon, that my Lord *Castlehill*, though his Name be marked in the Registers, when that Process came before the Justiciary, and he was present, yet his Lordship was so dissatisfied with what he saw in Design against that good Man, that he left the Justiciary Court, and went to the Country. When, as hath been observed, the Lords could not agree, the first Diet, upon the Sentence of Death, which my Lord *Castlehill* very much opposed, the Matter was delayed till next Day, when the Weight of an Act of Council was to be thrown in upon them. That Day my Lord ordered his Coach to be ready, being determined to leave the Justiciary, and go to his Country-house, if, after he had offered his Reasons against so iniquitous a Sentence, he could not prevail. Accordingly, after Reasoning against it, when he found all to no Purpose, and the Matter resolved on, he left them and went to the Country. The Accounts of my Lord's Carriage in this Affair, were immediately set up to Court, and my Lord *Castlehill* was straight turned out of his Place in the Justiciary, and was not restored for Three or four Years, when, upon a Turn in the Ministry, he was taken in again. I could not but insert this here in Justice to my Lord's Memory, and as a new Evidence of the Injustice of this Time, in removing a Judge for acting according to Law and Reason, when those did not agree with the Measures laid down by the Managers.

P. 525. The Case of Mr. *John Govan*, the present worthy and useful Minister of the Gospel at *Campsie*, is inserted as it stands in the Registers. In the Preface to the first Volume I signified my Fears, that my keeping close by the Expressions of the Records, might in some Cases be unfavourable to the Sufferers, and it is so in this reverend Person's Case. His Modesty, and mean Thoughts of his own Sufferings, kept him from giving me the Account of them I desired from himself. I am glad I can now give a fuller Narrative of them, and do him Justice here, in a Point wherein he is wronged in the Article formerly published from the Registers. Mr. *Govan* had come from *St. Andrews* to his Brother in Law, the reverend and learned Mr. *Thomas Forrester*, his House in *Monteith*. During his Stay there, a Party of Soldiers came on a Sabbath Evening to seize Mr. *Forrester*, and happily missed him; they forced Mr. *Govan* and *John Graham* in *Lodlewain* to go with them to *Stirling*, only (as they said) to verify that they had observed their Orders, promising they should have Liberty to return next Day: But when brought to *Stirling*, upon their refusing the Bond of Regularity, they were both clapped up in Prison. There Mr. *Govan* continued Two Years; after which, at the Primate's Instigation, as he was informed, he was brought under a Guard to the *Canongate Tolbooth*. Thence he was brought before the Council, and had a Libel given him for being at Conventicles in many Places, in none of which he had ever been present; and therefore he had full Freedom to declare negatively as to all the Points libelled; mean while, he frankly acknowledged Converse with his Brother in Law. Whereupon he was again remitted to the Tolbooth. In a little Time his Father in Law, when the Primate was absent, through his Interest with my Lord *Roths*, procured an Act of Liberation for Mr. *Govan*, and brought it to him in Prison, and he was let out presently. But Mr. *Govan* is positive, no Bond for living orderly, and not keeping Conventicles, was offered him, far less did he give one, or any for him, that ever he knew of. If any other of the Sufferers be misrepresented in the Extracts from the Records, I wish I had got the Accounts of them, and they should have been added here.

This is what offers to me at present as to the former Volume. I have only an Amendment and Addition or Two as to the Second Volume, which are come to me lately.

P. 173. In my Account of the Place where the Reverend Mr. *Blackadder* died, there is a Mistake which I was led into by a Narrative I had after the first Volume was printed off, and that occasioned the last Line of the Errata to that Volume, (which I now desire may be deleted) and by the peremptory Acts of Council for Mr. *Blackadder's* Liberation, which stand in this Volume, P. 480. from both those, I concluded this good Man had been liberated from the *Bast*, and that he died in a little at *Haddingtoun*. But I find now, by certain Information from his surviving Sons, that he actually died in the *Bast*, as I had said Volume I. P. 393. and these Acts for this excellent Person's Liberation never took Effect. The Place of his Death is of very



very little Importance, but I am still ready to amend the smallest Mistake when informed of it.

P. 394. After the Case of that singular Person Mr. *Baily* of *Jerviswood* was printed off, I received a Narrative of some further Circumstances of his Trial from a worthy Friend of mine who was present, and a mournful Spectator. What passed made so deep Impression upon him, that he is distinct as to the very Words and Phrases that were used, and I thought they deserved a Room here.

*Jerviswood* being much indisposed, came to the Bar of the Justiciary in his Night-gown, attended by his Sister, who several Times gave him Cordials, he being so ill as he was obliged to sit down on a Stool. He heard all very patiently; only when long Narrative, *Jerviswood* would now and then look upwards, and hold up his Hands. When the Declarations and Affidavits that came from *England* were read, he appeared to be in some Concern, and said, Oh, oh! staring upon the King's Advocate.

But when the Advocate, in his Discourse to the Assize, insisted on those Declarations and Affidavits, and enlarged more fully upon them than in the Speech he caused print in *Jerviswood's* Trial, then *Jerviswood* stared him very broad, and appeared to be very much troubled.

After the Advocate had ended his Discourse, *Jerviswood* desired Liberty of the Earl of *Linlithgow*, to speak a few Words, not being able to say much because of his great Weakness. Which being granted, he spake to this Purpose. "That the Sickness now upon him in all human Appearance would soon prove mortal, and he could not live many Days; but he found he was intended for a publick Sacrifice in his Life and Estate; that he would say nothing as to the Justice of their Lordships Interlocutor, and was sorry his Trial had given them so much and long Trouble, by staying so long in the Court, it being then past Midnight. And then addressed himself to the Assize, telling them, he doubted not, but they would act as Men of Honour; that there were hard Things in the Depositions of the Witnesses against him, which was to be their Rule, and that nothing he could say was to prevail with them; yet for the Exoneration of his own Conscience, and that his poor Memory and Family might not suffer unjustly, he behoved to say, that the most material Witnesses were Correspondents, and Life might be precious to some; that one of them was very happy in a Memory, yet he was sure there were some Things said to be spoken in a Meeting where he was, which, he was positive, were not at least while he was there; withal he most heartily forgave them. But there is one Thing, says he, which vexes me extremely, and wherein I am injured to the utmost Degree, and that is for a Plot to cut off the King and his Royal Highness, and that I sat up Nights to form a Declaration to palliate or justify such a Villany. I am in Probability to appear, in some Hours, before the Tribunal of the great Judge, and, in Presence of your Lordships and all here, I solemnly declare, that never was I prompted, or privy to any such Thing, and that I abhor and detest all Thoughts or Principles for touching the Life and Blood of his sacred Majesty, or his Royal Brother. I was ever for monarchical Government.

And then looking directly upon the King's Advocate, he said, "My Lord, I think it very strange you charge me with such abominable Things; you may remember, that when you came to me in Prison, you told me such Things were laid to my Charge, but that you did not believe them. How then, my Lord, come you to lay such a Stain upon me, with so much Violence? are you now convinced in your Conscience, that I am more guilty than before? You may remember what passed betwixt us in the Prison.

The whole Audience fixed their Eyes upon the Advocate, who appeared in no small Confusion, and said, "*Jerviswood*, I own what you say, my Thoughts there were as a private Man; but what I say here is by special Direction of the Privy Council; and, pointing to Sir *William Paterson* Clerk, added, he knows my Orders. Well, says *Jerviswood*, if your Lordship have one Conscience for your self, and another for the Council, I pray God forgive you, I do. And turning to the Justice-general, he said, My Lord, I trouble your Lordships no further.

P. 563. As to the Murder of *Gilbert Macadam*, I have several Circumstances sent me since the short Hint in the History was printed; but at present I shall only take Notice, that the *Cloud of Witnesses* most injuriously represent, P. 281. that *John Reid* of *Ballachmile* was actively concerned in this Murder. I am well assured, and it can be attested by several yet alive, that he was not in the least concerned in that barbarous Murder. All the Gentlemen in that Neighbourhood, under *Colzean's* Command as Captain of the Militia, were advertised to go with him to the House of *William Lockhart* in *Tranore* (as I am told it was, though in the former Hints it be said to be the House of *Hugh Campbel*) where the Murder was committed. But none of them came up so soon as he had ordered, Gentlemen not being very forward in those Cases; and I am assured none were with *Colzean* save *Ardmillan* and one *Kennedy*. Indeed after that young Gentleman Mr. *Macadam* had received his Wounds, and when he was in the Agonies of Death, Mr. *Reid* and some others came up, and *Ballachmile* prevailed so far with the Captain, as to get Liberty to carry in Mr. *Macadam* to the



# Additions and Amendments to Vol. I and II.

foreſaid Houſe, for which Mr. Reid received his dying Thanks and Bleſſing. So that he is moſt injuriouſly repreſented in that Book.

In this Volume I more than once mention Captain Bruce as concerned in the Barbarity of this Period: I am told there were Two Gentlemen in the Army of that Deſignation, Bruce of Earſhall, and another; the laſt named, I am aſſured, was very moderate, and far from running to the Heights of the other.

P. 590. I find that the Biſhop of Aberdeen, mentioned P. 590. was Mr. George Halyburton, who lived till within theſe few Years, and was the longeſt Liver of the Scots Biſhops in this Period, ſave Mr. Douglas of Dumblane, and Mr. Alexander Roſs of Edinburgh, who was the laſt Liver of them all.

P. 608. I obſerve, that Sir George Mackenzie was turned out of the Poſt of King's Advocate, and I am told the Reaſon of it was, that great Lawier was not hearty in the Matter of the Repeal of the penal Statutes. And next Year (P. 627.) when Sir George was reponed, Sir John Dalrymple was made Juſtice-clerk, and a Lord of Seſſion in room of the Lord Colling-  
toun, the Father, deceaſed.

P. 627. In that Page laſt named, I obſerve, that my Lord Harcarſe was turned out, and now I add, that both Sir Roger Hog of Harcarſe, and Wauchop of Edmonſtoun, were turned out of the Seſſion, being ſtanch to the Proteſtant Interelt, and Gordon of Auchintoul a Papiſt, and Alexander Swintoun of Merjingtoun put in their Place.

Edinburgh, May 16. 1722.

WHEN I reſolved to publiſh this History, I could not but expect Attacks from the Advocates for the Bloodſhed and Severity of the Reigns here deſcribed; and it was a little ſtrange to me, that my Firſt Volume has been now abroad for a Year, and nothing this way hath appeared. After my History was printed off, this Day I had a printed Letter put in my Hand, dated May 10. and ſigned Philanax.

This Performance is ſo indiſcreet, low, and flat, that I can ſcarce prevail with my ſelf to think it deſerves any publick Notice, yet having Room for a few Lines in this Place, I ſhall obſerve once for all, that I don't look on my ſelf as obliged to take any Notice of unsupported Assertions, ſcurrilous Innuendo's, and unmannerly Attacks of this Nature; they do a great deal of more Hurt to the Authors and Publiſhers, than to me or this History. I pretend to no Talent in Railing and Billingsgate, and ſhall never be able to make any Returns this way.

When the Letter-writer's Friend publiſhes his History, tho' Recriminations don't affect me, yet I doubt not but it will be conſidered. The Sketch he is pleaſed to communicate, ſeems to be taken from the unsupported and ill-natured Memoirs publiſhed under Biſhop Guthry's Name. Any Thing that will ſet the Period ſpoken of in a true and juſt Light, will be acceptable to me and all Lovers of Truth; but for the Hiſtorian's own ſake, I hope he will take Care not to copy after his Friend's indiſcreet and indecent Way, elſe I am of Opinion no Body will reckon themſelves obliged to loſe Time in reading his large Work.

## ERRATA.

PAGE 12. Line 2. approved read appointed. p. 22. l. 34. thith r. with. p. 23. l. 26. 13. r. 12. p. 38. l. 63. Gentlemen r. Gentleman; & have r. hath. p. 45. l. 46. Daniel r. Danziel. p. 52. l. 15. at r. of. p. 55. l. 54. Conſultation r. Conſultation. p. 64. l. 33. there r. were. l. 61. Manner r. Matter. p. 74. l. 23. of all r. at all. p. 83. l. 6. Letter r. Letters. p. 113. l. 4. left r. loſt. p. 115. l. 21. Macdonall r. Macdonald. p. 128. Margin at Line 23. Graden r. Down. p. 130. l. 9. to Margin add conſidered. p. 134. l. 48. July r. June. p. 139. l. 7. now unreaſonable r. new and unreaſonable. l. 20. Bounds r. Bonds. p. 140. l. 44. after Enemies add and fought deſperately. p. 153. l. 53. law r. lay. p. 159. l. 3. Perſecutions r. Proſecutions. p. 166. l. 17. tho' r. the. p. 170. l. 37. after Advocate and Clerk, add, and the Confeſſions ſigned by the ſaid Lords, Advocate, and Clerk. p. 175. l. 3. Caſtrati r. Calbarts. p. 180. l. 22. after People, add, who did not go to the Extremities ſome of the poor People went unto. p. 185. l. 21. after were excommunicated, &c. add, if there was an Excom- munication. p. 188. l. 41. know r. renew. p. 209. l. 24. beſt r. beſt way. p. 211. l. 39. after App. 70. No. 5. dele unto this the Advocate gave Duplies added, &c. r. and Sir George Lockhart added Replies, which follow App. 70. No. 6. and ſo on the Margin. p. 221. l. 62. to to r. to be. p. 234. l. 57. 25 r. 29. p. 240. l. 37. of r. at. p. 246. l. 13. after attacked him, add, and ſent Ten Dragoons to apprehend him. p. 246. l. 62. yet r. and. p. 256. l. 25. brought r. bought. p. 257. l. 32. 1682. r. 1683. l. 48. Liberation r. Liberty. p. 273. l. 34. Conventions r. Conventicles. p. 276. l. 49. Act r. Articles. p. 280. l. 20. Diets r. Trials. p. 287. l. 58. there r. Comp. there. p. 299. l. 52. incorrect r. and incorrect. p. 302. l. 53. by the r. of the. p. 307. l. 31. John Ochiltree r. in Ochiltree. p. 311. l. 25. Worceſter r. Rochefter. p. 321. l. 62. dele Johnſton. p. 327. l. 26. as this r. at this. l. 29. after few or no Perſons r. few or no Partheſes eſcaped. In the Town of, &c. p. 329. l. 50. others r. Orders. p. 332. l. 40. Extremities r. extremely. p. 358. l. 35. 15. r. February 15. p. 363. l. 14. I find r. the ſame Day I find. p. 380. l. 50. his to them r. his Triphes to them. p. 382. l. 26. Advocates r. Advocate. p. 441. to the Sheriff r. for the Shire. p. 457. l. 11. del. p. 426. l. laſt Gentleman r. Gentlemen. p. 429. l. 46. preſcribed r. proſcribed. p. 441. l. 36. Wallace r. Wales. l. 40. dele July 24. p. 483. l. 22. add r. only add. p. 484. l. 55. engaging to riſe r. engaging not to riſe. p. 481. l. 36. Sir James, dele Sir. p. 494. l. 56. Callow r. Galloway. p. 483. l. 22. as his r. as to his. p. 483. l. 55. engaging to riſe r. engaging not to riſe. p. 518. l. 31. Oppoſitions r. Poſitions. p. 519. l. 38. dele againſt. p. 521. l. 10. dele about 515. l. 55. r. a ( ) at Fanaticks; and Aſſailinations dele ( ) p. 518. l. 31. Oppoſitions r. Poſitions. p. 519. l. 38. dele againſt. p. 521. l. 10. dele about the 1633. if I remember. p. 527. l. 54. 2 r. 4. p. 529. l. 20. Materials r. diſtinct Materials. p. 550. l. 59. Prelate r. Prelates. del r. reſt and ſtole. p. 551. l. 31. Hat r. with his Hat on. p. 559. l. 43. what ſhall we think r. we muſt think. p. 601. l. 8. Deſertions r. De- ſections. p. 609. l. 39. Proceſs r. Princeſs. p. 628. Margin to l. 44. July r. June. p. 630. l. 53. 21 r. 27. p. 632. l. 16. ſet down r. ſet down at large. p. 640. l. 22. for r. for it. p. 643. l. 50. any r. many. Append. p. 172. l. 64. There is a Blank in the autograph Part of the Writ, being eraſed: But, as far as it can be reached, it ſeems to run, ſeignal very evidently. In the Liſt of oured Miniſters Volume I. App. No. 37. Mr. Thomas Caſſe r. Mr. Thomas Gloſt. Mr. H. Pitcairn is ſaid to be oured, whereas he con- formed. Mr. David Orm, and not the Perſon named, was in Fergandenme. Mr. Robert Campuel is placed in Angus, whereas he was in Perth.

The



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and come to my Hand since it was published.*

**T**HE Right Honourable *Hugh Earl* of *Lowdon*, his Majesty's Commissioner to the General Assembly.

The Right Honourable *James Earl of Hyndford*.

The Right Honourable Lord *Alexander Hay*.

The Honourable Mr. *Hary Maule* of *Kelly*.

The Library of the Faculty of Advocates at *Edinburgh*.

The Reverend Mr. *James Bathgate* Minister of the Gospel at *Oriel*.

The Reverend Mr. *John Brice* Minister of the Gospel at *Salin*.

The Reverend Mr. *Samuel Brown* Minister of the Gospel at *Kirkmabrick*.

Mr. *Gilbert Burnet* Esquire, one of the Commissioners for his Majesty's Excise.

*John Callander* of *Craigforth*.

The Reverend Mr. *Thomas Campbell* Minister of the Gospel at *Monigaff*.

The Reverend Mr. *Samuel Charters* Minister of the Gospel at *Inverkeithing*.

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Bailie *Craig* in *Edinburgh*.

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Mr. *Thomas Erskine* Advocate.

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Dame *Elizabeth Gordon* Relict to the Honourable Mr. *William Stuart* of *Castle Stuart*.

*Thomas Gordon* of *Earlstoun*.

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Mr. *Hume* of *Bassendean*.

The Reverend Mr. *Thomas Kennedy* Minister of the Gospel at *Balantrea*.

The Reverend Mr. *Thomas Ker* Minister of the Gospel at *Wigtoun*.

The Reverend Mr. *Archibald Haldane* Minister of the Gospel at *Sorbie*.

Mr. *Charles Inglis* one of the Clerks of Bills.

The Reverend Mr. *Robert Kinloch* Minister of the Gospel at *Dundee*.

The Laird of *Lamington*.

The Reverend Mr. *Walter Lawrie* Minister of the Gospel at *Stranraer*.

The very Reverend Mr. *Robert Macbride* Minister of the Gospel at *Ballemony* in *Ireland*.

The Reverend Mr. *John Maccaul* Minister of the Gospel at *Whithorn*.

The Reverend Mr. *James Macclellan* Minister of the Gospel at *Kirkcowan*.

The Reverend Mr. *Archibald Marshal* Minister of the Gospel at *Kirkcolm*.

Colonel *William Maxwell* of *Cardonefs*.

The Reverend Mr. *John Millar* Minister of the Gospel at *Penningham*.

*Thomas Murdoch* of *Camlodden*.

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Mr. *Henry Rob*.

*John Russel* of *Bradshaw* Writer to his Majesty's Signet.

The Reverend Mr. *Robert Seton* Minister of the Gospel at *Glassertoun*.

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Mrs. *Nicolas Stuart* Spouse to Colonel *Maxwell* of *Cardonefs*.

The Reverend Mr. *Andrew Tait* Minister of the Gospel at *Carmonnock*.

The Reverend Mr. *William Trail* Minister of the Gospel at *Benholm*.

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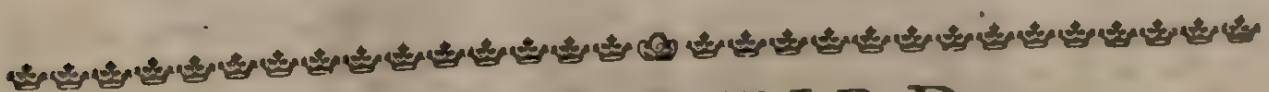






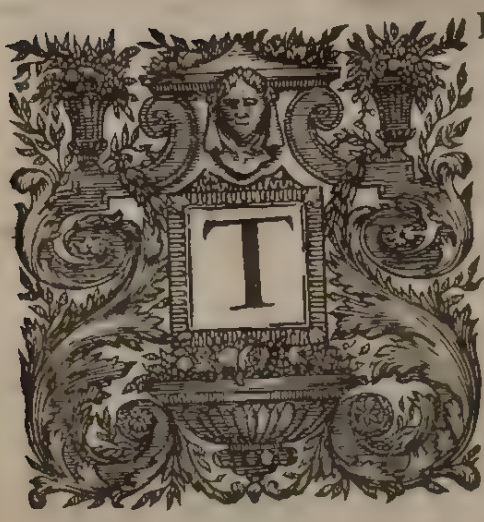


THE  
HISTORY  
OF THE  
SUFFERINGS  
OF THE  
Church of SCOTLAND.



BOOK THIRD.

From *Bothwel-bridge* to the *Revolution*.



THE large Accounts given in the former Books, may let the Reader in to somewhat of the State of Things and Persons in *Scotland*, under the black Period I now enter upon: The former Scene was dark enough, and the Rigours and Severities of it natively paved the Way for more horrid Things in the Years before me.

1679.  
The former Part of the History prepares for this.

Since *Pentland* Engagement till this Period, it was comparatively but a few who were banished, and suffered unto Blood; and there was some Kind of Shadow from the present iniquous Laws, to countenance what was done this Way: But in the Period we are now entering upon, besides the new barbarous Laws made, the Execution of them was bloody and very extensive; and the blood-thirsty Executioners, in many Cases, gave not themselves the Trouble to keep by their own Laws, but harassed and murdered in

Severities increase in the Period before.

the publick Roads, open Fields, and almost every where upon the South-side of *Tay*.  
A very small Part of this Inhumanity can now be represented, in comparison of what might have been, had this History been writ Thirty Years ago; yet, as much is come to my Hand, as may astonish the Reader, and make him value our present and happy Settlement: And from the Papers I have had Access to, I shall essay some Account of it.  
Indeed the Difficulties in giving a distinct and methodical History of the Nine Years before me, are far greater than I met with in the preceding Books: The Multitude of Instances,

Which at this Distance cannot be fully narrated.

Difficulties in giving an Account of the Period.



1679.

Division of  
this Book;

Instances, with the Want of Dates in some, otherwise very distinct, Accounts before me, increase these; and the Nature and Circumstances of not a few of the Acts of Cruelty, were such, as publick Documents cannot be expected to vouch; therefore, I promise myself, the Reader will take in good Part the Accounts I am able at this Distance to give, after all the Pains I have been at to have them well vouched, tho' they are not, in some Cases, what I wish I were able to give.

The Field before me is so vast, and the Incidents so various, that I shall not offer any general Scheme of them. As much as may be, this Book shall be divided by the Years it contains the History of; but this remarkable Year I begin with, affords so much Matter, hath been so much misrepresented by the Advocates for the Severities of this Time, and, if I mistake not, is so very little known to many Presbyterians themselves, that it will take some Time to go through it.

Of this Year.

From this melancholy Year 1679. a new and horrid Scene of cruel and, in this Nation, unparalleled Severity, hath its Date. Matters in this Church and Kingdom take a new Turn. The former Hardships, new Severities and Oppressions in the Beginning of this Year, with several unforeseen Incidents, drew on a Rising this Summer. This native Fruit of their own Oppression, was greedily laid hold on by the Prelates and Managers, to exasperate the Government, and screw up the Persecution to a terrible Height, this and the succeeding Years; and the Duke of York's coming down some little Time after *Bothwel* Engagement, did not a little help this forward.

Upon this Turn of Affairs, the Sufferings of Presbyterians altered somewhat from their former State, and the Violence of the Persecutors vented it self in new and unheard of Methods: And tho' I am very far from vindicating any Excesses that Oppression and a long Tract of Severity might force any to, yet I hope the candid and fair Account I have to give of plain Matters of Fact, will sufficiently remove the Aspersions and Reproaches cast most maliciously, and without the least Shadow of Ground, upon the Body of Presbyterians who suffered during this Period.

In the Beginning of this Year, the Council and other Courts went on in their former Chancel of Persecution, until the remarkable Incident of the Murder of the Archbishop of *St. Andrews*. This, in some Measure, opened the Way for a Gathering in Arms in *May* and *June*. The Occasions, Beginning, Progress of this Rising, and Defeat of the People who rose, need the more distinct Consideration, because, as far as I can find, we have as yet no tolerable Accounts of them; and the State of Matters, after their dispersing, wants likewise to be set in its due Light.

Into Three  
Chapters.

This History then, as far as this Year carries us, will take up Three Chapters, one with relation to what past before the Rising, another to give some View of the Occasions, Progress, and dissipating of this Rising at *Bothwel-bridge*, and the last will contain the State of Things during the rest of this Year.

## C H A P. I.

*Of the State of Affairs from the Beginning of this Year,  
unto the Rising which ended at Bothwel.*

Division of  
this Chapter.

SUCH a Multitude of Things, and all of them some way or other tending to enlighten the Circumstances of suffering Presbyterians, offer themselves to me now, that I am obliged to parcel them out in different Divisions, the best way I may, in the Order of Time they fell out; and tho' this Method perhaps will not be so agreeable to the nicer Taste of some critical Readers, yet I am necessarily led to it by the Variety of my Matter: And as it was needful to my self, in order to bring my Materials into some Kind of Shape and Coherence, so it will not be altogether useless to the Reader, to give him the distinct Views of Things, and help him to mind them the better.

The publick Registers give the surest and plainest Hints, as far as they go; and from them I shall carry down the Accounts of Prosecutions, and other Hardships for Conventions and Nonconformity, this Year before *Bothwel*. And after those Accounts of particular Persons, I shall give a more general View of the State of Affairs until the Beginning of *May*, when the Death of the Primate fell in. These will be Subjects for Three Sections.

S E C T.



## S E C T. I.

1679.

*Of the Proceedings against Presbyterians for Conventicles, and other Branches of Nonconformity, in the Beginning of this Year, 1679.*

I Design this Place for a Narrative of what was done against Presbyterians before *Bothwell*, from the Council and Justiciary Registers, that so the Accounts of the more general Management this Year, the Particulars of the Death of Bishop *Sharp*, with the History of the Rising which ended at *Bothwell*, may be the less interrupted afterwards.

None of the various Methods made use of in the former Period, for hindring the Preaching of the Gospel by Presbyterian Ministers, had their wished for Effects to the Prelates. The more moderate Part of the Managers had prevailed to get an *Indulgence*, at first very much clogged, and Year after Year more and more cramped. The violent Side had got down the barbarous *Highland Host*, and almost laid the West Country desolate; and this, towards the End of the last Year, was succeeded by a rigorous Exaction of the Cess imposed by the Convention: Yet Conventicles in Houses and Fields were still continued, and great Numbers of good People were resolved to venture their *All*, before they would want the Benefit of Ordinances purely dispensed.

The Council and Justice-court, by their Order, are not idle, but very diligent in every thing which may discourage and prevent Nonconformity to the established Church.

Thus, *January 2.* I find the Council did write a Letter to the Bishop of *Edinburgh*, who, to be sure, was not backward, but desired such Orders, appointing him to call before him all the Masters of the College of *Edinburgh*, and all Schoolmasters in that Town and other Places of his Diocese, and enquire if they had taken the Oaths appointed by Law, and oblige such as had not, presently to take them, or deprive them of their Offices and Benefices. I have formerly noticed the Care of the Managers, that all concerned in the Education of Youth should be of their own Kidney; and yet at this very Time many excellent Youths had the Benefit of University-learning, who have been singular Instruments for the Good of many, since these Times of heavy Persecution. At the same Time, Letters are writ to the Archbishop of *St. Andrews*, and the Bishop of *Aberdeen*, to undertake the same Work in these Universities. No Orders are given with relation to the University of *Glasgow*, whether because the Bishop of that Place was present in Council, and received his Orders personally, or from what other Reason, I know not.

Upon the 6. of *February*, I find a Report from the Bishop of *Edinburgh*, made to the Council upon this Head, which, with the Council's Orders thereupon, I have insert. 'The Council having considered the Return made to them by the Bishop of *Edinburgh*, in obedience to their Letter of the 2. of *January* last, for calling before him the Principal, Professors, Regents, and the Masters of the College of *Edinburgh*, as also such Persons who teach any publick School within the Town of *Edinburgh*, *Leith*, *Canongate*, or Suburbs thereof, without his Licence, and requiring them to subscribe under their Hands, the Oaths of *Allegiance* and *Supremacy*, and that they submit to, and own the Government of the Church by Archbishops, and its Establishment, conform to the 4th Act of the 2d Session of his Majesty's first Parliament, with the Report of a Committee of their own Number thereanent. They find the Return made by the Bishop of *Edinburgh* satisfactory, except as to the Persons following, Mr. *Alexander Dickson* Professor of the *Hebrew* Language in the College of *Edinburgh*, Mr. *Alexander Herriot* Schoolmaster of the High School of *Edinburgh*, Mr. *George Sinclair* Schoolmaster in South *Leith*, and Mr. *George Allan* his Assistant, Mr. *Alexander Strang* Schoolmaster in the *Canongate*, and Mr. *John Govan* his Assistant, and Mr. *James Scot junior*, one of the Masters of the High School, who have not subscribed as aforesaid: And therefore the Lords of his Majesty's Privy Council do ordain the Magistrates of *Edinburgh*, and other Patrons, to put to Execution the Certification of the foresaid Act, especially against the foresaid Persons who have refused to give Obedience, by removing them from their respective Charges foresaid, and putting other sufficient Persons, qualified conform to the said Act of Parliament, in their Places, except, betwixt and the First Day of *March* next, they give Obedience in Manner foresaid.' Whether any of these worthy Men complied, I have not learned; several of them, I know, did not, and underwent a Course of Suffering. The Council find the Reports from the rest of the Colleges satisfying.

That same Day, a Letter comes from the King to the Council, ordering Sir *Patrick Hume* of *Polwart* to be sent under a Guard from the Castle of *Dumbarton* to that of *Stirling*. His Lady is allowed to be in the Room with him.



1679.

Mr. Thomas Warner, cited, and upon Noncompearance, denounced.

January 6. Mr. Thomas Warner, who outlived this melancholy Period, and many of his Fellow-sufferers in the Ministry, to be very useful since the Revolution, and died in a good old Age, in full Assurance of Faith, September 10. this Year I am writing in, (1716.) being the last of the Antediluvian Presbyterian Ministers, that is, such who had seen the Glory of the former Temple, and were ordained before the Restoration; this excellent Person, I say, was cited before the Council, and a Libel was given in against him, bearing, 'That whereas he had been indulged to the Parish of Balmaclellan, (in Galloway, to which he had been ordained, and where he continued till his Death) he had broke his Confinement, been present at House and Field-conventicles, had preached and prayed at them, and conversed with intercommuned Persons.' He not compearing, is denounced and put to the Horn.

Further Procedure against him.

And February 18. the Council pass the following Act against Mr. Warner. 'The Lords of his Majesty's Privy Council considering, That Mr. Thomas Warner late Minister at Balmaclellan, is declared Fugitive for his declared Contumacy, in not compearing before them on the 16. of January last, to have answered at the Instance of his Majesty's Advocate, for preaching in the Fields with Mr. John Welsh, communing and corresponding with him and other declared Traitors and intercommuned Persons, with other Disorders of that Nature; the Parishoners of Balmaclellan are discharged to pay to the said Mr. Thomas Warner any of the Stipend this Year, or in Time coming, till they receive further Orders; and appoint the Solicitor to acquaint the Parishoners.'

Further, and Thirteen other Galloway Gentlemen denounced for Noncompearance.

The same Day, several Gentlemen, some of them of known Piety, meet with the same Treatment, Gordon of Earlstoun, Gordon of Holm, Gordon of Overbar, Neilson of Corsack, George Mackartney of Blaicket, Maxwell of Hills, Hay of Park, Macdougall of Freuch, Macdougall of Corrochtree, James Johnstoun late Provost of Stranraer, William Spittle at Port, Johnstoun Collector there, Mr. William Cathcart, and John Inglis Commissary of Kirkcudbright, being cited to answer for being present at House and Field-conventicles, since the Year 1674. and for Refet and Converse with intercommuned Persons, and not compearing, are all ordered to be denounced, and put to the Horn.

Softest Measures taken with John Inglis Commissary of Kirkcudbright.

The last named John Inglis Commissary of Kirkcudbright, is further proceeded with, February 25. and the Council declare his Place to vaik, and recommend it to the Bishop of Galloway, to put another in his Room. March 11. a Petition is presented for him, with a Certificate that he was unable to travel. In the Petition he engages to live orderly in Time coming. He is remitted to the Bishop of Galloway, to be reponed or not, as he finds Cause.

James Lawless, a Boy of about 14 years, imprisoned for Conventicles, liberated.

In Persecutions for Conventicles, no Age almost was thought too young to be attacked. Some Time ago, a Boy, not much above Thirteen Years of Age, had been seized at a Conventicle, and was carried to Prison. After he had continued some Weeks there, and would make no Compliances, some of the Counsellors were informed about him; and, being ashamed of such Severity to one who was, as it were, but a Child, I find the following Order given. January 23. 'The Lords of his Majesty's Privy Council give Warrant to the Bailies of Leith, to set at Liberty James Lawless, a Boy about the Age of Fourteen Years, Prisoner there upon the account of Conventicles.' We shall afterwards meet with some more of these young Sufferers.

Mrs. Barclay, Neice to Col. Barclay, imprisoned for Conventicles, is liberated.

January 9. There is a Petition presented to the Council by Margaret Barclay Neice to Sir David Barclay of Collernie, Prisoner in the Tolbooth of Edinburgh for Conventicles, supplicating for Liberty, because she is valetudinary, and that she may recover her Health. She is ordered to be liberate, upon Caution of 500 Merks, that she re-enter the Tolbooth of Edinburgh the 20. Instant, if called, or when called; and that in the mean time she confine her self to her Chamber under the same Penalty. This Hardship of imprisoning Gentlemen till they turn sickly, merely for hearing the Gospel, is peculiar to this Period I am giving the History of.

Mr. John Wallace and Mr. Patrick Simpson, cited before the Council, and upon Noncompearance, are denounced.

Last Year in November, Mr. John Wallace indulged at the Largs, and Mr. Patrick Simpson indulged at Kilmacomb, had been cited before the Council, for breaking their Confinement. Mr. John Wallace appeared, and was remitted to the Committee for publick Affairs. And this Year, February 15. I find the Council again call Mr. Simpson, and, upon his Noncompearance, they order him to be denounced. What kept him from compearing I know not, but it hath been some necessary Excuse, for I know he continued several Years after this in the peaceable Exercise of his Ministry in that Place.

Mr. John Wallace, cited before the Council, and upon Noncompearance, is denounced.

Mr. John Wallace is called before the Council, February 18. and no Probation being admitted as to his Breach of his Confinement, he deponed upon the Verity of his Libel, and frankly told them how Matters stood, as to that Practice common to him and his Brethren. It was but few of the Council were for depriving him of his Indulgence upon this score, and so other Occasions against him were sought: And being called in, after he had been removed, the Council interrogated him, as they say, For the further clearing of his Deposition, tho', as far as I can find, his Deposition had no Connection with this, 'Whether he would for the future refuse to give Baptism to the Children of such Parents as took the Bond for publick Peace.' This being new to him, and what he did not understand, the



the Design of, he craved he might be spared as to such Things as related to the Discharge of his ministerial Office. He is presently removed, and the Council decern him to have lost the Benefit of his Indulgence at the *Largs*, or any where else; and appoint their Sentence to be intimate to the Parishoners, that they may pay him no more Stipend. I do not find the indulged Ministers were before challenged upon this Score.

1679.

At this Time, no doubt upon Application from *Glasgow*, the Troubles we heard that good Man, and his Family, *Thomas Blackwell* underwent, are renewed by the Council. And February 18. The Magistrates of *Glasgow* being formerly ordained to take Possession of the House and Goods of *Thomas Blackwell* a Fugitive, who broke Prison, for their Relief of Ten thousand Merks, wherein they were fined for the said *Blackwell* and *William Stirling* their Escape, yet the said *Thomas Blackwell*'s Spouse having got back the Keys, and re-entred to the Possession of what her said Husband had, he being Fugitive, and in the Company of Mr. *John Welsh*, and one of his Guard; the Lords of Council ordain the said Magistrates to return to their Possession according to the Decree of Council."

Further  
You see on  
Thomas Blackwell  
and his Family  
at Glasgow.

February 20. The Council being informed, that *John Arnot* in *Greenside*, *William Page* in *George Marshall* in *Balvaird*, have for Four Years withdrawn from publick Ordinances, and been present at Field-conventicles in *Glenveale*, and other Places in *Fife*, kept by Mrs. *Thomas Arnot*, *John Walwood*, *John Rae*, *David Orie*, *Alexander Schaw*, and other intercommuned and vagrant Ministers, they all compearing, and confessing they had been at Conventicles, the Council fine *William Page* in a Thousand Pounds, *John Arnot* in Five Hundred Merks, and *George Marshall* in a Hundred Pounds Scots; and ordain them to ly in Prison till they pay the same.

*John Arnot*,  
indicted 1727,  
a young Man  
just fined for  
Conventicles  
in Fife.

Upon the 27. of February, the Council having cited before them Mr. *Samuel Nairn*, Brother to the Laird of *Sandford*, Mr. *James Rymer* in *Pitlochrie*, *James Thomson*, *William Beltie*, *Thomas Nef*, *James Nef*, *John Wisheart* and *David Ready*, to answer to the Charge of being at House and Field-conventicles since the Year 1674. They not compearing, are all denounced, and put to the Horn.

Mr. Samuel  
Nairn, Mr.  
James Rymer,  
and Seven  
others denounced  
for Con-  
venticles.

The same Day Mr. *James Dalrymple*, a Person not in Orders, that is, in the Stile of the Registers, one ordained by Presbyterian Ministers since they were outed, is informed against as having taken upon him to preach in the Fields, and likewise within the City of *Edinburgh*: It was urged by way of Aggravation, that he had been taken at a Conventicle in the Year 1676. and was dismissed in Hopes of good Behaviour in Time coming; yet since that Time he hath preached at Field-conventicles, and conversed with intercommuned Persons; and January last he kept a Conventicle in the House of *James Fea*; the said *James* and other Hearers of him are called by the Council, and fined in a Hundred Merks each, and Mr. *James Dalrymple* is continued.

Mr. James Dal-  
rymple indicted  
for preaching  
at Conventicles.

A very severe Prosecution of a worthy Lady, yet alive, follows March 4. Sir *William Fleming* of *Ferm* and his Lady appear before the Council, and a Libel is read at the Instance of his Majesty's Advocate, bearing, "That whereas Mr. *John Welsh* and some others having kept a Conventicle, at *Langside* in the Parish of *Cathcart*, and Shire of *Renfrew*, upon February 9 last: And Dame *Margaret Stuart*, Spouse to Sir *William Fleming* of *Ferm*, Commissary of *Glasgow*, and *Macdougall*, Spouse to *William Anderson* late Provost of *Glasgow*, were present at the said Field-conventicle upon high Chairs on either Side of Mr. *John Welsh*, and kept Company with the said Mr. *Welsh* at other Times: The Premises being verif'd, their said Husbands be decerned to pay to the Treasury the Fines they have incurred." It was further charged, that since the first of October last, there have been Field-conventicles kept in the House of the said Sir *William Fleming* of *Ferm*, in regard some were without Doors, at which Mrs. *John Dickson*, *Robert Muir*, *Gilbert Kennedy*, *James Wallace*, *John Pettigrew*, *Alexander Hasty*, *John Law*, *Andrew Mortoun*, *Donald Cargill*, *James Drummond*, *James Kennedy*, *James Woodrow*, *Matthew Crawford*, *John King*, *William Wardroper*, or one or other of them did preach, pray, or expound Scripture, and were entertained before or after the said Conventicles by the said Lady; and that she was present at the *Craigs* of *Glasgow* at several Conventicles kept by some of the foresaid, and hath withdrawn from her Parish Kirk.

Libel against  
Dame Margaret  
Stuart, Lady  
Fleming, for  
Conventicles,  
March 4.

The Lady acknowledged she was at the Conventicle at *Langside*, and at another in the *Craigs* of *Glasgow*, and does not deny but Ministers preached in her House at the *Ferm*. The Lords of his Majesty's Privy Council do fine the said Sir *William* her Husband in the Sum of 4000 Merks, reserving to the said Sir *William* and his Heirs Relief off the said Dame *Margaret Stuart* her Joynture, in case she survive him; and ordain the said Sir *William* to pay the said Fine before he leave the Town, or give sufficient Caution to pay it within Ten Days. This is not the only Instance we shall meet with of making Husbands, who were every way regular themselves, pay for the alledged Guilt of their Wives.

Her Husband  
Sir William Flem-  
ing fined in  
4000 Merks.

Towards the End of March a Process begins against the Reverend Mr. *William Veitch*, since the Revolution a worthy and useful Minister in the Town of *Dumfries*, yet alive, whose Sufferings were not small in *England*; and by his being reckoned, as it were, naturalized in *England*, because he was long there, he was saved from our Blood-thirsty People at *Edinburgh*.

Mr. William  
Veitch his Suf-  
ferings this  
Year.



1679.

After his former Forfeiture he returns to England, and after preaching several Years there, he is taken Jan. 19. and put in Morpeth Goal.

We have already heard, that Mr. *Veitch* was forfeited in Absence for his alledged Accession to *Pentland*, and forced to leave his native Country, and retire with his Family to *England*. I have in mine Eye a pointed and distinct Narrative of the Hardships and various Removes this worthy Person met with in the North of *England*, interspersed with several very remarkable Appearances of Providence in his behalf, too long to be here insert. I shall only notice, that about 1671. he fixed with his Family in the County of *Northumberland*, at a Place named *Harnam-hall*, where he preached near Five Years to a numerous Meeting with very much Success. Upon the Disposal of that Ground to another Master, he removed 1677. to *Staunton-hall* in the Parish of *Long-horslie*, a Place abounding with Papists. There he also preached with much Acceptation, and both the Papists and Clergy in the Neighbourhood, especially Mr. *Bell* a Scotsman, Minister of the Place, raised a Storm upon him; but he was still preserved, and sometimes very remarkably. At length Mr. *Bell* made a Complaint of him to *Lawderdale* when going for *London*, and of the Infections spreading in *England* by the Sermons of the Scots Preachers in the Northern Counties; and the Bishop of *Durham* seconding these Complaints, Orders were given to some Forces to come to those Parts under Majors *Main* and *Oglethorp*: And particular Care was taken to apprehend Mr. *Veitch*. After many Escapes, January 19. this Year, Major *Oglethorp* seized him in his own House, having ventured home only the Night before from *Newcastle*, where he lurked, to see a sick Child of his. He was carried to *Morpeth* Goal, and made close Prisoner, and Notice sent up to Court of his being taken. By the Council Registers I find a Letter, dated *Whitehall*, January 25. is read Jan. 31. directed to the Council. The Tenor is, 'The King being informed that Mr. *George Johnstoun*, alias *Veitch*, a notorious Ringleader in Field-conventicles, is in Goal in *Morpeth*, hath sent Commands this Night to Colonel *Struthers*, Deputy Lieutenant of *Northumberland*, to deliver him safe to the Sheriff of *Berwick*; and the Council are to order him to be received there, and brought to *Edinburgh*, and proceed against him with all Diligence according to the utmost Severity of Law. His Majesty (to dash the groundless Hopes of Knaves and Fools who expected a Toleration) being fully resolved to put the Strictness of Law in Execution against such notorious Contemners of his Majesty's Law and Authority. This is signed by, &c.

## LAWDERDALE.

His Examination before the Committee of Council, Feb. 22.

According to this Letter he was received upon the Borders, and brought Prisoner to *Edinburgh*, and February 22. he was fitted before the Committee for publick Affairs. The Primate presided, and put many ensnaring Questions to him, which were urged by the Bishop of *Edinburgh*, such as, *Have you taken the Covenant?* The Prisoner answered, This honourable Board may easily perceive that I was not of Age to take the Covenant, when you and other Ministers of *Scotland* tendred it. When urged, if he never took it since; he waved it, by saying, He judged himself bound frequently to give himself to God in a Way of covenanting. The Bishop of *Edinburgh* asked him, if he was at *Pentland*; he answered, *If you will give me Liberty and Power, I shall prove by Witnesses I was in Edinburgh the Night before, and that Day.* His Examination was read over, and he required to sign it, which he refused till it was amended in several Phrases he reckoned wrong, and put in *mundo*, after which he signed it; but nothing in it could militate against him.

Council write about him, March 11.

February 25. the Council meet, and "approve the Report of the Committee for publick Affairs, that Mr. *William Veitch* be sent to the *Bas*, till the King's Pleasure be further heard, in regard he is forfeited for the Rebellion 1666. and the Forfeiture ratified in Parliament." And March 11. the Council write a Letter to *Lawderdale* upon this Subject, which I insert here, being short.

*Edinburgh*, March 11. 1679.

May it please your Grace,

"His Majesty having commanded us to proceed against one Mr. *George Johnstoun* to be sent from *England*, we found upon his coming here, that although the Prisoner had past under that Name, yet his true Name is Mr. *William Veitch*, whom we are informed to have been one of these who was forfeited for being in the Rebellion in the Year 1666. And we find there is a standing Act of Parliament, which is the 11 Act of the first Session of his Majesty's second Parliament, whereby one Mr. *William Veitch*, amongst others, is thereby declared forfeited, and the Probation led before the Justices is thereby ratified: Likeas he has confest that he has preached sometimes in *Scotland* when he came occasionally to see his Friends, having had his Residence in *England*, near these Twelve Years, where he was a Farmer when he was taken; and albeit we be most willing to comply with and execute his Majesty's Commands, so that we may shew that our Obedience proceeds as well from Inclination as Duty, yet in this Case, finding that his Majesty's Orders did relate to another Person than this Prisoner, and that the Prisoner was not apprehended in any Crime, and offers him to prove that he was in *Edinburgh* the Time of the Fight

"at



“ at *Pentland*; we have therefore thought fit to desire your Grace to represent the Condition of the Prisoner to the King's Majesty, to be yet further considered, whose royal Pleasure (how soon intimated to us) shall be exactly obeyed. In the mean Time we have appointed the Prisoner to be sent to, and kept in Firmance in the *Bast*. Signed in Name and by Warrant of his Majesty's Privy Council, by

1679.

Your Grace's most humble Servant,

ROTHES Cancel. I. P. D.

That same Day Mr. *Veitch* is ordered to the *Bast* by the Council, after which I find no more about him till *March* 18. when the Advocate is ordered to insist against Mr. *Veitch*, before the Justiciary, upon the Sentence of Forfeiture formerly pronounced; and in pursuance of his Majesty's Commands, in a Letter from the Duke of *Lawderdale*, Intimation is made of his Majesty's Pleasure to the Justice General, and that the Justiciary meet *Wednesday* the 24. Instant. And upon the 24. of *March*, by the Criminal Records, I find the Advocate appears and produceth the following Warrant from the Council. ‘ *Edinburgh, March* 18. 1679. The Lords of his Majesty's Privy Council, did intimate to the Lord Justice General his Majesty's Pleasure, signified by his Secretary the Duke of *Lawderdale*, that Mr. *William Veitch*, alias *Johnstoun*, now Prisoner in the Tolbooth of *Edinburgh*, should be proceeded against according to Law; and that the Lords of Justiciary meet for that end the 24. of this Month.’

And *March* 18. he is ordered to be criminally prosecuted.

A. GIBSON.

‘ The same Day the Council grant Warrant to his Majesty's Advocate, to insist immediately against the said Mr. *William Veitch*, alias *Johnstoun*, against whom the Sentence of Forfeiture was pronounced, for his Accession to the Rebellion 1666.’

A. GIBSON.

Accordingly the Advocate insists, and craves the Lords may proceed according to Law. Mr. *Veitch* being brought to the Bar presents two Petitions, the one begging that he may be allowed Advocates to plead in his Defence, and manifest his Innocence; and the other humbly craving that the Lords may represent his Case to his Majesty.

Procedure before the Justiciary *March* 24.

When both these Petitions were read, the Advocate takes Instruments. The Lords of Justiciary continue the Diet against the Pannel until the 8 of *April* next, and order him to be kept close Prisoner. It seems the criminal Lords were not so willing as some would have had them, to proceed to a Sentence of Death, upon a *Forfeiture in Absence*, near thirteen Years ago.

When they meet again *April* 8. I find the following Act recorded in their Books the said Day. “ Anent an Act of the Lords of his Majesty's Privy Council, produced by his Majesty's Advocate, intimating his Majesty's Pleasure to the Justice Court, for proceeding against Mr. *William Veitch*, alias *Johnstoun*, according to Law; and the said Mr. *William* having petitioned that his Lawyers might be heard in his Defence, the Lord Justice General, Justice Clerk, and remanent Commissioners of the Justiciary, considering that this Court would not proceed in the Matter of Forfeiture in Absence, until they had the Opinion and Advice of the Lords of his Majesty's Privy Council and Session in so weighty an Affair; and finding no Precedent in this Court for the Execution of such Sentences in Absence, when the Persons so forfeited do compare and offer Defences; and that the high Court of Parliament upon such Occasions repone Parties to their Defences; and this being a Matter fully of as great Consequence as the former of Forfeiting in Absence, and of very great Import to his Majesty's Service, and the Interest of the present and succeeding Generations; they find themselves in Duty bound not to proceed in a Thing of so great Consequence, until, according to the laudable Custom of their Predecessors, they have the Advice of his Majesty's Privy Council, and Lords of Council and Session, which they earnestly intreat and expect: And recommend to the Lord Justice General, to represent this to the Council the very next Council-day, and to the Lord Justice Clerk to lay it before the Session as soon as they meet. And in the mean Time ordain the Prisoner to be securely kept, and continue the Diet to the first *Munday* of *June* next.”

And *April* 8. when Mr. *Veitch's* Case is delayed till *June*.

It seems the Persons whose Advice was sought were not agreed in their Sentiments in this Matter; for I find the Process *June* 2. continued until the second *Munday* of *July*, and from *July* 13. continued again till *July* 25. and that Day what follows is in the criminal Registers. “ *July* 25. This Day appeared Mr. *William Veitch* Preacher, late Prisoner in the Tolbooth of *Edinburgh*, and produced an Act of the Lords of his Majesty's Privy Council, dated, *Edinburgh, July* 24. Forasmuch as the King's Majesty, having by a Letter under his Hand, of the Date *July* 17. direct to us, signified, That whereas Mr. *William Veitch*, having been forfeited by a Sentence of the Justice Court, as being accessory to the Rebellion

After several Delays, by a Letter *July* 17. from the King Mr. *Veitch* is liberated, and Process is finished at *Edinburgh, July* 24.

“ lion



1679.

“ lion 1666. was lately taken in *England* in the County of *Northumberland*, and was by his Majesty’s Order sent Prisoner to *Edinburgh*, there to be pursued by his Advocate for that his Accession. And whereas it is now humbly represented to his Majesty, that the said Mr. *William Veitch* was not actually present at the Fight at *Pentland*; and having retired timeously from the Rebels, hath ever since lived peaceably in his Majesty’s Kingdom of *England*: And his Majesty being graciously desirous to encourage those that repent for their Accession to such rebellious Courses, hath therefore ordained, and by the said Letter authorized and required his Privy Council to set the said Mr. *William Veitch* at Liberty, he always enacting himself to remove forth of his ancient Kingdom of *Scotland*, and not to return to the same; and that his Majesty’s said Letter shall be his Security until he return to that his said Kingdom. In which Case his said Warrant is hereby declared ineffectual. The Lords of his Majesty’s Privy Council, in pursuance of his Majesty’s said Commands, do ordain the foresaid Mr. *William Veitch* be set at Liberty; and recommend to the Lords Commissioners of the Justiciary to sist any Procedure before them against the said Mr. *Veitch* upon the criminal Pursuit extracted by *Alexander Gibson*. The Lords of the Justiciary ordain the said Act to be insert in their Books, and sist any Procedure against him accordingly.”

The Spring of this sudden Turn in Mr. *Veitch*’s favours.

The Spring of this sudden Turn was in short this. When Mr. *Veitch* was taken not far from the Border of *Scotland*, he was sent for by the Managers. When he was first before the Justice Court, his Case was so favourable, that he was like to get off: The Prelates could by no Means be persuaded to pass him; and, after much Dealing among People concerned in Council, Session and Justiciary, his Death came at length to be resolved on, and Sentence was to have been pronounced the above Day. He getting Notice of this, and finding all Intercession precluded in *Scotland*, prevailed with his intimate Friend, Mr. *Gilbert Eliot*, since the Revolution Clerk to the Council, and at present one of the Lords of the Session, which Bench he fills yet with much Vigour and Diligence, to go up Post for *London*, with a Representation of his Case. When Mr. *Eliot* addressed *Lawderdale*, there was no Access for the Duke, tho’ a Relation of Mr. *Veitch*’s was pre-engaged. Then he applied to the Earl of *Shaftsbury*, and some others of that Side, who were setting up upon the Foot of the Liberties of *England*, who advised Mr. *Eliot* to print an Abstract of Mr. *Veitch*’s Case, that he was seized in *England* and without any Fault, after near Thirteen Years Abode there, carried down to *Scotland*, to be judged for old alledged Crimes; and to give a Copy of the Case to the Members of Parliament of both Houses. This was done, and made a great Noise, and the Parliament was very willing to enquire into it. While Things stood thus, the King was applied to, and little less than threatened with a parliamentary Enquiry into this Carriage to an *English* Subject, as Mr. *Veitch* might be called. Upon which the above Letter is writ down, which came very seasonably, within an Hour before the Sentence of Death was to have been pronounced against him. This is all I have of this worthy Person’s Sufferings this Year.

Landlords in *Edinburgh* fined for House conventicles in their Land. *George Turnbull* in 300 L.

April 2. the Council, being informed that Conventicles were held in *Edinburgh* pretty frequently, resolve to prosecute the Heritors of the Land where they were held, tho’ conform enough themselves, and fine them in Terms of former Acts of Council. Accordingly I find *George Turnbull*, Baxter in *Edinburgh*, before them, for Three Conventicles alledged to be kept lately in *Isobel Crawford* (who had a Chamber in a Tenement of Land belonging to him) her House. The said *George* is required to depone upon the Rent of the whole Tenement of Land, which upon Oath he declared to be a Hundred Pounds every Year. The Council decern him to pay Three hundred Pounds *Scots* for Three alledged Conventicles in that Woman’s House in this Tenement of Land. And, for any Thing I can learn, there were more Dwellers in the Tenement, and the Landlord was not at all privy to the Meetings.

About 16 Gentlemen and Ladies in *Galloway* denounced in Absence for Nonconformity.

At the same Diet I find a good many Gentlemen and Ladies in the South cited before the Council for Nonconformity. *Gordon* of *Craichlaw* younger, and his Spouse, *Gordon* of *Colvannen*, *Macghie* of *Drumbay*, *Ramsay* of *Boghousie*, Dame *Stuart* Lady *Castl Stuart*, *Macghie* Laird of *Larg*, *Heron* of *Littlepark*, *Dunbar* younger of *Machiemore*, *Archibald Stuart* of *Causeyend*, *Anthony Heron* in *Wigg*, and his Spouse, *Stuart* of *Tondergie*, *Macghie* in *Penninghame*, *Macmillan* in *Craigwell*, *Stuart* of *Ravenstoun*, Brother to the Earl of *Galloway*, and Dame *Dunbar* his Lady, and Provost of *Wigtoun*, are charged with withdrawing from Ordinances, and being present at Conventicles. None of them compearing, they are all denounced, and put to the Horn.

Informations against the rebels, and others, sent in by the Incumbents. This Oppression forced many to join in the Rising at *Bohazel*.

It may be worth while to notice here, that Lists of those, and Multitudes of others, which have not come to my Hand, were sent in to *Edinburgh* by the Episcopal Incumbents in the Places where they lived, and vigorously urged in Council by the Bishops and their Party to be prosecuted. Letters used to be directed against them, upon such Information, to appear in a very short Day before the Council; and, upon their Noncompearance, they were held as guilty, and denounced. We shall find a good many mentioned in this Session, forfeited after *Bohazel*: And indeed this severe and iniquitous Persecution of them obliged them to retire



tire from their Houses, and betake themselves to hide and wander up and down; and we need not be surpris'd to find them, and many others thus oppress'd, take hold of any Opportunity which offer'd, to relieve themselves from these hard Circumstances.

Mr. *Andrew Kennedy* of *Clowburn*, of whom before, was before the Council May 13. and charged with being present at Conventicles. The Libel was referred to his Oath, and he refusing to depone, was fined in a Thousand Merks.

The same Day Two excellent Gentlewomen had a little Favour granted them. Upon the 4th Instant a Conventicle was discovered in Mrs. *Durham's* House: And *Margaret Muir* Relict of Mr. *James Durham*, and *Janet Muir* spouse to Mr. *John Carstairs*, were taken and imprison'd in *Edinburgh Tolbooth*. This Day they petition the Council to be releas'd out of Prison. With some Difficulty, some Friends of theirs got the Council to remit them to the Magistrates of *Edinburgh*.

May 14. *George Scot* of *Pitlochrie* is conven'd before the Council, for alledged being at Conventicles, and is libell'd, 'That notwithstanding, in the Year 1677. he had given Bond and Caution, under Ten thousand Merks, to confine himself within his own Lands, and not to keep Conventicles, yet he had contravened.' The Matter is referred to his Oath, and he refusing to depone, the Lords hold him as confess't. And the Council ordain his Cautioners presently to pay Three thousand Merks, and supersede the rest of the Fine until they see how the said *George* carries in Time coming. They allow him to return to his Confinement.

Next Day, the Council ordain the Magistrates of *Edinburgh* to pay the Fine the Law obliges them to, for a Conventicle kept in Mrs. *Durham's* House, where Mr. *William Hamilton*, a Relation of hers, and Brother to the (afterwards) Lord *Halcraft*, did preach.

The same Day, *John Spreut* Writer in *Glasgow* is liberate from Prison, upon Bond to compare, when call'd, under the Penalty of Two thousand Merks. And Mr. *Robert Wylie*, formerly mentioned, being apprehended, and having lien in Prison some Time, and fallen into Sicknes there, the Council liberate him, upon Bond to appear before them, if his Health recover, upon the first *Thursday* of *June*, or at any Time after, that if his Sicknes be lengthned out, under Penalty of Two thousand Merks. The Ruling at *Bothwell* falling in, he was overlookt, and met with no further Trouble this way.

No more of this Kind of Persecution offers till *July*, when the Prosecutions after *Bothwell-bridge* run in a new Chanel; and the Accounts of those will fall in afterwards in their own Room. Here I have call'd together from the Registers what I noticed before *Bothwell*. Some other Instances of Severities for Nonconformity will come in upon the more general Account of Things in the Entry of this Year.

1679.

M. *Andrew Kennedy* of *Clowburn* fined in 1000 Merks for Conventicles.

Mrs. *Durham* and *Margaret Muir* Carstairs are releas'd from Prison, and remitted to the Magistrates of *Edinburgh*.

Scot of *Pitlochrie* fined in 3000 Merks for Conventicles.

Magistrates of *Edinburgh* fined for the Conventicle in Mrs. *Durham's* House. Mr. *John Spreut* liberate. Mr. *Robert Wylie* in prison till he is recover'd, and then liberate under Caution.

## SECT. II.

Of the more publick Proceedings, Proclamations, and State of Affairs from January to May 1679.

IN the Beginning of this Year, the Council come to give Orders about the Forces levied formerly: One Part of them they leave to ramble up and down the Country, and harass such as did not fully joyn in Conformity with the Episcopal Incumbents, and to lift the Cess, which a great many did not pay till they were forced to it, and others of them they placed in Garisons, the largest of which was in *Lanerk* for some Time, another was at *Air*, a Third at *Kirkcudbright*, a Fourth at *Dumfries*, and a good Number were posted at *Glasgow*. Their Orders were, to pursue and search for such who haunted Field-meetings, to kill all who refused them, and to imprison and deliver to Magistrates, or send in to the Council all whom they apprehended. Those Garisons proved very uneasy to such as clave to the Gospel preached by Presbyterian Ministers, and many Outrages were committed up and down the Country by the Soldiers.

Instances might be given in Multitudes. A Party of the Soldiers in the Parish of *Evan-dale* seized some Twenty three Country-men, many of them Herd-lads, and made them swear whether they saw any armed Men going up and down for a Month's Time. Terrible Outrages were committed; they destroy'd great Quantities of Corn with their Horses, and in some Places threw the Corn they could not make use of into the Rivers, and in other Places they burnt it. But particular Accounts of these would be endless.

I choose rather to give the Reader the Foundations laid down by the Council for all these Severities, under the Pretext of securing the Peace, while, in the mean Time, the natural Tendency of such Methods was really to force People to another Rising; and probably this

Disposition of the Forces thro' the West and South in the Beginning of this Year.

Some Instances of their Severities.

Foundation laid for those by the Council.



1679.

was the Design of some of the Managers. Many Consultations were held, toward the End of the last Year, about the bearing down of Presbyterians, regulating the Forces, gathering the Cess, and other Things of that Nature. The Result of all is, *January 9.* the Chancellor by a Letter signifies to *Lawderdale*, 'That the Committee for publick Affairs have, after many Meetings, and much Reasoning among themselves, formed the Articles herewith sent, to the end that, before they be presented in open Council, we may know his Majesty's Inclinations as to them, which shall be obeyed.' We see those Articles are framed by the secret Managers; but, before they venture to propose them in Council, they must have the Weight of the King's Sentiments to make them go down.

Accordingly, *January 23.* a Letter comes down from the King, approving them in as full Terms as they can desire. The Overtures themselves, being the Result of so much Thought, and the Ground-work of the after Severities, deserve a Room here.

Overtures for  
suppressing the  
Schism, &c.

*Overtures to be proposed to his sacred Majesty by his Grace the Duke of Lawderdale, for suppressing of the present Schism and Disorders of the Church, and frequent Insurrections following thereupon.*

THE Lords of the Committee of his Majesty's Privy Council for publick Affairs, considering, 'That, notwithstanding of all their former Endeavours, manifold Disorders do still abound, arising from withdrawing from the publick Worship, and from the dangerous and pernicious Principles instilled into the Minds of unwary People, by seditious Preachers in their scandalous Conventicles, whereby many are hardened in a most violent and unreasonable Schism, and animated to most turbulent virulent Practices, threatening the Subversion of the Protestant Religion, as well as the Peace of the Kingdom, have thought it their Duty (now that the Forces are raised, whereby these seditious Disorders may be easily and effectually suppressed) humbly to represent to the King's most excellent Majesty,

1. That, in regard many of the Enormities are committed in remote Shires, so that Probation can neither so easily be had, nor the Laws receive their due Execution, when the Guilty are proceeded before the Council, as if Persons of Knowledge and Integrity, living in or near these respective Shires, who best know their Faults, and how the same may be effectually punished, should be intrusted and impowered to that effect; his Majesty may be pleased to empower and authorize his Council to nominate such Persons to be Sheriff-deputes, Bailie-deputes of Regalities, Bailiaries, and Steward-deputes (where the Council shall find Sheriff-deputes, and other Deputes foresaid, to have been remits) who are, upon the Council's Recommendation, to receive Deputation from the principal Sheriffs, Bailies and Stewards, to put the Laws in Execution only against Withdrawers from publick Ordinances, Keepers of Conventicles, such as are guilty of disorderly Baptisms and Marriages, resetting and communing with fugitive and intercommuned Persons, and other vagrant Preachers; and that the former Commissions given by the Council, in *August 1677.* to the Noblemen and Gentlemen in the several Shires, for pursuing and punishing such as are guilty of these Delinquencies; and Instructions given to them, may be renewed to them, or such as the Council shall think fit; and that the Council may be empowered to grant such further Instructions as they shall find necessary for this Service; and that his Majesty's Forces, who ly in the respective Shires, may be ordered, upon all Occasions, as they shall be required, to concur with these Commissioners, or these intrusted by them, for the more speedy and effectual Execution of the Decrees and Sentences of the Sheriff, and other Deputes, and Letters of Horning, Poining and Caption to be raised thereupon, as they will be answerable.'

2. That the Soldiers may be commanded to disperse the Persons who shall be found at Conventicles, by Force of Arms; and if they refuse to dissolve these Meetings (being required so to do in the King's Name) or shall make Resistance, and that therethrough Mutation or Death shall ensue, that the Soldiers may be secured against any Hazard upon what they do in Prosecution of their Duty, as if by Law allowed, in case the said Persons refuse to disperse, being required in manner foresaid, or make Resistance.'

3. That the Soldiers may be commanded to seize and secure in Prison the Preacher, and so many others present at Field-conventicles as they can conveniently carry alongst with them, until they find sufficient Caution to answer for their Crimes according to Law (except the Preachers, or any others who are declared Traitors, or are intercommuned, or make Resistance at these Meetings, for whom no Caution is to be taken, but that they be secured in Prison.) And in regard the Multitudes who frequent these Rendevouzes of Rebellion, are such as they cannot all be seized, nor Probation easily led against them, the Soldiers may be empowered to take from the rest of the Persons found thereat (whom they cannot conveniently carry to Prison) their upper Garments, that the same may be a Mean of Conviction,

and



and Evidence of Probation against them; and that the Soldiers may be impowered to seize and take all the Arms that any persons shall be found to have at these seditious Meetings, and the Horses of any who shall be found to have Arms thereat. 1679.

4. That in respect Scholars, Merchants, and Tradesmen, are the chief Persons who are ordinarily possessed with factious and schismatick Principles; that therefore none be allowed to enter into the second Class into Colleges, nor received Prentices, till they enact themselves to keep the Church.

5. That his Majesty may be pleased to give Order to the Council, to be careful to see that the 5 Act of the 2 Sess. and 2 Act of the 3 Sess. of his Majesty's first Parliament, appointing Magistrates and Council of Burghs, and others in publick Trust, to take the Declaration; as also the Acts of Parliament anent *Teagognes*, *Chapmains* and *Schoolmasters*, discharging them to officiate without Licence from the respective Ordinaries, and the Acts and Proclamations of Council emitted thereupon, to be put to due Execution.

6. That his Majesty may be pleased to give Order and Warrant to the Lords of the Treasury, to make Payment out of the first and readiest of the Cash, Five hundred Pounds Sterling to any Person who shall apprehend Mr. *John Weisb*, Three thousand Merks to any Person who shall apprehend any of these Preachers who are declared Traitors, Two thousand Merks for ilk one of these Preachers who are declared Fugitives, or are intercommuned, and Nine hundred Merks for ilk one of these vagrant Preachers who preach in the Fields; and that the same be ordered to be paid instantly upon the Delivery of them Prisoners to the Council; and that these Persons, who have already apprehended any of these Preachers, may, for the Encouragement of others, have some suitable Reward.

And lastly. That his Majesty may be pleased to give Order to the Council to take exact Notice of, and proceed against these indulged Ministers, who do not observe the Rules and Instructions prescribed to them at their Indulgence; and that, upon the Decease or Removal of any of these indulged Ministers from their Kirks, the Council may be careful to see orthodox Ministers planted in these Kirks; and, if the Patron do not present such Persons within the Time prescribed by the Law, that the Ordinary be ordained to present *jure devoluto*. Underneath, *Edinburgh*, Ninth of *January*, 1679. The Lords of his Majesty's Privy Council having considered the Overtures above contained, and offered by their Committee for publick Affairs, do approve thereof, and ordain the same to be transmitted to the Duke of *Lawderdale*, to be offered to his sacred Majesty.

ROTHES Cancel. I. P. D.

The King's Letter, approving them, I likewise insert from the Registers.

King's Letter.  
approving  
them, Jan. 18.

*Edinburgh*, *January* 23. 1679.

CHARLES R.

Right Trusty, &c. We greet you well. Having seen and considered your Letter of the 9th Instant to the Duke of *Lawderdale*, with the Overtures proposed by you, for securing the publick Peace of that Our ancient Kingdom, against all schismatick and seditious Distempers; We are so well pleased with them, that We have thought fit, without any Delay, to return you Our hearty Thanks for your great Care and Zeal in Our Service upon all Occasions, and to let you know, that albeit We did formerly appoint the Duke of *Lawderdale* to signify Our Approbation of those Overtures to the Committee of publick Affairs, yet We do now again repete Our Royal Approbation of them all to you Our Privy Council, as you have them here inclosed. And therefore it is Our Will and Pleasure, and We do hereby authorize and impower you to issue Acts, Orders, and all other Papers conform to the said Overtures, and to use all such legal Ways and Means as you shall find most expedient for putting the same in effectual Execution: For doing whereof, this shall be your Warrant. And so We bid you heartily farewell. Given at Our Court at *Whitehall*, the 18. Day of *January*, 1679. and of Our Reign the Thirtieth Year.

By His Majesty's Command,

LAWDERDALE.

When thus they have the King's Consent, the Overtures are read and approven in the Council, and by them remitted again to the Committee for publick Affairs, that they may bring in their Opinion as to the Manner of putting them in Execution. Their Report is brought in *January* 28. and follows.

Report  
Committee of  
publick Affairs  
as to their  
Execution.



1679.

*The Report underwritten from the Committee for publick Affairs, with the Act therein mentioned, being read in Council, were agreed to, and appointed to be recorded conform to the Tenor thereof, which is as follows.*

- ‘**H**AVING considered these Overtures approved by his Majesty, in order to the drawing of Acts and Orders thereupon, and for putting the same in Execution.’
- ‘As to the first Overture anent the naming of *Sheriff Deputes*, and for executing the Laws (only) against Withdrawers from publick Ordinances, Keepers of Conventicles, Persons guilty of disorderly Baptisms and Marriages, resetting and communing with fugitive and inter-communed Persons, and other vagrant Preachers, ’tis our Opinion that Deputes shall be named to that purpose in the Shires underwritten, and Jurisdictions within the same, *viz. Lanerk, Renfrew, Ayr, Wigtoun, Stewartry of Kirkcudbright, Perth, Dumfries, Stewartry of Annandale, Dumbarton, Linlithgow, Fife, and Kinross, Stirling, Haddingtoun, Berwick and Roxburgh*; and we have appointed some of our Number to think upon fit Persons for that Service in the several Places.’
- ‘As to the second Part of the said Overture concerning the Commission and Instructions formerly given to several Noblemen and Gentlemen anent Conventicles and other Disorders, it is our Opinion, that the said Commissions and Instructions may be revived, and Missives directed to the several Persons commisionate to proceed according thereto.’
- ‘Having considered the second and third Overtures, and an Act of Council in the Year 1674. we have turned the same in an Act, which is offered to your Lordships Consideration.’
- ‘As to the fourth Overture concerning *Scholars, Merchants, and Tradesmen*, their enacting themselves to keep the Kirk, it is our Opinion that the same be turned in an Act, and sent to the several Universities and Burghs.’
- ‘Upon the sixth Overture, offering a Reward to such Persons as shall apprehend *Mr. John Welsh* and others therein related, it is our Opinion, that a Proclamation be drawn conform thereto, founded upon his Majesty’s Letter; and an Act drawn, recommending to the Lords of the Treasury to give these Rewards to such as shall deserve the same.’

Murray, Charles Maitland,  
 Linlithgow, George Mackenzie,  
 Eiphistoun, Maitland,  
 Ross, Drummond,  
 And the Approbation of *Roths* Cancel. I. P. D.

Act about  
 Conventicles.

‘**T**HE Lords of his Majesty’s Privy Council do hereby give expresse Order and Command to all Officers and Soldiers of his Majesty’s standing Forces, or of the Militia, or any Part thereof, to dissipate the Persons who shall be found by them at Conventicles by Force of Arms; and if they shall refuse to dissolve, being required so to do in the King’s Name, or shall make Resistance, and that therethrough Mutilation or Death shall ensue, the said Lords do hereby indemnify them from any such Slaughter or Mutilation, and declare that they shall never be questioned either criminally or civilly for the same in all Time coming. As also, the said Lords give Orders to the said Officers and Soldiers to seize and secure in Prison the Preachers, and so many others present at Field-conventicles as they can conveniently carry alongst with them, until they find sufficient Caution to answer for their Crimes according to Law, except the Preachers or any others who are declared Traitors, or are intercommuned, or make Resistance, or stir up others to make Resistance at these Rendezvous of Rebellion, for whom no Caution is to be taken, but that they be secured in Prison. And in regard the Multitudes that frequent these Rendezvous of Rebellion, are such as that they cannot all be seized, nor Probation be easily had against them, the said Lords do empower the Soldiers to take from the rest of the Persons found thereat, whom they cannot conveniently carry to Prison, their upper Garments, that the same may be a Mean of Conviction, and Evidence of Probation against them; as also, to take and seize all the Arms that any Person shall be found to have at these seditious Meetings, and the Horses of any who shall be found to have Arms thereat. And further, the said Lords do hereby give Order and Warrant to the said Officers and Soldiers to take, apprehend, and imprison any Persons declared Fugitives by Sentence of Council or Justice Court, any that were in the Rebellion in the Year 1666. and did not take the Benefit of his Majesty’s Act of Indemnity, or any against whom Letters of Intercommuning are direct, wheresoever the said Persons can be apprehended, with Power to them to make open Doors and other lock’d Places, in searching of the said Persons. And the said Lords grant Warrant to any of the Officers of the Foot, standing Forces, or Militia, to seize upon, and make use of any Horses in the Country, which can be readily had when they have Occasion of the same for executing any Orders directed to them, the Officers;



cers being always liable, immediately after Performance of the Service wherein they shall be employed, to cause return these Horses to the Owners in as good Condition as they were when they were taken. 1679.

The Council, we need not doubt, approve all their grand Committee does; and in further Prosecution of the Report, February 6. a Proclamation comes out, which was better looked after, and more carefully prosecuted than that we shall just now hear of against Papists: I have annexed it, App. No. 1. Therein is promised 9000 Merks to any who shall discover and apprehend Mr. John Welsh, 3000 Merks for Mrs. Semple and Arnot, 2000 Merks for any of the Field-preachers declared fugitive, and 900 Merks for any of the vagrant Preachers. The Pretence of debauching People to *Atheism* and *Popery* in the Proclamation hath formerly been considered and answered.

Proclamation  
against Mrs.  
Welsh, Semple,  
and Arnot.  
App. No. 1.

I shall not enlarge on the Severity and Temptation in the Promise of so great Sums in Scotland, for the apprehending of so good and useful Men as Mr. Welsh, and the others named. I know that about this Time some in the Government were so sensible of the moderate and loyal Principles and Usefulness of Mr. Welsh that a Proposal was made to him to accept of a Church, and an Indulgence was promised him. Neither shall I expose this ungenerous Method of ensnaring People to be Sharers of Managers Guilt, or insist on the many Instances might be given of the Care of Providence in preserving Mr. Welsh, thereof, and Multitudes of others intercommuned at this Time. I may rather notice that our Protestant Bishops and Counsellors did little or nothing against the *Popish Priests* and *Jesuits*, tho' there were vast Numbers of them up and down the Nation; and about this very Time Doctor Oats had made such that several of that Cattle were sent down from England to Scotland, besides Sholes of them daily coming in from beyond Sea. This was not the Chase the Government was set upon, but a standing Army must be maintained, and new Levies made, and the Country depopulated, to destroy the most zealous Enemies of *Popery* in the Nation, while the Favourers and Abettors of it were overlooked. Tho' by this Proclamation, all who were wicked enough, were set to hunt for these good Men, in order to get the Price of Blood, not only of those, but of the Souls of Thousands, who were seduced by them; yet none that I hear of were tempted by so great Offers.

Remarks upon  
it.

To execute this and other such Laws, the new levied Forces are ordered West, and Part to Glasgow, there to ly, and prevent preaching the Gospel in private Houses, and the Fields thereabout. This was at the particular Desire of the Prelates and Clergy, that City being an Eye-sore to them, many Presbyterian Ministers getting Shelter there.

Accordingly upon the 13. of February the Council agree upon the Disposition of the Forces, and form an Act thereupon, which I have added App. N<sup>o</sup>. 2. No Remarks need to be made on it, they are all so ordered as they may be most useful for bearing down the preaching of the Gospel. It is of more Use to take Notice of some new Powers granted them upon the Proposal of the Committee for publick Affairs. I give them as they stand in the Registers, February 13.

Act about the  
Disposition of  
the Forces.  
App. N<sup>o</sup>. 2.

The Council approve the underwritten Report from the Committee for publick Affairs. "Whereas by the late Act of Council January 28. Warrant is given to Officers and Soldiers to dissipate Conventicles, and seize Preachers and other Persons thereat. And seeing it may be presumed, where any Number of Persons are found together in the fields, near to the Place, before or after Conventicles have been kept, that they have been going to or coming from Conventicles, that Order be given to the Officers and Soldiers, for seizing and securing such Persons going to or coming from Conventicles, upon the Day of the keeping thereof, until they give Bond, or enact themselves under particular Penalties, according to the Quality of the Persons, that they shall live orderly, keep their own Parish Kirks, and not go to Conventicles thereafter, or appear before the Council at a certain Day, and that those Bonds be sent forthwith to the Clerks of Council." And to give all relative to the Army in this Place; February 25. the Army being now to march, the Council order them to be furnished with Ammunition: And next Day they appoint that Magistrates in Burghs, and Heritors in Landward Parishes furnish seven Baggage Horse to each Company of Foot, and that for one Day's Journey, or a little further, if Necessity require, as the Parties shall demand.

Further  
Powers given  
to the Army.

I shall not enter into any large Accounts of the Trouble the Army at this Time brought to the West and South. It was in the Beginning of March that they came to the particular Places assigned them. My Lord Ross, and others who commanded them, made a very strict Search there for intercommuned Ministers, Field Preachers, and all others obnoxious to the standing Laws. These Searches were very troublesome to the Lieges, and many Disorders and Cruelties were committed at them, some of which may be observed in the Progress of this Book. At this Time a good Number very narrowly escaped, and were put to no small Hardships and Difficulties in their Wandrings and Hidings.

A strict Search  
at Glasgow and  
the Country  
about.

At this Search two were only taken, a worthy, old, and very infirm Minister, Mr. Archibald Maclean, who by reason of his Age and Weakness, could not step out of their Way; and Mr.

Mr. Arch. Mac-  
lean and Mr.  
William Kyle  
taken.



1679.

The Search  
repeated, and  
Mr. John Law  
taken. Great  
Cruelty used  
toward him.

Mr. William Kyle, since the Revolution a Minister in Galloway, and at this Time a Preacher. Yea such was their Vigilance and Concern in this Work, that in a very few Days the Search was repeated, they hoping some would venture out of their lurking Places, not looking for so sudden a Return of the Trial.

The reverend Mr. John Law, of whom in the former Book, was caught at this second Search, in a House of the Laird of Kincaid, and the Cruelty of his Persecutors to him deserves particular Notice. His Wife was extremely ill, and given over by Physicians, and it was this brought Mr. Law to the Place. He offered all Bonds and Security they could desire, and to render himself their Prisoner whenever they should appoint, or begged a Guard fire, and to render himself their Prisoner whenever they should appoint, or begged a Guard might be sent with him to the House: But by no Means could he prevail to see his dying Wife; and he was straight and most unmercifully sent to Edinburgh, and from thence to the Bass. Upon his Road East, he was not only guarded by the Way, but Soldiers were constantly kept in the Room with him, never once allowing him to be alone, to commend himself and his dying Wife to the LORD.

At a Search  
in Edinburgh  
Mr. George Barclay taken, but  
escaped from  
the Guard-  
house.

Much about the same Time there was a most violent Search at Edinburgh, where the reverend Mr. George Barclay, whom we shall afterwards meet with, who since the Revolution hath been for 23 or 24 Years an useful and successful Minister at Uphall, was taken. His excellent Character is so well known in this Church, that I enter not upon it. When taken he was put into the Guard-house at Edinburgh; there by his Agility he escaped out at a Window into the Street, and got off. Afterwards he endured a long Trial of various Afflictions, and Wanderings, sometimes in foreign Countries, and sometimes in the North of England, and for some Years in Scotland, wherein he met with many remarkable Preservations and singular Providences, as I have sometimes with Pleasure heard himself relate.

Mr. Ross and  
Mr. Macaulay ap-  
prehended and  
sent to the Bass  
with Mr. Law.

Much about this same Time in Leith were apprehended Mr. Robert Ross, Mr. James Macaulay, Preachers, and another who was with them, on his hiding for Nonconformity. By the Registers I find the Council, April 4. approve the Committee for publick Affairs their Report: That Mr. John Law, Mr. Robert Ross, and Mr. James Macaulay be sent to the Bass; and the rest of the Prisoners continue in the Tolbooth of Edinburgh till further Order.

List of Com-  
missioners to  
execute the  
Laws against  
Nonconfor-  
mists.

I shall only acquaint the Reader further, That in prosecution of the Overtures above insert, and just before the March of the Army, upon the 27 of February the Council descend upon the following List of Commissioners to execute the Laws against Nonconformists in the several Places underwritten, in the Terms of the first Overture.

*LIST of the Commissioners appointed by the Council in August 1677. with the Names of the Commissioners now added.*

Shires.	Commissioners formerly.	Commissioners added.
Edinburgh Haddingtoun	Lord Treasurer Depute Earl Wintoun Lord Belhaven Earl Linlithgow Marquis Athole Earl Hume	Wauchope of Stotencleugh. Millar of Gourlaybank.
Linlithgow Perth Berwick Roxburgh		Marquis Montrose.
Selkirk	Philiphaugh and Hayning	Earl Roxburgh Sir John Scot of Ancrum
Renfrew and Netherwar of Clydsdale Upperward of Clydsdale Dumfries and Stewartry of Annandale Wigtoun and Stewartry of Kirk- cudbright Ayr and Dumbartoun Argyle Fife and	Lord Ross Earl Wigtoun Sir Robert Dalziel of Glenall Richard Murray of Burghtoun Earl Glencairn Earl Argyle Earl Strathmore, except the Presbytery of Dumfermlin, and Parishes of Culross, Tul- liallan, Mucker, Logie, Arn- gosh, Saline, and Fossua, en- trusted to Clackmannan	Hamilton of Raploch of Earlsball
Kinross		

Peebles



Peebles	Sir William Murray of Stenhope	James Nasmyth younger of Posto.	1679.
Stirling and Clackmannan	Earl Mar, Lord Elphinstoun	Lord Canender, Laird of Clackmannan.	
Aberdeen and Bamff	Earls of Errol, Marishall, Kintore, and Lairds, Auchmedden and Boyn		
Kincardin	Earl Marishall		
Elgin, Nairn and Innernefs	Earl Murray	Lord Duffus.	
Cromarty		Laird of Cromarty.	
Forfar	Earl of Airly		

To these Commissioners they send the underwritten Letter, and additional Instructions, which deserve a Room here also.

## Letter and additional Instructions to the several Commissioners.

Right honourable,  
 His Majesty's Privy Council considering the great Scandal given to the true Protestant Religion, and the Occasions given for Inlet and Increase of Popery, Impiety Schism, Fanaticism, and Sedition, by the unchristian and factious Carriage of sundry Persons, who not only withdraw from the Worshipp of God in their own Parish Kirks, but are guilty of keeping seditious Meetings, and other Disorders of that Nature; they, for Remedy thereof, did grant Commission to you, or such as you should appoint, to take under your particular Care and Charge the executing of the Laws made against these Disorders within Scotland, and did give you particular Commission and Instructions for that Effect, bearing Date the 7th Day of August 1677. And whereas these Disorders do yet increase, and the Council, being very confident that there cannot be a more ready Way to reduce them, than by the due and vigorous Execution of the Laws, which have been so particularly entrusted to you by your Commission and Instructions, hath thought fit to revive and renew these Commissions and Instructions to you, and hereby to joyn— with you in the said Commission, and to desire and require you and him to follow forth the same with all Faithfulness and Diligence; as also some additional Instructions to these formerly given, herewith sent: And that there may be no Delay in that Service, either through Negligence or Connivance of the Sheriff-deputes, the Council has thought fit, by his Majesty's special Warrant, to recommend to the Sheriff-principal of \_\_\_\_\_ or \_\_\_\_\_ to nominate \_\_\_\_\_ to be his Depute in the said \_\_\_\_\_ for pronouncing of Sentences, and putting of the Laws in Execution against these Delinquents (to whom we are to send particular Instructions) and in the mean Time, until the said Deputations be got, we have commisionate him to act in that Affair as a Justice of Peace, with whom we desire you to keep Correspondence, as also with the commanding Officers of such Forces as are quartered near to you, who have also particular Orders to give you their Concurrency either for apprehending Delinquents, or poynding of Goods upon the said Sentences: This being an Affair wherein his Majesty's Service is in a special Manner concerned in this Juncture, we expect that you will use more than ordinary Diligence in the Prosecution of what is committed to you, and to have frequent Accounts of what passes. Signed in Name and by Warrant of his Majesty's Privy Council, by

Your most humble Servant,  
 ROTHES Cancel. I. P. D.

## Additional Instructions to the Commissioners, anent Conventicles, &c.

Since, by the 5 Act, 2 Sess. Parl. 2. the Fines of all Men and Women, who are not Heritors, are disposed to the Sheriffs, Stewards, Bailies of Regality, and their Deputes, so that no Part thereof can be applied to the Commissioners, and those deputed by them; therefore you are to apply the one Half of the Fines of all landed Men, and Women, and their Children, not foristamiliat, who live within the Bounds of your Commission, to your own Use, and such as you shall employ.  
 It is declared, That such Persons as have taken the Bond to live orderly, and have since recanted the same, or have kept field-conventicles sensyne, or baptized their Children disorderly, shall have no Benefit by their taking the Bond, but may be proceeded against for their Delinquencies since the Act of Indemnity in March 1674. according to Law.

Albeit



1679.

Albeit there be particular Bonds appointed for each Commissioner and Sheriff-depute, for dissipating of Conventicles, and apprehending of Conventiclers at these Meetings, or passing from them; yet every Commissioner and Depute are authorized to pursue, dissipate, and apprehend them in any neighbouring Place or Jurisdiction, and to judge them before the Sheriff-depute or Justice of Peace of that Jurisdiction, or before the Council, as the said Commissioner or Depute, who apprehends them, shall think fit.

List of Sheriff-deputes named by the Council.

Further, every way to secure this Matter, the Council nominate Deputes in the different Shires, and require a Deputation from the Sheriff-principals, according to the subsequent List, to the Persons here nominate, which I shall likewise add, with the Council's Letter, and the Form of Deputation.

*LIST of the Sheriffs and other Deputes nominate.*

Shires, and Jurisdictions within the same.	Jurisdictions.	Deputes.
Edinburgh Haddington	Lord Treasurer-depute Sheriff D. Lawderdale Sh. Laird of Hopetoun Sh. Reg. of Kinniel Kirkcristoun Torphichen	Mr. Thomas Skene. Haliburton of Egliscairn.
Linlithgow	Marquis of Athole Stewartry of Falkland E. Eglintoun D. Hamilton Sh. And for Netherward D. Hamilton Sh. and Reg. of Glasgow E. Queensferry Sh.	James Dundas of Mannor.
Perth and Regality of Athole		Sir Pat. Threpland of Fingask. Will. Carmichael of Thurstoun. Semple of Beltrees. Mr. Will. Cochran of Rochfoles.
Renfrew Netherward of Clydsdale		Mr. William Nimmo.
Upperward of Clydsdale		Lairds of Claverhouse and Earlshall.
Dumfries and Stewartry of Annandale Wigtoun	E. Annandale Steward Sir Andrew Agnew Sh.	Claverhouse and Earlshall. Lin of Larg, Claverhouse and Earlshall.
Stewartry of Kirkcudbright	E. Nithsdale St.	Captain John Paterson. Claverhouse and Earlshall.
Air and	E. Dumfries Sh. and for Kyle and Kyle Stewart E. Eglintoun Bailie of Cunningham E. Cassils Bailie of Carrick E. Wigtoun Sh. Hamilton of Orbistoun Bailie of the Regality of Kilpatrick Lord Chancellor Sh. Reg. St. Andrews and Crawford Reg. Dumfries E. Tweeddale Reg. Pittenweem Easter	Mr. James Cunningham late Sheriff-depute. Mr. John Montgomery of Beath. Blair of Blairstoun.
Dumbarton		Major George Grant.
Fife and		William Carmichael of Thurstoun.
Kinross		

*Letter to the Sheriffs, &c. for nominating and deputing the foresaid Persons in the respective Jurisdictions abovementioned.*

Letter to the  
Sheriffs.

My Lord,  
His Majesty, for securing the publick Peace of the Kingdom against all schismatick and seditious Distempers, amongst other Directions, hath thought fit, by a particular and express Warrant, dated at Whitehall the 18th of January last, to impower his Council to nominate such Persons to be Sheriffs, Bailie-deputes, in such Bounds as the Council should find necessary, who are upon their Recommendation to receive Deputation from the Sheriffs-principal, and Bailies, to put the Laws in Execution, only against Withdrawers from the publick Ordinances, Keepers of Conventicles, and such as are guilty of disorderly Baptisms and Marriages, resetting and communing with fugitive and intercommuned Persons, and



and vagrant Preachers: Which Deputation his Majesty desires may be required from you, to shew how unwilling he is to derogate from your Rights. And his Majesty's Privy Council finding it necessary for the King's Service, that be by you named Depute in the Sheriffdom of for putting in Execution the Laws and Acts of Parliament foresaid, they desire your Lordship to sign the inclosed Deputation, and to return the same to the Council betwixt and the second Day of *April* next, which is to be without Prejudice to any other of your Sheriff-deputes, to judge jointly with the said Deputes, or separately. This being an Affair wherein his Majesty's Service is specially concerned, we doubt not of your Compliance with this our Desire. Signed in Name, and by Warrant of his Majesty's Privy Council, by your Lordship's most humble Servant,

1679.

ROTHES Cancel. I. P. D.

*The Tenor of the Deputation.*

**WE** Sheriff Principal of the Sheriffdom of conform to a Recommendation of his Majesty's Privy Council signified to us by their Letter of the Date the Eleventh Day of *March* 1679. founded upon an express Warrant from the King's Majesty, dated at *Whitehall* the Eighteenth Day of *January* last, do hereby make and constitute to be our Sheriff-depute within the said Sheriffdom, to the effect underwritten only, with full Power and Commission to him to affix and hold Sheriff-courts at the ordinary Places accustomed, issue forth Precepts for summoning Persons within the said Shire, guilty, or that shall be guilty of contravening the Laws made against Separation, and with drawing from publick Ordinances, Keepers, or being present at Conventicles, Persons guilty of disorderly Baptisms and Marriages, resetting and communing with fugitive and intercommuned Persons, and vagrant Preachers, and to pronounce Sentence against the Persons guilty, conform to the Laws and Practick of this Kingdom, and to direct Precepts and other Executorials for putting the same to due Execution, and generally all and sundry other Things necessary in the Premises to do, use, and exerce, as fully and freely as any other Sheriff-depute has done or may do, *promitten. de rato, &c.* providing that thir Presents is to be without Prejudice to any other of my Deputes already named, to judge jointly or separately with the said Sheriff-depute; and that the granting hereof shall no ways derogate to our Right of Jurisdiction as principal Sheriff, as accords of the Law; and that this Commission continue during the Pleasure of his Majesty's Privy Council. In witness whereof, these Presents are subscribed with our Hand at, &c.

Tenor of the Deputation.

How far this was an Encroachment upon the legal Establishment of so important an Office as Sheriffs are, I must leave to others to determine: 'Tis a Question of Law; but one would think at this Rate the Council might take any other Branch of their Power, and place it in the Hands of Deputes of their own Nomination. But nothing now is stuck at, which was thought for the enlarging the Prelates Power, and the oppressing of Presbyterians.

Remarks upon this Procedure.

Jointly with this Commission or Deputation, each of those Persons were clothed with the Power of a *Justice of the Peace* in the respective Shires, and have large and severe Instructions given them for carrying on the Severities against Presbyterians, as follow.

Their Instructions from the Council.

*Instructions given by his Majesty's Privy Council to Sheriffs and other Deputes, to act as Justices of Peace in their respective Bounds, until they receive their Deputations.*

1. **AS** you are by your Commission (which is to be sent to you) appointed Sheriff-depute of the Shire of You are hereby empowered as one of his Majesty's Justices of Peace within the Bounds of the said Shire, with Power to you to call the remaining Justices of Peace to the Quarter-sessions, according to the Act of Parliament; and such as you shall convene, they are hereby authorized to appoint Constables in each Division, as you shall think fit; and upon any Emergent, where more than one Justice is necessary, you shall call any other of the next adjacent Justices to your Assistance; and in case of their Refusal, you shall inform one of the Clerks of his Majesty's Privy Council.

2. You are to use diligent Endeavour to inform your self of any intended Conventicle, on whatsoever Account, which is prohibited by the Laws, and you are to call to your Assistance these Forces adjacent to you in the Country, and therewith not only to dissipate the said Meetings, but to apprehend such Persons, and to imprison such as shall be found thereat, or returning from any such Meeting, and to seize all such Horses and Arms as you shall find thereat; and if need be, you shall give Information to any Commander of his Majesty's Forces who is most adjacent, of any such Convocations, and either require their Con-  
E



1679. ' rence with you, or require them to proceed against these Conventicles, as they will be answerable.'
- ' 3. You are to endeavour to apprehend all vagrant Ministers, or who preach without Allowance of their Ordinaries, all intercommuned Persons contained in the List herewith sent to you, or hereafter to be sent to you by Order of his Majesty's Privy Council; as also, all Persons declared fugitive by the Council or criminal Court, as Lists are, or shall be sent from these Courts to you; and, on apprehending of the said Persons, to secure them in secure Prisons within Burghs, and to acquaint one of the Clerks of his Majesty's Privy Council therewith; and in the mean while to require the Magistrates of the Burghs to whom they are delivered, to secure them, as they will be answerable. And for enabling you to perform the said Services, you are to call for Assistance from any of his Majesty's Forces next adjacent to you, who have Orders to concur with you, when, and as you require them, in Execution of their Employments.'
- ' 4. You are likewise to apprehend and imprison all such Persons as at any Time shall be ordered by one or more of his Majesty's Privy Counsellors by Writ under their Hands, till they find Caution to answer as Law will.'
- ' 5. You are to cite before you any Person or Persons, Men or Women, who shall be at Field-conventicles, or who are guilty of illegal Marriages or Baptisms within your Jurisdiction, albeit perhaps the Meeting was without it; and albeit the said Person was no constant Residenter within your Jurisdiction, but a Remainer there for Forty Days, and that by Officers appointed by you for that Service: If they be cited and personally apprehended, whether they compear or not, you are to proceed according to the 2 Act, 3 Sess. Parl. 2. Char. II. and 5 Act, 2 Sess. 2 Parl. Charles II. As also, according to the printed Proclamations of Council, and punctually to observe and apply the said Laws to each several Person, of what Quality soever or Sex, *toties quoties*, as they shall be found guilty from the 25 of March 1674. and to imprison them till they pay, or find sufficient Surety for Payment of the said Sums, the Women always to be fined according to their Husbands Quality.'
- ' 6. And if they be cited personally and compear not, they are to be proceeded against, and unawed in Fifty Lib. Scots, *toties quoties*, as frequently as you can.'
- ' 7. If they be cited at their Dwelling-houses, and not personally apprehended, you shall likewise cause their Officers cite them at their Parish-church immediately after Sermon, and at the Market-cross of their Head-burgh; and if they compear not, you shall fine and unaw them in such Sums as the Sheriffs within that Shire are accustomed to unaw Absents from their Courts, and that *toties quoties* as they shall be absent.'
- ' 8. And notwithstanding of their Imprisonment in the said Case, if they pay not, or find not Surety, you are to proceed to poind their Moveables in the ordinary Way (forbearing always labouring Oxen or Horse from the last of October to the last of May for labouring) and to apply the same for Payment of the said Fines.'
- ' 9. So soon as they either pay or find Surety, you are to dismiss them, and so to proceed *toties quoties*.'
- ' 10. You are warranted and desired to apprehend any Person who shall contemptuously disobey the Discipline and Censures of the Church, and imprison them till they find Surety to obey the Church in that Censure; and this upon the Desire of the Minister of the Parish. Act 38. Sess. 2. Parl. 2. Charles II.
- ' 11. You are to put the Laws in Execution against such as ordinarily and wilfully withdraw from the ordinary Meetings of divine Worship in their own Parish Churches, Papists or others, according to the 2 Act, 3 Sess. 1 Parl. Char. II. whether Men or Women, and conform to the late Proclamation of Council.'
- ' 12. You are to give timely Information to one of the Clerks of Privy Council of such as are imprisoned by you, either as intercommuned Persons, Fugitives, vagrant Ministers, or are apprehended by you by Orders from the Council, or any Counsellor, with the Cause of their Imprisonment, and Place where they are, and Magistrates Names to whom, and what Time they were delivered.'
- ' 13. You are in these Things, and what further shall be ordered, to act in Concurrence with the other Sheriff-deputes and Justices of Peace, and once to require them to concur with you; and you are also to concur with them in these Things when they require you thereto; but you are also impowered to act solely in any Emergent, or in case of their Absence upon any account.'
- ' 14. If any Sheriff, Sheriff-depute, Magistrate of Burgh, Bailie, or Bailie-depute of Regality, Stewartry, or Barony, or any other Heritor, or other Person whatsoever, especially any of his Majesty's Forces, refuse to concur with, or assist you in Prosecution of the Laws against these who oppose the same, you are to certify the same to the Privy Council.'
- ' 15. You are to apply the whole Fines of all the Persons who are not landed Men, to yourself, and the other Sheriff-deputes, who concur mutually with you at each respective Sentence



tence and Proceeding, and to their Members of Court, and Collectors; and the Fines of all landed Men, and their Wives and Children, the one Half to the Commissioners appointed within their Jurisdiction, the other Half to be forthcoming to the King, which the Commissioners are appointed to uplift, and be countable for the one Half.

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16. If any Person, cited or pursued by you, shall flee from your Jurisdiction to any other, you shall with all Conveniency inform the Sheriff, or other Deputes of that Jurisdiction to which they flee, and desire them to pursue them, or to return them to you; and you shall give the like Concurrence to them, on their Desire.

17. You are to hold Courts once every Week at least, and oftner as you find fit.

18. That, for such Heritors as are fined, you cause arrest their Mails and Duties, and pursue Actions to make forthcoming, and see the same receive due Execution.

19. You are hereby impowered to appoint your own Fissals, and other Members of Court (except Clerks) to pursue Keepers of Conventicles, and others guilty of such like Disorders mentioned in the preceeding Instructions; and you are to employ the ordinary Clerks.

Lastly. You are hereby impowered to proceed and act as a Justice of Peace within the said Shire, against Delinquents, conform to the preceeding Instructions, until you receive your Commission as Sheriff-depute.

The Reader will easily guess what sad Work so many different Persons, clothed with so large Powers, and an Army to support them, would make in these Shires. The Particulars, being in no Register, are not come to my Hands; but we may easily form an Idea of what People, nominated and hounded out by the Prelates, would do in these Circumstances: And many of the Finings and Hardships up and down the Country, for some Years, were the Fruits of those various Commissions; tho', after the Rising which ended at *Bothwell*, to which such Severities gave great Provocation, the Persecution fell a little into another Chancel than was at first designed.

But the Divisions among the persecuted Party themselves last Year, and the Entry of this, were heavier to good Peoples Spirits than all that the Soldiers or Commissioners could do. The Debates about the Cess were over-ruled by Force; that Imposition was cramm'd down, and the Act indeed executed itself. However, Debates and Disputes continued, and Papers were spread about it. I have seen one vindicating the paying of it, intituled, *Queries anent the Cess*, too long to be insert here, and others against it.

Divisions among the Persecuted, about the Cess.

But the Division upon the Indulgence ran yet higher: So much was said in the Close of the last Year upon this, that I shall add little now. Ministers who preached in the Fields had not formerly meddled with this Subject; but *January* this Year, some Preachers, formerly pointed at, began warmly to preach up Separation from the Indulged, and in such a broken Time as this, no doubt such Doctrine would take, when Peoples Spirits were rankled with so many Evils.

And the Indulgence and Separation from the Indulged began to be preached.

When this Flame was rising, several Ministers and Probationers in and about *Glasgow*, with a good many of the solid and knowing of the old Elderships in that City, who had been Witnesses to the sad Consequents of the last Rent in this Church, upon the publick Resolutions, had frequent Meetings, and endeavoured what in them lay to put a Stop to the growing Division, but were not able to do so much as they wished.

Meetings in order to quench the Flame at *Glasgow*.

About this same Time Mr. *John Welsh*, Mr. *George Johnson*, Mr. *Gabriel Semple*, Mr. *John Rae*, very noted Field Preachers, with some others, got a Meeting with some of these young Preachers, and gave it as their Opinion, and advised them to go to the Meeting of Ministers who had licensed them, and subject to their Direction; without which, and the Invitation of some Body of Ministers, they gave it as their Mind, that they ought not to take upon them to preach up and down the Country. And they earnestly dealt with them to forbear preaching up Separation at such a Time as this, when Union among Presbyterians was so necessary.

Mr. Welsh and other Field Preachers here Endeavours.

They likewise appointed Two of their Number to write a Letter to one of the indulged Ministers, to be communicated by him to the rest, intreating, that, for Union's sake, they would endeavour to concert Matters so among themselves, as to take away, as much as might be, some of the Occasions of Clamour against them: And in particular, that they would now and then come out of their Charges, and preach the Gospel to desolate People who wanted it, which they were of Opinion might be of great Use at this Juncture.

All those Essays did not stop the breaking off of considerable Numbers from the Indulged: However those Things did not hinder the Endeavours of some Places to have Presbyterian Ministers settled among them in a private Way. And in *January* this Year, I had upon a Call from the People of *Eastwood*, now vacant by the Death of that excellent and successful Minister, Mr. *Hugh Smith*, that Mr. *Matthew Crawford* is entred upon his Trials, in order to Ordination, and was ordained privately among them. And the reverend Mr. *Neil Gillies*, after the Revolution Minister of *Glasgow*, and before this ordained to the Family of *Argyle*, had a Call to the Town of *Greenock*.

Mean while vacant Parishes called privately Presbyterian Ministers. Mr. Matthew Crawford ordained. Mr. Neil Gillies to *Greenock*.

There



1679.

Councils  
Letter desiring  
a Frigate to car-  
ry off the Ban-  
ished.

Proclamation.  
Jan 23 against  
Papists.

Abstract of it

There is not much more offers during the Beginning of this Year from the Registers. It seems Difficulties cast up in the Transportation of such whom the Council had banished to the Plantations; and therefore *January 16.* they write the following Letter to *Lawderdale.*

“ Having, after much Pains and many Procelles, sentenced, according to exprels Act of Parliament, and sent away several disorderly Persons to his Majesty's Plantations in a Ship, which sailed hence in *December* last, we find the Preparative would contribute much to quiet our seditious Distempers, if great Pains were not taken to perswade People here, that such Obstructions will be made as will hinder their Transportation. And therefore, from a just Zeal to his Majesty's Service, and for Preservation of the Government of the Church, as it is at present established by Law, we thought it our Duty to interpose with your Grace, that you would use all possible Endeavours for securing their Transportation effectually to the said Plantations. And particularly, if your Grace find it necessary, you may interpose with his Majesty for procuring one of his Frigats to carry them thither, without which there can be very little Hopes of deterring such as will not cease to trouble the Peace of the Kingdom, unless that they see that his Majesty and his Judicatories will concur steadily in punishing these who offend.” I do not find their Request was granted; but this Letter shews with what Vigour they pursued their Sentences.

Towards the End of *January*, the Council issue forth a large Proclamation against Papists. The Noise of the Popish Plot lately discovered in *England* was the Occasion of this sham Proclamation, which did (as one of good Intelligence at this Time writes upon the Copy of it, now in mine Eye) *help to usher in the Trouble and Bloodshed which follows*, the real Design of it being against others who did not joyn with the established Church. The Proclamation is long, and contains a great many excellent Clauses against the Papists, of which no manner of Care was taken in the Execution. I shall only give an Abstract of it. “ *CHARLES R.*

“ Whereas We have still made it Our chief Care to preserve Religion in its Purity, and to see almighty GOD (from whom alone We derive Our Power) worshipped; and having found of late, that the bloody, as well as idolatrous Principles of the Papists, have incited those of that Profession to contrive Plots against Our Person and Authority, Alterations in the Government, and the Subversion of the Protestant Religion, endeavouring to enslave Us and Our Subjects to the Pope and See of *Rome*; and yet We, being ever unwilling to punish such as may be reclaimed, or even to surprise such as are irreclaimable, have therefore thought fit, with Advice of Our Privy Council, hereby to command all *Jesuits, Priests, or trafficking Papists*, to depart the Kingdom betwixt and the first Day of *March* next, with Certification that they shall be proceeded against criminally, according to *Act 120. Parl. 12. Jam. VI.* whereby they, and such as reset them, are declared guilty of Treason; and that the Laws against *Sayers and Hearers of Mass* will be executed. All Papists, of whatsoever Quality, are required to deliver up their Arms of all Kinds, besouth the Water of *Esk*, against the 20 of *February*, benorth it against the 20 of *March*, under Pain of being punished as Contemners of Authority; and all Magistrates are ordered to seek and search for Arms in Papists or suspected Persons Houses, as also all *Jesuits, Priests, and trafficking Papists*, and commit them to the next Prison, that they may be punished conform to Law, and to return a Report of their Diligence at their highest Peril. Further, We command, That no Papists be suffered to bear any publick Office, or bear Arms in the Army. Noblemen and others are discharged to send abroad their Children with Pedagogues, without a Testimonial from the Bishop, discharging their Parents, if they turn Papists, to entertain them, under the Pains, *Act 71. Parl. 6. Jam. VI. and Act 1. Parl. 16. Jam. VI.* and ordain the Council to see to the Education of the Children of Papists, conform to *Act 9. Sess. 1. of Our 1. Parl.* And to the end all Our good Subjects may unanimously joyn, not only in hearing the Word of GOD, but in participating of his holy Sacraments, We do hereby revive that excellent Statute made by Our Royal Grandfather, *Act 17. Parl. 16.* That Subjects of this Kingdom shall communicate once a Year; and that if any shall abtain, upon any Pretext whatsoever, they being by their Pastors thereunto required, shall pay the Penalties mentioned in the said Act; every Earl 1000 Pounds, Lord 1000 Merks, Baron 500 Pounds, Freeholder 300 Merks, Yeoman 40 Pounds, and Burgees according as the Council shall modifie. Requiring all Magistrates and Judges to put the said Act in Execution, against all Persons of what Profession soever, conform to the Words, as well as the Meaning of the Act itself. And which We the rather do at this Time, because many of the *Romish* Church do delude and abuse our People, under the Profession of some or other of those who refuse to conform to the Worship of this reformed Church, as it is established by Law: And, that all Papists may be either convinced or convicted, We command and appoint them to appear before, and confer with the Bishop or Archbishop of the Diocese, twixt and the 20 of *March*, and obtain Testimonials of the Satisfaction they have given. And, in case they fail, the Bishops and Archbishops are required to take up Lists of all Papists, particularly such as are excommunicate, or have made Defection from the Reformed Religion, and send in to Our Council, betwixt and the first *Thursday* of *April* next; with Certification to all such as do not compear, as

“ said



" said is, that Letters will be directed against them, to appear before the Council, on Pain  
 " of Rebellion, and their Moveables, and the Liferent of their Lands, Rooms and Possessi- 1679.  
 " ons, shall pertain to Us as Escheat. And We declare, That neither such as shall be de-  
 " nounced, or any others for them covertly, shall be permitted to enjoy their Lands, Rents,  
 " or Revenues. And ordain Lists of all excommunicated Papists to be printed, and affixed  
 " in publick Places, that no Judges may suffer any in that List to pursue or bear Witness in  
 " any Cause, till they be reconciled to the Church, conform to *Act 25. Parl. 1. and*  
 " *Act 3. Parl. 20. Jam. VI.* Our Will is herefore, &c. Given under Our Signet, Janua-  
 " ry 23. 1679."

I can meet with no Prosecution of Papists at this Time, for as numerous and growing as they were, unless it be that this same Day the Council order *G. Young*, a Papist Priest, to be sent to the *Bass*, till further Order. And indeed, as far as I can find, not one of the Clauses in the above Proclamation were taken any Care of by Bishops, Judges, or others concerned, in as far as they related to Papists: But the other Branch of it, against Nonconformists, was made a Handle of to harass them.

At that same Diet there is a Dispensation granted by the King to the Bishop of *Galloway*, for his Nonresidence in his Diocese, tho' he wanted not a good Number of Papists to look after in that Country: 'Tis a little singular, and the curious Reader will desire to see it. King's Dispensation to the B. of Galloway for Nonresidence.  
*January 23.* His Majesty's Royal Dispensation was read, and ordered to be recorded.  
 " Whereas none of Our Archbishops or Bishops may lawfully keep their ordinary Residence  
 " without the Bounds of their Diocese *respective*, unless they have Our Royal Dispensation,  
 " Warrant, and Licence for that effect: Those are, That in regard *John* Bishop of *Galloway*  
 " is not provided in a competent Manse or dwelling House in the Diocese of *Galloway*, and  
 " for the better promoting of Our Service in the Church, to allow and authorize the said  
 " Bishop to live in or near the Cities of *Edinburgh* or *Glasgow*, or in any other convenient  
 " Place, where he may be able to attend the publick Affairs of the Church. With whose Non-  
 " residence in the Diocese of *Galloway*, We, by virtue of Our Royal Supremacy in Causes Ec-  
 " clesiastical, do by those Presents dispense, as well with the Time past preceeding the Date  
 " hereof, as for the Time to come, during Our Royal Pleasure; any Canon of the Church,  
 " or Acts of Parliaments, enjoyning Residence, notwithstanding. And We strictly require  
 " all Our Subjects, Church-officers, and others, never to quarrel or call in question the said  
 " *John* Bishop of *Galloway*, during the Continuance of this Our Royal Dispensation and Li-  
 " cence, as they will answer to Us at their Peril. Given at Our Court at *Whitehall*, May 28.  
 " 1678. and of Our Reign the 30th Year."

By His Majesty's Command,

LAWDERDALE.

This singular Dispensation affords Room enough for Remarks upon that exorbitant and boundless Supremacy and Power over Churchmen, and Matters now lodged in the King's Hand. Nonresidence in Churchmen is what will not vindicate; and this Dispensation looks forward as well as backward, and might be given to all the Fourteen Bishops, and their Underlings too, for any Reason I can observe to the contrary. The Way to help the Bishop's House had been, to oblige him to reside at his Charge: And the publick Affairs of the Church talked of, if any Thing be in this but Form, one would think the Argument would hold for the Nonresidence of the rest of the Prelates, as well as his. How long the Bishop enjoyed his Licence I know not, but it is probable it continued till he was advanced to the See of *Edinburgh*. Remarks upon it.

Upon the 13 of *February*, the Council approve of the Report of the Commission for publick Affairs, 'That Twenty four Soldiers of the Earl of *Mar's* Regiment be sent to the Castle of *Stirling*.' The Occasion of this I know not; what follows is of more Importance. 'That the Committee for publick Affairs be authorized and impowered to name some of their own Number to be a close Committee, with Power to give Warrant to seize and secure such Persons as they saw fit.' This was a vast Power indeed, to be lodged in the Hands of Two or Three, and those were either Prelates, or such as were violently for them. 'That, during the Remainder of this Session, the Council be kept *Tuesdays* and *Thursdays* weekly; and that the Prisoners, seized and examined for Conventicles, have their Libel on *Tuesday*.' The Council still approve all that comes from this Committee. Secret Committee, with Power of imprisoning whom they will, allowed.

Beside what has been already remarked, upon the 25 of *February*, the same Committee propose, and the Council approve, 'That some Persons, who attend the Session-house as Agents, are Instruments of Disorder through the Nation, and correspond with vagrant Ministers, Traitors and Fugitives, be called before the Committee, and give Security for their good Behaviour in Time coming, or take the Oath of Allegiance, otherwise that they be banished' Patrick Gless liberate, after Four Years Imprisonment.



1679.

Mr John Mosman  
manicized.The English  
Parliament sit  
down March 6.Sir Francis  
Winnington's  
Speech  
App. No. 3.Earl of Shaftes-  
bury's.  
App. No. 4.The Duke of  
York retires  
from Court.Upon a Let-  
ter from the  
King, Feb. 20.In May the  
Commons  
bring in a Bill  
excluding the  
Duke of York  
from the Suc-  
cession.Heads of the  
Bill of Exclu-  
sion.

banished the Town of *Edinburgh*; That *Patrick Glasf*, Prisoner now these Four Years, be liberate, upon his paying 200 L. of the Fine the Council imposed; That the Town Major have 50 L. Sterling Reward, for taking Mr. *John Mosman* a vagrant Preacher, according to the King's Proclamation. And, February 27. the Council order a Letter of Thanks to be writ to the Earl of *Seaforth*, for his Diligence in suppressing Conventicles in his Country. So far North was the Desire got, after Ordinances dispensed by Presbyterian Ministers.

Upon the 6 of *March*, the *English* Parliament sat down at *Westminster*. The former had been dissolved last Year, in Hopes that a House of Commons might be got, more pliable to the King's Designs; but a Spirit of Liberty seem'd to be upon the growing Hand among the Commons, and a good many of the Members in their Speeches and Actings made very bold with the King, and such whom they took to be evil Instruments and Pensioners to *France* about him. There was at this Time there a great Current against the Duke of *Lawderdale*, and the Administration of Affairs in *Scotland*, as very much favouring Popish Designs. And that the Reader may know somewhat of the Freedom taken in *England* to oppose arbitrary Measures, and the Oppression of the Subjects, tho' their Pressures were not near so great as ours in *Scotland*, I have insert a Speech handed about at this Time, said to be delivered by Sir *Francis Winnington* late Solicitor General, and now an eminent Member of the House of Commons, *March 27. App. No. 3.* And upon the 29 of the same Month, the Earl of *Shaftsbury* had another in the House of Peers, when upon the Consideration of the State of the Nation, which relates so much to our *Scots* Affairs, and made such Noise at this Time, that I likewise insert it *App. No. 4.* These Patriots in *England* had a much deeper Sense of the Hardships put upon us in *Scotland* by our Council than many of our selves.

The Duke of *Tork* was reckoned, by such who appeared for the Liberties of *England*, to be at the Bottom of all the Maladministrations they would have been rid of. Even before the Parliament sat down the King found a Party forming against his Brother, and towards the End of *February* gave it him as his Mind, that he should retire from Court. The Duke was averse, till the King sent him his Mind in Writ, under his own Hand as follows. *Whitehall, February 20. 1679.* I have already given you my Reasons at large why I think it not you should absent your self for some Time beyond Sea. I am truly sorry for the Occasion; for you may be sure I shall never desire it longer than it shall be absolutely necessary for your Good and my Service. In the mean Time I think it proper to give you it under my Hand, that I expect this Complaisance from you, and desire it may be as soon as conveniently you can. You may easily believe with what Trouble I write this to you, there being nothing I am more sensible of than the constant Kindness you ever had for me. I hope you are so just to me as to be assured, that no Absence or any Thing else can ever change me from being truly and kindly

Tours, C. R.

When the Duke had stepped out of the Way, and after the utmost Endeavours of the King and Courtiers to prevent it, the House of Commons now appearing vigorously for the Protestant Religion, and the civil Rights of their Country, in *May* brought in a Bill for excluding the Duke of *Tork*, and to bring the next Protestant Heir to the Succession. And considering that the Struggles of the Sufferers I am accounting for, were with the Duke's Party in *Scotland*, and really upon the same Foot with these of the Patriots in *England*, and that too many in these Lands are yet hankering after the Chains the *English* Commoners would fain have thrown off, even when now we may feel the inexpressible Benefits of the Protestant Succession's happily taking Place among us by an after Establishment upon the same Bottom with this Bill, setting aside the whole Popish Race of Claimants: Upon these Grounds I take it not to be improper to insert an Abstract of this Bill in this Place.

'Forasmuch as the Kingdoms of *England* and *Ireland*, have long since been delivered from the Slavery of Popish Superstition, for that it advances the Power of the Pope, and diminishes that of sovereign Princes, and makes him Monarch of the Universe, withdraws Subjects from their Allegiance, and subverts the End of the Christian Religion.'

'But notwithstanding Popery hath been condemned by Law, for its detestable Doctrine, and traitorous Attempts against the Lives of sovereign Princes, yet the Pope's Emittaries and Agents resort to this Kingdom, and have by their own Arts and Policies, and the Assistance of foreign Princes, contrived and carried on a Conspiracy to murder the King, subvert the Government, and destroy the Protestant Religion; and for the better effectuating thereof, have seduced the Duke of *Tork*, the presumptive Heir of the Crown, to enter into Negotiations with the Pope, his Cardinals and Nuncios, for promoting the Popish Church and Interest, and, by his Means, advanced the Power of the *French* King, to the manifest Hazard of these Kingdoms.'

'And forasmuch as the Parliament of *England* have hitherto directed and limited the Succession to the Crown, frequently out of its ordinary Course, but never had such Reasons as now to use their extraordinary Power.'

Be



Be it enacted, That the Duke of *Tork*, (having publicly professed the *Romish* Religion, which hath notoriously given Birth to the late Plot) be excluded and disabled for ever from inheriting the Imperial Crown and Government of this Realm: And that upon the Death or Death of the King, the Crown and Government shall be devolved to the next Heir of the Protestant Religion; and whatever Acts of sovereign Power the said Duke shall exercise, shall be judged high Treason, and punished accordingly.

And forasmuch as the Safety of the Kingdom depends upon the Execution of this Law, be it further Enacted, That if any Person shall aid, counsel, or correspond with, or contrive his Return to any of the King's Dominions, or declare him to be lawful Heir, or, after the King's Death, publish or declare the Duke to be King of *England* or *Ireland*, or to have Right thereunto, by Word, Writing, or Printing, shall be guilty of high Treason. And forasmuch as the Duke's Return into any of the King's Dominions, will naturally conduce to great Mischiefs upon them, be it enacted, That if the Duke return to any of the said Dominions, he shall be attainted of high Treason; and all Persons are required to apprehend and secure his Person, and in case of Resistance, to subdue and imprison him by Force of Arms.

The Event of this Bill every Body knows: The King resolved to venture all before he would permit it to go through. To support the Bill, without Doors were handed about *Reasons against a Popish Successor*, a Paper not long, and much liked, and which deserves our Consideration still, and it follows *App. No. 5.*

But I leave the *English* Affairs to their own Historians, and return to what passed among our selves. Sometime in the Beginning of this Month, a few Persons by a Trick got in Major *Johnstoun*, one of the Captains of the Train-bands of *Edinburgh*, a most violent Persecutor, to a House under Pretext of a Conventicle, and threatned and soundly beat him. This taking Air, the Council were extremely hot upon the Discovery of it, and issue out a severe Proclamation, *March 10*, which I have insert *App. No. 6.* Every Body who hath any Humanity, much more such as have any Sense of Religion, will abhor the murdering Tenets spoken of in the Narrative. Who they were who overturned the Principles of all Society, and printed *Jesuitical and murdering Tenets* at this Time, I know not. After all the Enquiry I can make, I can find none of the suffering Presbyterians guilty of any Thing of this Nature. The Things alleged pointing this way some Years after this, shall be candidly considered, and I must, till I see the Matter vouched, reckon this a Piece of necessary Stile, upon the false Information the Council had got; since I find by several Accounts of this Matter at this Time, that no Assassination or Murder of the Major was ever once thought of; and if it had, it might have been easily accomplished: But no such Thing was in design. So that what follows of an Attempt of killing the Major, and mortally wounding some of the Soldiers, must be looked on as the aggravated Information of the Party. And if any such villanous Attempt was made, I shall be the last Man to say any Thing in its Alleviation. After all these Aggravations, a Thousand Merks are promised to the Discoverers, as in the Proclamation.

Had the Information given to the Council been true, there had not been wanting Ground for this severe Proclamation. By a Letter of theirs to the Duke of *Lawderdale*, *March 11*. I find the Story told them was: "That Eighteen or Twenty armed Men, prompted by the bloody Principles of their traiterous Books, did send for the Major to the House of one *Mrs. Crawford*, a known and most irregular Fanatick, and at his Entry discharged several Shots at him, and those he had with him; after which, with drawn Swords, they beat, bruised, and threatned to kill him, if he would not swear never to dissipate Conventicles; which he having refused according to his Duty, they mortally wounded him, and some that were with him." This, no doubt, was represented; but 'tis odd how it could be believed by the Council. He was frightened and beat, but for mortal Wounds, 'tis a mere Aggravation. We have already met with a Story of this Nature trumped up by *Carstairs*, tho' with less Ground than was here; and we shall soon find the Major well again, and as violent as ever.

I am well assured this Business stood thus. Two or Three Persons whom the Major had been hard upon, got some Body or other to give him a Hint of a Conventicle in a House where they were: He took it, and straight went there; and when he came in, he was indeed frightened and beat, and threatned till he promised never more to be so violent against Conventicles; and it was merely a Piece of private Revenge for personal Injuries.

However, the Jest and Affront put upon the Major was carried a terrible length by the Council; and to shew that every Thing was made a Handle of against the suffering Ministers, I have annexed an Act of Council made this Day, *Appendix No. 7.* where they order Lists of all Lodgers in *Edinburgh* to be given up every Night to the Magistrates, and most unmercifully vent their Spite against the Wives and Families of all outed Ministers, and order them to be turned out of Town against the 21 of *March*, under the Pain of an hundred Pounds *Sterling*. One may justly ask, what had they done? And was this Justice or Reason, because the Major had been drabbed by some, at whose Hands, it may be, he deserved this, that the innocent Wives and Families of Presbyterian Ministers, who knew nothing of the Matter, should

1679.

Reasons against a Popish Successor.

App. No. 5.

Attempt made on Major Johnstoun, March 12.

Proclamation thereupon March 13. App. No. 6.

Remarks upon 16

Account of the Matter as laid before the Council.

The true State of this Attempt.

Act of Council March 12. very severe.

App. No. 7.



1679.

Act for citing  
Persons, under  
Penalty of be-  
ing held as  
contest.

should be sent a wandering and begging? I find this Act was likewise extended to *Glasgow*, and the Magistrates there received the same Orders, which put many religious harmless Families to sore Straits, many of them not knowing whither to flee.

That same Day the Council pass a very severe Act against such as are denounced for their Noncompearance, in Process for Conventicles and Nonconformity. "The Lords of his Majesty's Privy Council considering that the late schismatick Disorders have (upon frequent Citations before the Council on pain of Rebellion) increased scandalously the Number of Rebels, and the Offenders expect Impunity by being denounced Rebels, knowing too well, that they cannot be otherwise punished than by Declarators upon Rebellion, whereas the Smallness of their Estates will not bear the Charge, nor will the Nature of the Process allow so long Delay, have therefore thought fit to order his Majesty's Advocate to add to the ordinary Certification of Rebellion, that the Persons to be cited personally shall be holden as contest, and fined in the respective Sums appointed by Act of Parliament in case of Noncompearance, and that the Council may make Choice of either of the Certifications, for the Peace of the Country and his Majesty's Service, as they shall think fit, where the Defenders are personally cited." The Hardships of this Act I leave to the Gentlemen of the Law: It seems beyond the Council's Power to introduce a new Manner of Citation, especially when so captious as this is.

The State of  
Conventicles,  
and the Divi-  
sions among  
the Preachers  
in the Fields  
this Spring.

Little more offers till the Beginning of May, unless it be some Things with relation to Field-conventicles in April this Year, and the barbarous Murder committed upon the Twentieth of that Month near *Lowdonhill*. From the parcelling of the Soldiers up and down, and their Numbers and Activity, the Keepers of Conventicles were obliged a little to alter their Method. Towards the End of the last Year, some Ministers began to withdraw from preaching with their Brethren, with whom they used to preach in the Fields formerly, who were not now for entering either upon the Indulgence or Cess in their Sermons to vulgar Auditories, and drew up with the young Preachers I have formerly spoken of, and continued to preach together with them pretty much on these Points this Winter and Spring. Some Papers before me, writ by some of that Side, say, That Field-meetings in the Beginning of this Year were more numerous than formerly, and many were obliged to come with Arms to defend themselves, because they were frequently attacked by the Soldiers and Garisons; and for their Safety as well as Harmony, the Ministers and such who waited upon them, resolved to keep as close together as might be. They had found that by preaching in separate Places, and scattering themselves, they were very much weakened, and the Soldiers got Advantage this way against them, and sometimes the Ministers were in Hazard to be seized, and several of the Hearers were taken. Therefore they determined to narrow themselves into one Meeting in such Places which stood most in need of the Gospel, and where they might gather and preach in the greatest Safety. Thus they continued for Twenty Sabbaths without Intermission, from December to May. I do not doubt but this Course they took tended to heighten the Separation; and when they were alone without conversing with others, and preaching with Persons more moderate, several who joyned with them did heighten the Breach, and screw up Matters the length they came to. Mean while, Mr. *Weish* and others of his Temper preached in other Places, with whom there were not many in Arms, and endeavoured to calm Matters as much as might be.

Conventicle  
near *Lanerk*,  
with a Scuffle  
that happened  
twixt some  
sent from them  
and a Party of  
Soldiers.

Upon the 30 of March there was a Sermon and large Meeting at *Cumberhead*, in the Parish of *Lefmahago*, not far from *Lanerk*. The Soldiers hearing of it, sent a good Body of Men to dissipate them: The Party understanding the Numbers of the Meeting, and how well many of them were armed, did not find it convenient to attack them; but kept at some Distance, and satisfied themselves with rifling some Women, who were going to the Meeting, of their Plaids, Bibles, and the like, and seizing some Men. This coming to the Knowledge of the Meeting, a good Number was sent off in Arms to require the Prisoners, and the Womens Plaids, &c. The Commander of the Soldiers refused both, and a Scuffle ensued, wherein the Officer was wounded, and some of the Soldiers taken Prisoners; but they were soon dismissed. When the Account of this came to *Glasgow*, my Lord *Ross* and the Soldiers there, marched up towards *Lanerk*, and the Country thereabouts was sore harassed for some Weeks.

The Council's  
Procedure  
upon it.

A Committee  
appointed with  
jurisdiction  
Power, their  
Commission.  
App. N<sup>o</sup>. 8.

Their Report.

App. N<sup>o</sup>. 9.

The Accounts of this Scuffle came in to the Council, April 3. very much aggravated: "And they order the Commissioners for Assessment in the Shire of *Lanerk*, to meet and provide Hay, Straw and Corn for the Forces to be sent there against some Rebels who have lately appeared in Arms about *Lefmahago*, where it seems the Scuffle was; and if it be not timely provided, the Major-general is allowed to give Orders to take it where it may be had, upon paying the established Prices." And next Day they appoint the Earls of *Mar*, *Glencairn*, *Linlithgow*, Lord *Ross*, the Advocate, and several others as a Council Committee, with a justiciary Power to sit at *Lanerk*, and examine this Matter. Their Commission I have annexed Appendix N<sup>o</sup>. 8. Accordingly they met April 25. and made a most diligent Enquiry, and were not unwilling to have found some of the Country People guilty; but nothing further than what is above could be found. This Matter will appear best from their own Report which they make to the Council April last, which I have insert Appendix N<sup>o</sup>. 9. The Reader will observe that they take Notice of the Murder of Two Soldiers near

New-



*Newmills*, which I now come to give some Narrative of, as what made a great Noise at this Time.

And I shall give a candid and fair Account of it from Letters writ by good Hands, the rather that this was the only Thing which could give any Colour for charging those who did not conform with Murders and Assassination: It was carefully improven, and maliciously magnified, and laid upon Presbyterians most groundlessly. All sober Persons abominate the Fact; and as, I must own, 'tis uncertain who were the Actors, so after my utmost Enquiry into it, to me it seems to land upon a Tool and a Spy sent in among some who haunted field-meetings.

This Matter stood thus: Three Foot Soldiers of Captain *Maitland's* Company had been sent to quarter upon a Countryman near *Lowdonhill*, because he had not paid the Cels: They continued there near Ten Days; the Man in the House being sick, they were not altogether so outrageous as many of their Gang at this Time used to be. The Wife, or Woman Servant had during that Time threatned them, that if they left not the House they might come to repent it; but they were not much careful about that, and answered, they came by Orders, and behoved either to have their Errand, or Orders to go away. One of the Three went down to *Newmills* upon *Saturday*, and staid all Night, whether he was any way conscious to the Design, or only affrighted by the Warning, was not known. But upon Sabbath Morning *April* 20. Five Horsemen, and about as many Foot, came about Two of the Clock in the Morning, and rudely knocked at the Barn-door where the remaining Two Soldiers were lying. They taking it to be their Comrade come from *Newmills*, one of them rose in his Shirt, and opened the Door: He was saluted with reproachful Words, *Come out you damn'd Rogues*, and was shot thro' the Body, and fell down dead without speaking one Word. The other got up upon this, to put to the Door, and received a Shot in the Thigh from the same Hand. The Assassin alighted from his Horse, and came in upon the Soldier, who grappled a little with him, till another came up and knocked him down. He was perfectly dammish'd with the Stroke; and when he recovered his Senses, he thought it convenient to ly still in the Place as dead. The Murderers came into the Barn, and took away the Soldiers Arms and Clothes, and in a little went off.

1679.

Two Soldiers  
murdered near  
*Lowdonhill*,  
*April* 20.

Circumstances  
of this Murder.

This Soldier lived till the *Friday* or *Saturday* after, and then died of his Wounds. The People of the House said, they knew nothing of the Matter: All the Account that could be had was from this second Soldier before his Death, and he declared what is above, and added, That, to the best of his Knowledge, the Person who shot was one *John Scarlet*; the rest he did not know, there being but little Light, and he in a Confusion. This *Scarlet* was a notorious Rogue, a Tinker by Trade, and had Six or Seven Women whom he termed his Wives, who went about the Country with him. Two or Three Years before this, he had been taken, and gifted to be a new Levy to some *French* Captain, and procured a Mutiny in the Ship, and got off. After this he was in the Army, and several Accounts bear, that he was in that Party before spoke of, commanded by Captain *Carstairs*, when *Garret* was wounded. Last Harvest he was in *Home's* Troop, and was cashiered for some Misdemeanour, or, as some at that Time thought, dismissed upon some Design: For a Month before this, he had been in the Shire of *Air*, and was lately in *Kilmarwers*, in a Change-house, a Night or two, with Three of his Wives.

Probably committed by one  
*Scarlet*, a profligate  
fellow, and a Spy.

And, that I may give all I know of this Villain, it seems he was after this taken, or offered himself as an Evidence; for by the Justiciary Record, I find, *May* 12. this Year, '*John Scarlet* Tinker, being examined by the Lords of Justiciary, declares, That, in Summer 1674. the Declarant did take on to serve with Mr. *John Welsh*, and was to have Twelve Pounds in the Half-year, and Clothes; that he had a Horse from him, with a Sword and Pistols, upon which he rode; and that he was but with him a Fortnight, and there were in Company one *Bell*, and *Sutherland*, and some others, who still had Swords and Pistols. Declares he cannot write.' Signed, *G. Mackenzie*, *Tho. Wallace*, *James Fowles*, *David Balfour*, *Roger Hog*.

Some further  
Account of this  
*Scarlet*.

There is no more about him in the Registers: Only I find, in one of the Prints anent the Bishop of *St. Andrews's* Death, that in *June* he was arraigned for his treasonable Crime of assisting and guarding a declared Traitor: But as the Justiciary made nothing of his being Fourteen Days or thereby riding with Mr. *Welsh*, who probably, seeing his Looseness, dismissed him; so this is a very slender Ground to make him of Mr. *Welsh's* Guard, and far less will it be a Proof that afterwards he might not serve under *Carstairs*, or at this Time that he might not be made use of for a Tool.

I have Ground to think, that the Managers were not ignorant of what the Soldier had declared about him, since the Gentlemen of the Shire of *Air*, as we shall hear, sent in my Lord *Cochran* and others to *Edinburgh* upon this Incident; and the Letter from which the above Account is given, was writ by a very worthy Person in my Lord's Family, and, no doubt, but the Matter in it was communicate to the Council: So that I cannot help jealousing, that this Villain *Scarlet*, on whom no Punishment was inflicted at *Edinburgh*, that I can hear of, hath been of design dismissed from the Army, to mix himself with some others of another Character, and put them to Extremities.

Indeed



1679.

Indeed I find it alledged, That, at this Time, this Rascal came and joyned himself with some others in Arms, who were a kind of Guard to Mr. R. Cameron, who preached in the Fields: Whether it was so, or not, I cannot affirm; but this Report was certainly the Ground upon which these who haunted Field-meetings, and particularly Robert Hamilton, and some others who rode in Arms, were loaded with this barbarous Murder. Be who they will who committed it, from this fair and just Account I have given from Letters writ at this Time, it appears to have been a villainous Act, and that Scarlet was the Actor, and that suffering Presbyterians cannot be charged with it. Indeed all good Men must lothe such a Wickedness.

The Heritors  
of the Shire of  
Air their Ap-  
plication to the  
Council on this  
Incident.

This falling out in the Shire of Air, where a Handle had been taken from Things less clamant than this, last Year, to harass and depopulate that Country; and the Noblemen and Gentlemen there detesting such Villanies, they met at Air upon the 28 of April, agreed upon, and by Three of their Number sent in the following Letter to the Council, which, I am well informed, was designed both to exoner themselves, and to be a Preamble to an intended Address to the King, for some Relief to their Burdens, and further Liberty to Presbyterians.

My Lords,  
The Noblemen, Gentlemen, and Heritors of the Shire of Air, underscribing, being met here this Day, by the Knowledge and Allowance of several of the Lords of his Majesty's Privy Council, having heard of an horrid Murder committed upon the Person of one of his Majesty's Soldiers, and the wounding of another, upon the Borders of this Shire, as also of some armed Field-meetings of some Numbers of the Commonalty, sometimes in one Place, and sometimes in another, upon the Confines of this and other neighbouring Shires, occasioned by a few unsound, turbulent, and hot-headed Preachers, most part whereof were never Ministers of the Church of Scotland, making it their Work to draw People to Separation and Schism from pure Ordinances, and insil in them the Seeds of Rebellion, by their Informations, Exhortations, and Doctrine, as we are informed: We, in the Sense of our Duty to Authority and Religion, and the Peace and Quiet of this Kingdom, have thought it fit and incumbent upon us, in all Humility, to signify to your Lordships our Detestation of, and Dissatisfaction with these horrid and dangerous Courses; and we shall endeavour not to be wanting, in our Capacities and Stations, in any Thing that becomes good Christians and loyal Subjects. And that we may not be further troublefom, the Earl of Lowdon, Lord Cochran, and Sir John Cochran, will give a fuller Account of the Matter of Fact, which we humbly intreat may be communicated to the Lords of his Majesty's Privy Council, from,

My Lords,  
Your, &c.

Observations  
on the Doctrine  
preached by  
some Field-  
preachers.

It is very certain, that, about this Time, Matters were running to sad Heights among the armed Followers of some of the Field-meetings. Whether the Information here as to their Doctrine was true, I do not know; but, as far as I can learn, there was yet no disowning the King's Authority, tho' it was some of these the Gentlemen point at, who afterwards did come this length: And, until this Spring, nothing of unsafe Doctrine could be at all charged upon Field-preachers, and it was but some few run this way either. Indeed Separation and Schism from the Indulged, was now violently inculcate: And at one of the Meetings this Month, the Letters before me bear, That Robert Hamilton spake publicly to the People, and discharged any Hearers of the Indulged, any Banders, or Payers of Cess, to joyn with them, or bring any Arms with them. One of them cried out, We are all almost Cess-men; and, after some Confusion among them, Mr. Richard Cameron, who preached that Day, settled the Matter, by telling Mr. Hamilton, That it would be impossible to purge the Meeting that Day: Yea, some of them did openly threaten, they would insult the indulged Ministers, if they met with them; upon which some of these found it needful to retire from their Houses.

The Country  
People miser-  
ably distem-  
pered and  
rankled.

These Things did miserably distract and distemper some of the common People in the Places where they haunted most, and this same Spirit, as we shall hear, perfectly broke the People who met together before Bothwell; and indeed the Imposition and violent Exaction of the Cess, and Carriage of the Soldiers through the Winter and Spring, mightily rankled Peoples Spirits. However, there was no formed Rising till June.

Some further  
Hints from the  
Registers.

Having thus candidly given an Account of the State of Things during the Beginning of this Year, I shall now end this Section with some few Hints from the Council Registers, April 3. The Council being informed, that Andrew Kirkaldy at the South-ferry of Dundee, his Wife, and several other Persons about that Place, are guilty of deforcing a Party that were appointed to transport the Person of Mr. Walter Denoon from Sheriff to Sheriff, till he came to the Tolbooth of Edinburgh, the Sheriff-deputes of Fife are ordered to call them before



‘ before them.’ Mr. *Denoon* was a worthy Presbyterian Minister in the North, and I have no further about him.

Next Day a Letter is read in Council from his Majesty, “ Thanking them for their Care of the Peace of the *Highlands*, and approving all they had done, particularly the prudent Management of the Earl of *Argyle*, and allowing them to make use of the Army for further suppressing of Disorders there.” And upon the Twelfth the Council grant a Commission to the Earl of *Argyle* for the further securing the *Highlands*. “ Whereas upon the Discovery of a horrid Plot in *England*, all Papists were ordered to be disarmed : But the Lord *Macdonald*, and several Gentlemen of the Name of *Macleans*, have disobeyed several Missives of the Council to disarm themselves, and compare at *Edinburgh*, therefore the Council grant Commission to *Archibald Earl of Argyle*, to disarm and reduce the said Lord *Macdonald*, *Keppoch*, *Macleans of Torlaisb*, *Macleans of Ardgower*, and *Macleans of Borlois*, or any others suspect of Poper.”

Upon the 4th of *April*, the Council approve the Report of the Committee for publick Affairs, “ That *Andrew Kinnier*, an intercommuned Person, now a Prisoner, be proceeded ; that the Horse taken with him be kept by the Soldier who took him ; that he be fined in 500 Pounds, and the Horse Price allowed in the Fine : That whereas Mr. *Thomas Ramsay*, Minister at *Mordingtoun*, connived at in preaching there, hath permitted several vagrant Preachers to preach in his Pulpit, and that several other indulged Ministers have done the same, that the said Mr. *Ramsay*, and others guilty, be proceeded for the same, and turned out ; that *William Douglas of Mortoun* be joyned as Depute in the Shires of *Dumfries* and *Annandale*.”

The Council, *April 12*. nominate a Committee to meet in Time of Vacance, and upon emergent Occasions to give Orders to Magistrates, and the Officers of the Army, and secure suspect Persons. They are, “ The Archbishops of *St. Andrews* and *Glasgow*, the Earls of *Murray*, *Linlithgow*, and *Strathmore*, the Bishop of *Galloway*, Lord *Elphinston*, Treasurer-depute, Register, Advocate, Lords *Collintoun* and *Maitland*, the Lairds of *Lundin* and *Tarbet*, or any Three of them : With Power to issue such Orders as they think fit, for executing the Laws as to the publick Peace, and particularly those against Conventicles, and other Disorders, with Power to call before the Council or themselves, noted Delinquents, secure their Persons, examine Witnesses and Parties upon Oath, pronounce Sentences and Decrees against guilty Persons, and give what Orders they shall find needful to Sheriffs, Magistrates and Officers of the Forces, and generally to do every Thing for the publick Peace; with Power to nominate a Committee of themselves by Turns to perform what is committed to them, with full Power to call the Council, and to issue out Orders for discovering any Powder or Lead lately brought into the Kingdom.” Remarks have been made before upon such Committees as this ; and their *Quorum* of Three being impowered to sub-commit such Powers as they are vested with, is perfectly unaccountable.

After the Report of the abovenamed Committee at *Lanerk*, *May 1*. the Council being alarmed with the Accounts brought them of the armed Field-meeters, pass the following Act. “ The Lords of his Majesty’s Privy Council considering, that it is notour, that there is a Party who continue in Arms, and follow *Welsh*, *Cameron*, and some other of their Accomplishes, at their several Field-conventicles, do therefore give Warrant to the Earl of *Linlithgow*, Major-general, and Commander in Chief of his Majesty’s Forces, to order a commanded Party of his Majesty’s Forces, Horse, Foot, and Dragoons, to prosecute and follow that Party, into whatsoever Place *Welsh*, *Cameron*, *Kid*, or *Douglas* keep their Field-conventicles, or any other whom that standing Party follows ; with Power to the Commander of that Party to give Money for Intelligence where those Conventicles are appointed, that thereby they may be able to seize and apprehend such as shall be found at the said Conventicles ; and in case of Resistance, to pursue them to the Death ; declaring the said Officers and Soldiers shall not be called in question therefore civilly or criminally. And recommend it to the Earl of *Linlithgow* to muster his Majesty’s Forces, and see they be full and ready for Action.” The Executions of these Orders, as we shall hear, gave the Beginning to the Rising in *June*.

I shall only further observe, *April 3*. *William Carmichael*, Sheriff-depute of *Fife*, is appointed by the Council to proceed against Persons guilty of Conventicles and such Disorders, in the Parishes of *Kinross*, *Orwal*, and *Cleish*. It was this violent Man’s oppressing the Country thereabout, which provoked several Persons to essay to put a Stop to his Extravagancies ; and missing him, they fell upon the Archbishop of *St. Andrews*. This remarkable Incident is the Subject of

1679.

Council’s Diligence to secure the Peace of the *Highlands*, with their Commission to the Earl of *Argyle* to disarm Papists.

*Andrew Kinnier* fined in 500 lib.

Indulged Ministers to be proceeded for admitting vagrant Preachers in their Pulpits.

Nomination of a Committee for publick Affairs with their Powers.

Act of Council *May 1* impowering the Army to pursue Field-meeters to Death.

*William Carmichael* impowered to harass several Places in *Fife*.



1679.

## S E C T. III.

*Of the violent Death of the Archbishop of St. Andrews, Saturday, May 3. 1679.*

Necessity of a  
just Account of  
the Arch-  
bishop's Murder.

**T**He violent taking away of the Life of that bitter Persecutor Mr. James Sharp, at this Time Archbishop of St. Andrews, is a Subject not a little misrepresented by Tory Writers, and what was the Occasion of much Reproach to, and Persecution of Presbyterians; I cannot therefore pass it altogether, but shall endeavour an impartial and just Account of Matters of Fact relative to it, not with any Design to vindicate the Action, Actors, or Circumstances of it, which I freely own I do not approve, and, as much as any, do heartily abhor all Assassinations, with the Principles which lead thereunto; but only to let my Readers into a just View how this Matter really stood, which, as far as I have seen, hath not been yet done, and this is my Work as an Historian.

It was gone  
into suddenly,  
and without a  
ny foregoing  
Design.

This bloody and perfidious Man was cut off, and came to this fatal Exit by no premeditated and formed Design; but Circumstances offering an Occasion, it was very suddenly given into: And however this Prelate, in the Opinion of many, deserved such a Fate as *Laud* the Archbishop of *Canterbury* met with at *London*, if Justice had got its free Course; yet as the Actors had no Power of the Sword, nor were in any publick judicative Capacity, so whatever be talked and writ of former Lists of Persons who were to be killed, and Enquiries the Night before about him, yet I am well assured the People concerned had not the least View of this, or any Design this way, till the Accounts of his being near them were brought to them.

None of the  
Persons actively  
concerned  
in this Matter  
were ever  
reached.

And tho' it does not vindicate the Fact at all, yet it deserves Notice, That after the most diligent and exact Search, and the most fervent Endeavours to come at the Actors, yet none who had any active Share in this Matter were ever apprehended. The four Men executed on this Score at *Magus-muir*, as we shall hear, were no wise concerned in this Murder, and the Laird of *Rathillet* was indeed taken and executed; but tho' he was present, he peremptorily declined acting in the Affair. *Andrew Guillan* was likewise present, but was not at all active.

The Body of  
Presbyterians  
through Scotland,  
no way  
Sharers in this  
Fact.

It is without the least Shadow of Reason that the Fact is charged upon the Body of Presbyterians, who neither knew any Thing of the Matter till it was over, nor reckoned themselves bound to approve of it when done. 'Tis very true some of them under their heavy Sufferings, refused to declare it a Murder, and gave Reasons for their so doing, which want not their own Weight; and tho' they had less than they really had, in such Circumstances and under such Pressures, yet this will never, to any judicious Person, fix the Charge upon the Generality of suffering People and Presbyterians, which their spiteful Accusers draw from it.

Remarks upon  
some Sufferers  
their refusing  
to condemn  
this Fact per-  
emptorily.

The Matter is evident, Multitudes of Cases fall in, wherein Persons may be very clear as to what they would do in their own Practice, and yet not knowing all Circumstances, they neither will nor can peremptorily judge of the Practice of others: And in the general 'tis plain, there are Cases wherein a Person may have such Evidences of the Lawfulness of, and Reasons for doing a Thing, which may be sufficient to himself, and, if known to others, for his Justification; and yet both in their Nature and Circumstances these may be unknown, yea, incommunicable to another. I do not say this was the Case here; but I say the Reflection upon this appeared a strong Reason to many, not peremptorily to declare themselves upon this Head. And in such Circumstances, a Person who is really tender as to what he does and says in publick, may be at a Stand, and refuse positively to condemn even a Thing he does not approve, yea, he must judge it the safest Course to leave the Determination to that Day when the Secrets of all Hearts shall be revealed, and to judge nothing before the Time. But after all, by far the greater, and the most knowing Part of Presbyterians, yea, of Sufferers, did disapprove of the Action, and yet humbly adored the Righteousness of the LORD's Way with this ill Man.

The Bishop's  
Dream fulfilled  
in the Manner  
of his  
Death.

I have formerly waved a Character of him, and by this Time the Reader will be in Case, from the Matters of Fact narrated, to form one for himself. I shall only here remark, that in the Manner of his Death, the Bishop's Dream, while at the University, which was known and generally spoke of many Years before this Incident, was very plainly accomplished, as the former Steps of his Life had fulfilled some other Branches of it.

By this Death  
several Pro-  
jects for new  
Violences a-  
gainst the Suf-  
ferers were  
broken.

By his Death itself, new and cruel Projects were disappointed, which had been formed against Presbyterians. We shall afterwards find that the last Thing he did in Council was the voting and pushing a very violent Proclamation upon the First of May; and upon Tuesday the 6 of May he was to have taken Journey to Court, to have made his Representations there, and used his Interest for more vigorous and cruel Methods against the Sufferers. When



When *Saul* was breathing out Cruelty, he was converted ; but this Apostate went to his Place.

Having premised these Things, I come now to give a short Narration of the Matter of Fact, as it appears to me from several Papers before me, writ at this Time, from a Narration of it a Person of very good Sense and Credit had from the Mouths of some who were present, and a pretty large Account under the Hand of one of the Actors ; and I hope it will be the fullest, as well as the fairest that hath been yet given.

Last Year, and the Beginning of this, the Shire of *Fife* had been mightily harassed and persecuted. The Primate was much fretted to have Field-meetings just under his Nose, and Presbyterian Ministers and People lurking so near him, and sometimes appearing just under his Eye. Besides the Sheriffs their Deputes, and others appointed by Law, to look after Conventicles up and down the Country, the Prelates in many Places got others joyned to them, with equal Powers from the Council, or some Counsellors, especially if the Executors of the Law were less cruel, and any way moderate in their Temper, and where the Presbyterian Way was recovering Ground.

No doubt the Archbishop would not fail to cast a Pattern to others in the Shire of *Fife*. Accordingly by a Commission from Council, as we have seen, *William Carmichael* a bankrupt Merchant, and once a Bailie in *Edinburgh*, is impowered in that Shire, to seek for and persecute all Nonconformists and intercommuned Persons ; this he owed intirely to the Primate, who, as a Privy Counsellor, added Instructions and Powers to summon, fine, imprison, poynd, spulie, and unlaw all who absented from the Church, and were at House or Field-conventicles.

This Man is said to have spent any Thing he had of his own in riotous Living, and greedily enough embraced this Post for a Livelihood, and continued, while in it, most profane and profligate : This qualified him the better to be a Tool for carrying on the Archbishop's Designs ; and not satisfied with going the Length of his Fellows in that Work and the Council's Commission, he went much further, as the best Way to make up his broken Fortune, and recommend himself to his Patron.

It would be endless to narrate all his Cruelties and Oppressions. Besides his apprehending, fining and imprisoning Multitudes, and poynding, harassing and plundering them, it was his Custom to seize Servants, and put fiery Matches betwixt their Fingers, and torture them many various Ways, till they should discover where their Masters were, or any Thing belonging to them ; frequently also he used to beat and abuse Women and Children to make them inform against their Husbands and Parents. Innumerable more Cruelties and Violences are charged upon him, besides Rapes, Adulteries, and other abominable Wickednesses in Informations before me.

And Matters now stood so, that no legal Method of Redress from such Hardships could be expected : All Doors were shut ; and this heavy Oppression put People upon Measures they would have been perfectly averse to, under a limited and well regulate Government ; therefore several of the Wanderers of this Shire, who were hiding the best way they could, and keeping together in Dozens and half Dozens in Arms, where they might, having their Spirits fretted with their own Hazard and Harassings, together with the heavy Circumstances of their Families and Friends from this merciless Persecutor, resolved, if possible, to rid themselves of him, at least to fright and threaten him, so as they hoped he should leave *Fife*, and they be freed of him, and for this Purpose fixed upon the Third Day of *May*, when, as they were informed, he was to be at the Hunting.

Mean while Bishop *sharp* had been some Days in *Edinburgh*, putting Things in order for his going up to Court : He had, upon the First of *May*, got the Proclamation anent Arms (published *May* 14.) passed in Council with some Struggle ; and *May* 2. in the Afternoon, he went over the *Firth*, and came to Captain *Seton's* House in *Kennoway*, where he lodged all Night. If any Body came that Night to *Kennoway* enquiring about him, as the printed Accounts by the Prelatick Party say, I am assured it was none of the People who fell in with him to Morrow. *May* 3. he went homeward to *St. Andrews*, and took *Ceres* in his Way, stopped there, and smoked a Pipe with the Episcopal Incumbent.

The Persons before spoken of, Nine in Number, some of whom were Gentlemen of good Families, being fond of a Meeting with *Carmichael*, came abroad pretty early upon the *Saturday* Morning, and traversed the Fields up and down, searched the Hills above *Ceres*, and some other Places, for some Hours, but did not find him. The Reason of their not finding him, as the above Accounts bear, was, that when *Carmichael* came out to his hunting about *Scotstarbet*, a Shepherd there about advised the Bailie to go home, for some Gentlemen had been enquiring about him, at him, and were very desirous to meet with him ; And *Carmichael*, not without some Fear, returning from his Sport, went homeward.

They continued searching till near the Middle of the Day, and by this Time they were come about a Mile to the Eastward of *Ceres* ; and being wearied, and beginning to despair of meeting with *Carmichael*, they were just talking together of parting and quitting their Project, when a Boy, a Servant of

H

1679:

Narrative of this fact.

The Persecution in *Fife* very severe last Year and this.

Wherein *William Carmichael* hath a great Share.

Some Instances of his Cruelty and Barbarity.

All Redress being unobtainable, these Persons upon their hiding resolved to rid themselves of him.

Mean while the Archbishop comes to *Edinburgh*, and is *May* 3. going from *Ceres* to his own House.

The above specified Persons come in quest of *Carmichael*, but miss him.

When just parting, a Boy brings them notice the Archbishop is going to his house.

and



1679.

Which surpris-  
ed them.

and informed them, that the Archbishop's Coach was in *Ceres*, and within a little to come up towards *Plebshole*, not far from them.

This, as some of them in their Accounts say, did very much surprize them; and raised many Thoughts of Heart; the Incident was so odd, that just when parting, and giving over their Search for the Servant, the Matter should fall into their Hands; that when they had missed the Enemy they were looking for, their Arch-enemy and Fountain of all their Wo should fall in their Way.

In their Reason-  
ing, what  
to do, *Hackstoun*  
of *Rathillet* un-  
clear to kill the  
Bishop :

One of them said, *It seems he is delivered into our Hands*, and proposed they should cut him off, having such an Occasion. Mr. *Hackstoun* of *Rathillet* opposed the Motion, as being a Matter of Blood, and, as he thought, of the last Consequence to this Nation and Church, and what required more Deliberation by far. But what he very strongly urged was not of Weight enough to stop them from the Attempt. I find some Accounts add, that, after reasoning upon this Head, one of them prayed for Conduct and Direction; and after that *Rathillet* told them, though for what he saw, they seemed to be clear to go on, yet he was not at all satisfied in his own Mind anent it. However the rest went forward in their Design, and he would not part with them.

And declining  
to head them,  
another is cho-  
sen.

In their going towards the Coach, one of the Company proposed that some one should take the Leading and Command of the rest, and that they should exactly obey his Orders whatever fell out, and *Rathillet*, notwithstanding his Opposition, was generally named, but he told them there had been a Difference betwixt the Archbishop and him in a civil Process, wherein he reckoned he was wronged by the Primate; and tho' in any other Case he would not refuse to do them all the Service he could, yet by no Means could he at all act in this Matter; and he was of Opinion, that it was very improper, tho' he could joyn with them, that he should command them, since it would give the World Ground to say, that what they did, was from personal Pique and Revenge, which he protested he was free of. They all declared their having no personal Grudge at the Man, but at his Way and Practice, and so chose another of their Number to be their Leader.

They come up  
with the Bi-  
shop's Coach,  
\* swift.

By this Time they were come to a little Village about Two Miles from *St. Andrews*, called *Magus*, near to which they descried the Bishop's Coach; whereupon one of them, upon a fleet Horse, rode up to the Coach, to see if the Bishop was in it. The Bishop noticing him, cried out to the Coachman to drive. The Gentleman hearing this, cast his Cloke from him, and pursued at full Speed; the rest did the like, and came up as fast as they could; only the Person who had the Debate with the Bishop kept at some Distance, and did not at all engage in the Action.

and stop it.

While pursuing a little this way in *Magus-muir*, one of the Bishop's Servants, named *Wallace*, turned upon them, and cocked his Piece; but Two of them coming up, soon dismounted him, and took his Carbine from him. Mean while, as the Coach drove furiously away, they shot their Musquets at it, but could not stop it, till the Person upon the fleet Horse came up to the Coach, crying out, *Judas, be taken*. The Primate called the more violently to the Coachman, *Drive, drive, drive*. The Coachman kept off the Gentleman's Horse from him with his Whip; but he came up with the Postillion, and called him to stop; and he driving on, he struck him over the Head with a Sword, and dismounted him, and straightway cutted the Traces of the Coach, and stopped it.

and discharge  
their Pieces up-  
on the Bishop.

By this Time the rest were come up, and found the Bishop and his Daughter in the Coach. The Captain ordered him to come out, that no Prejudice might befall his Daughter, whom they would not willingly hurt. This he refused; whereupon Two of them, the rest being taken up in dismounting and securing the Servants, poured in their Shot on the Bishop's Body, his Daughter shrieking and weeping most bitterly, and were mounting their Horses to go off, assuring themselves he was killed. But one of them heard his Daughter say within a little, *O! there is Life in yet*; upon which he got again to the Coach, and called the Captain, and the others, who found the Bishop safe and whole, not in the least touched.

They come  
into the Bi-  
shop out of the  
Coach, with  
the Discourse  
which passed  
twixt him and  
them.

Whereupon the Captain commanded him to come out, and some Discourse passed 'twixt them, which I shall set down, as left under the Hands of some who were present. While the Bishop lingered, and cried for Mercy, the Commander said, 'I take GOD to witness, whose Cause I desire to own in adhering to the persecuted Gospel, that it is not out of any Hatred of your Person, nor from any Prejudice you have done or could do to me, that I intend now to take your Life, but because you have been, and still continues to be an avowed Opposer of the Gospel and Kingdom of Christ, and a Murderer of his Saints, whose Blood you have shed like Water.' Another of them said, 'Repent, *Judas*, and come out.' All the Bishop answered was, 'Gentlemen, save my Life, and I will save yours.' The first replied, 'I know it is not in your Power either to save us, or to kill us; I again declare, 'It is not any particular Feud or Quarrel I have at you, which moves me to this Attempt, but because you are an Enemy to Christ and his Interest, and have wrung your Hands in the Blood of his Saints, not only after *Pentland*, but several Times since, and particularly for your Perjury, and shedding the Blood of Mr. *James Mitchel*, and having a Hand in the Death of *James Learmont*, and your perfidious betraying of the Church of Scotland: These

Crimes,



Crimes; *added he*, and that Blood cry with a loud Voice to Heaven for Vengeance, and we are this Day to execute it. And again he ordered him to come out, and prepare for Death, Judgment, and Eternity. The Bishop still refused, and cried for Mercy, and offered him Money to spare his Life. The Captain said, *Thy Money perish with thee*, and told him, he allowed him Time to pray, and commanded him again to come out. The Bishop still refused. One of the Company, at some Distance, cried, 'Seeing there have been so many Lives unjustly taken by him, for which there is not the least Sign of Repentance, we will not be innocent, if any more be taken that way.'

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Then one of them fired a Pistol at him in the Coach, which it seems did not touch him, and another wounded him with a Sword; at which the Bishop cried out, *Fy, fy, I am gone*: Yet the Wound was not mortal. And being again called to come out of the Coach, he said, *I am gone already, what needs more?* Then they stepped near him, to pull him out; upon which he cried, *I know ye will save my Life, I will come out*; and accordingly came out. And being again pressed to pray, he fell upon his Knees before the Captain, and said, *For GOD's sake, save my Life, save my Life*; offering him Money, and promising to lay down his Episcopal Function. The Commander told him, he had been without Mercy, and needed expect no Mercy, and he could not spare his Life, and again pressed him to prepare for Death, and pray. One of these present, *Andrew Gullan*, told my Informer, That they were stunned to see his Carriage, and that by no means would he be prevailed with to pray; and another observes, That they were mightily surpris'd at his Obdurateness, and that there was not the least Sign of Concern about him as yet. This *Andrew* was present, and did not touch him, but endeavoured to secure his Daughter from Hurt and Danger, when she would interpose 'twixt the Actors and him.

They forced him out of the Coach, with what then passed.

Instead of offering to pray, he, seeing *Rathillet* at some little Distance, crept towards him on his Hands and Feet, and cried, *Sir, I know you are a Gentleman, you will protect me*. Mr. *Hackstoun* answered, *Sir, I shall never lay a Hand on you*; and rode a little off, for all this Time he did not alight.

The Bishop finding this Art to fail him, turned to them, and begged they might save the Life of an old Man, and promised he would obtain them a Remission, it being capital to attempt the Life of a Privy Counsellor. The Captain warned him, that they would not spare him longer; if he did not address GOD presently, they knew what to do. The Bishop's Courage still continued, and he proposed some new Desire; upon which they discharged another Shower of Shot upon him, whereupon he fell back, and lay as dead.

But one of them giving him a Prick with his Sword, he raised himself; then they began to imagine Shooting would not do, and the Commander ordered them all to draw their Swords. *Andrew Gullan's* Expression to my Informer is, *That, upon the Sight of cold Iron, immediately his Courage failed*; and tho' before he still insisted in his Petitions, and seemed not to regard their Warnings much, yet now he made hideous and terrible Shrieks as ever were heard.

The Commander seeing no Warnings would prevail with him to go about any Thing like Preparation for Death, with a Shabble struck him on the Face, and one of his Chops fell down: He essayed to speak somewhat, but was not understood. They redoubled their Strokes, and wounded him in several Places, and killed him outright.

At length they kill him.

After the Bishop was killed, the Captain received any Arms which the Servants had, who were Five, Two Riders, a Footman, the Coachman, and Postillion. He ordered them to deliver all their Papers; they said, they had none: Then he went to the Coach, and got a little Trunk, and finding nothing in it but Hoods and Clothes belonging to the Bishop's Daughter, it was set in again. He found another little Box with Papers, which he seized. In a Trunk upon the Coach he found a few more Papers, and a large Bible full of fine Cuts, and the Pictures of Christ and the New Testament Saints, and some Passages of the History of the Bible in Taliduce, and a Case of very fine French Pistols, all which they took. The rest of the Trunk contained Clothes and Furniture, which they did not touch, taking nothing but Papers and Arms.

and take nothing with them, but Arms and Papers.

In the Bishop's Pockets they found neither Silver nor Gold, but only some Letters and Papers, and a Whinger with Silver Roves, and Knives conform. Several of the forementioned Accounts bear, that they found on the Bishop a Box with some Pistol-ball, Threads of Worsted, and other odd Things in it, which they knew not what to make of.

This is all I have met with as to the material Circumstances of this Fact, and I have given it as I found it in Papers which are writ by Persons present, who only indeed could give Accounts of this Matter; and they agree, as far as I can learn, with the Accounts which went up and down after the Murder was committed. All this took up about Three Quarters of an Hour about Mid-day, 'twixt Twelve and one of the Clock, Saturday May 3. this Year.

Things found on the Bishop.

As they went off, they met a Man very well mounted, and asking him what he was, he answered, One of my Lord St. *Andrew's* Servants, whom, it seems, the Bishop had sent off to pay his Respects to some Persons about: They dismounted him, took his Arms from him, and

After dismounting and disarming the Bishop's Servants, the Actors so drove off.



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and, without  
being discover-  
ed, continue  
together till  
Night.

What Papers  
they found  
with the Bi-  
shop.

At Night they  
separated, and  
shift for them-  
selves the best  
way they could.

Narrative of  
this Matter,  
published by  
Authors.

App. N<sup>o</sup>. 10.

Remarks upon  
some other Ac-  
counts of it.  
One by D. M.

A true Relati-  
on, &c.

An Answer  
to it.

Remarks upon  
the Account of  
this as it stands  
in the Spirit of  
Popery.

Names of the  
Actors.

drove away his Horse to shift for himself, as they had formerly done to the other Two riding Servants, and thus rode away in a Body to a Place Three or Four Miles distant from *Magus-muir*, where this Action was done.

The Actors in this bloody Tragedy could not but wonder at their own Preservation, and that, when this Fact was a doing in the open Fields, at the Height of the Day, in this Season of the Year, and so many Pieces discharged, they were neither interrupted or discovered; and this was the more strange to them, that there were Soldiers lying upon every Hand of them, in *Largo*, *Balchrissie*, *Ladernie* and *Corepar*, all within a very few Miles of the Place, beside Parties of Troopers continually ranging up and down the Shire; and yet they got off without Observation, and continued together till Night, looking over the Papers they had got.

Among the Papers they found, these are the most considerable. *A Gift of Nonentries* of several Gentlemens Estates in *Fife*, and elsewhere, to *Alexander Lesly* of *Kinninvie*, with Instructions and Informations how to prosecute, in order to the *Exile* of the Lands, the Patent of the Bishoprick of *Dunkeld*, in favours of Mr. *Andrew Bruce* Archdeacon of St. *Andrews*, several *Presentations* to Churches whereof the King is Patron, *Instructions* to conjunct *Deputies*, and new Gifts of the *Heritors Fines*, a Paper about *Popery*, whereof a full Account could not be given when the Information whence I take this was writ, several *Misfives*, and other Papers of no Consequence.

After they had lookt through the Papers, they continued together in the foresaid House till the Evening, and then separated, and every one shifted for himself the best way he might. This is the best Account I can give of this Matter; and in the Matters of Fact there is a Concurrence of Two or Three Accounts I have seen, none of which that I know of have been printed, and therefore I have given them at the more Length.

They are indeed all upon one Side; and therefore, in a Matter of this Nature, which only can be fully known by balanced Accounts of both Sides, I think it but fair the Reader should see what is said upon the other Side. As far as I have noticed what is printed, there is no very great Difference as to Matters of Fact; there is indeed considerable Difference as to the Carriage and Character of the Bishop. The written Accounts I have made use of, represent him as most averse to prepare for Death, and the printed Accounts represent him as a Saint. It is my Business to give Matter of Fact as I find it; and therefore, that the Reader may have the other Side of the Story, I have insert, *Appendix N<sup>o</sup>. 10.* an Account of this Matter, published by Authority and Order of the Privy Council. The former Accounts are taken from the Actors Papers and Relations, and this from the Bishop's Daughter and Servants, and I shall make no Reflections on it; only, the Matters of Fact formerly related in this History, and the known Tenor of the Primate's Actings, give no Foundation for such a Character as the Bishop gets in this Paper.

Some other Accounts of this Matter I have seen, which I shall very shortly pass. One was printed at *London*, a few Days after this Fact was done, for *D. M.* which is the flattest and most insipid Account I ever almost saw of any Thing, and it deserves no further Notice. Another Account was published about the same Time, intituled, *A true Relation of what has been discovered concerning the Murder of the Archbishop of St. Andrews*: Wherein this Murder is lodged upon *Rathillet*, and his Brother in Law *John Balfour* of *Kinloch*; and these Two Persons are represented to have been wronged by the Primate in some civil Affairs, and to have murdered him in Pique. This Paper was answered by another, intituled, *A clear Discovery of the Falshoods of the former*, wherein indeed the Matters of Fact advanced in the former seem plainly enough overturned; but when this is done, very little Light is brought to this Matter, and therefore I say no more of it: Only it appears to me undeniable, that *Rathillet* was not actively concerned in this Matter. And as to *John Balfour*, tho' it be true what is in this Paper asserted, That he had withdrawn from Ordinances for many Years, and was very active about Field-conventicles; yet a Person's doing so will neither make him a Saint, nor make the People he joyns himself to, chargeable with every Thing he does: And I cannot find that this Gentleman had ever any great Character for Religion among those that knew him; and such were the Accounts of him when abroad, that the reverend Ministers of the *Scots* Congregation at *Rotterdam* would never allow him to communicate with them. Indeed upon him I find this Action is generally and principally lodged.

A third Account of this Matter I find in that virulent Pamphlet formerly spoken of, intituled, *The Spirit of Popery speaking out of the Mouths of phanatical Protestants*, Lond. 1680. This Writer hath little of Fact, but what is taken out of the Council's Narrative: He adds the Certificate of a Physician and Three Chirurgeons, who inspected the Bishop's Body, to prove they found one Wound below the right Clavicle by a Shot; and in the same Certificate they declare, they found Three Wounds in his left Hand, which might have proved mortal, tho' he had had no other. I am so ill a Physician, as not to understand how a Wound in the Hand in itself can be mortal. He adds the Names of the Murderers in red Letters, *John Balfour* of *Kinloch*, *David Hackstoun* of *Rathillet*, *George Balfour* in *Gilstoun*, *James Russel* in *Kings-kettle*, *Robert Dingwall* a Farmer's Son in *Caddam*, *Andrew Guilian*



Guillan Weaver in *Balmerinock*, Alexander Henderson and Andrew Henderson Sons to John Henderson in *Kilbrachmont*, George Fleming Son to George Fleming in *Balboothy*. As far as I can learn, Andrew Guillan was only called by the Actors to look to their Horses, or some such Thing, but was not active, tho' present at the Action. Two Hendersons were afterwards imprisoned 1682. on this account, and let go. How many other Mistakes are in this List, I know not: Indeed this Writer hath too many false Facts and Blunders for me to follow; neither shall I consider what he pretends to bring to vindicate this Fact from Presbyterian Writers, Knox, Naphthali, *Jus populi vindicatum*, since none of his Citations came at all up to this Case. What follows in point of History, anent the Highland Host, the Murder at *Lowdon-hill*, and Major *Johnstoun*, is false, and his Misrepresentations are already taken off in the former Part of this History.

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The last Account of the Bishop's Death I have met with in Print, is in the *Caveat for the Whigs*, Lond. 1711. Part I. p. 57. wherein all the spiteful Lies any where published seem to be cast together. It would be tedious to go through the Mistakes of this ill-natured and malicious Author in this Matter. What he talks of Lists of Persons to be murdered, handed about, with the Archbishop on the Head of them, of the relenting of the Assassins, their trampling his Daughter, and many other Things, are unknown to such who were present. The Remounter was certainly undesign'd, till they got Notice of the Bishop's coming that Way; and they were so far from being stirred up by Field-preachers to it, that they themselves had no Thought about it till the Hour in which it was done. The Christian Temper of the Primate at his Death, which this Writer harangues on, is very peremptorily denied by such as were present, as we have seen; and I very much jealous of those religious Expressions are made for him.

Remarks on the Account given by the Author of the *Caveat* for the Whigs.

Thus on both Hands I have laid this Affair before the Reader, from what I have seen in Manuscript and Print relative thereunto; and tho' many Remarks might be made upon the Whole, yet I shall confine my self to one or two, which are properly historical.

One is, That as none of the real Actors were taken, so, when the Murder was over, they came out of *Fife* for their own Safety, and joyned themselves to these who attended these Field-preachers who set up against the *Cess* and *Indulgence*, of whom before; from which the *English* Papers, yea, the Narratives of the after Acts of Council, as we shall hear, load the Rulers at *Bothwell* with being Art and Part in this Action. I do not question but several of them were at *Bothwell* for their own Safety; but it is very ill Reasoning, and unfair, to lodge this Fact upon the whole Party, when perhaps not one of a Thousand knew them, or what they had done.

The Actors joyn themselves to the Preachers against the Indulgence.

Their being at *Bothwell*, for their own Safety, not chargeable on Presbyterians.

Another is, That this Incident of the Bishop's Murder became not only Matter of Reproach to the whole suffering Presbyterians, as *Rathillet* fairly insinuated to the Actors, tho' indeed the Calumny was groundless, as hath been noticed, but also the Occasion of very heavy Oppression and Persecution. The Prelates and Council took hold of it, as a Handle for prosecuting the cruel Designs the Primate was cut off from finishing. This was made use of as a *Shibboleth* for many Years, to vex poor innocent and ignorant Country People with, when seized: And so far is it from Truth which *Lestly* advanceth, *Cassandra*, N<sup>o</sup>. 2. p. 'That the worst of the Primate's Enemies had nothing to lay to his Charge but *Episcopacy*,' that he was generally lookt upon as a very ill Man; and the Impressions of his Wickedness, with some other Things before suggested, made not a few unwilling peremptorily to judge of this Action, which a great many others had Freedom enough to condemn as Murder. Several were executed as accessary to his Death, who were entirely free of it, and many others harassed upon that score, against all Law and Justice, as shall be noticed in the succeeding History.

This Incident made a Handle for severe and heavy Persecution.

Upon the Whole, tho' the most Part of good People in Scotland could not but observe and adore the holy and righteous Providence of GOD, in the Removal of this violent Persecutor and Spring of the most Part of the former Severities, at such a Juncture when just upon new and violent Projects, yet they could not approve of the Manner of taking him off, nor would they justify the Actors: And the known Stanza of that excellent Man, and, in his Time, good Poet, Sir *David Lindsay* of the Mount, upon Cardinal *Beaton's* Death, could not but come in Peoples Minds, as not unapplicable; with it I end this Section and Chapter.

A Stanza of Sir David Lindsay of the Mount, applied to the Bishop's Death.

As for this Cardinal, I grant  
He was the Man we might well want,  
God will forgive it soon:  
But of a Truth, the Sooth to say,  
Altho' the Lown be well away,  
The Fact was foully done.



1679.

## C H A P. II.

*Of the Rising this Year in the West of Scotland, which ended by the Defeat at Bothwel-bridge, June 22. 1679.*

The Necessity of a large Account of this Rising.



Am now come to the Rising in Arms in the West Country, May and June this Year, commonly called, from the Place of its fatal Issue, *Bothwel-bridge*. Here I reckon my self obliged to give as particular a Detail of Facts as my Materials will allow me. The larger Accounts are necessary, because it very much concerns the persecuted Party, that this Transaction be set in its due Light. No tolerable Narrative of it, as far as I have observed, hath been given to the Publick; and I hope when this Matter is fairly narrated, it will not appear so odious as some have represented it; and whatever Extremities may have been with some at this Rising in some Things, the Body of Presbyterians in *Scotland* are not chargeable with them.

Divisions ruined the Party who rose.

Indeed it was the Divisions and Heights run into by some who joyned in that Rising, contrary to the Inclinations of the better and greater Part, with the Indiscretion, Rashness, and ill Conduct, not to say Cowardice of *Robert Hamilton*, who took the Command upon him, which ruined that Design, and effectually broke all their Measures, much more than any Opposition which was or could be made by the King's Troops.

After their Defeat, much Severity follows upon Presbyterians.

And the terrible Handle made of this Rising by the Bishops and violent Party in the Government, in Severities, Circuits, and Oppression of all Presbyterians for many Years after it was over, appears a sufficient Ground for me to insist at more than ordinary Length, in giving the Account of this lamentable Story.

Summary of this Chapter.

Therefore upon this Chapter it will be necessary to give some Accounts of what succeeded the Death of the Archbishop, with the Procedure of the Managers, until the Beginning of this Rising; then the particular Occasions and Beginnings of it will come to be enquired into; next, the Narration of the lesser Rencounters at *Drumclog* and *Glasgow* will fall in: After which the State and Divisions of the West Country Army, till the Approach of the King's Army. And lastly, the Engagement itself at *Bothwel-bridge*, and in *Hamiltoun Muir*, where the West Country People were defeat, must be considered. These Things will take some little Room to go through, so as to give a fair Deduction of them, and afford Matter for the following Sections.

## S E C T. I.

*Of the Consequents of the Primate's Death, Procedure of the Council, and other Things until the End of May, 1679.*

IN this Section I shall only give a few Instances how much the Incident of the Primate's Death was improven by the Managers, to harass a great many innocent People, with some Account of the Proclamations issued out during this Month, before the Rising at *Rutherglen*.

The Council meet upon the News of the Bishop's Death, May 4. Proclamation against the Murderers. App. N. 11. Remarks upon it.

As soon as the Accounts of this Attempt upon the Bishop came to *Edinburgh*, the Council met upon *Sabbath, May 4.* and took the Oaths of some of his Servants, and used all imaginable Care to discover the Actors. The Records have not the Depositions, but the Substance of them I take to be in the Narrative above insert. Expresses were dispatched to Court, and they published the Proclamation, which I have insert *App. N. 11.*

The Fervour the Council could not but be in upon the Representation made to them by the Bishop's Daughter and Servants, will be a Kind of Excuse for some Things in this Proclamation, which at another Time might deserve far more severe Reflections. All I observe upon it, shall be only, that a Handle was taken from every Incident, to rail at the whole of the persecuted Party, and then notice a few Things which even the present Circumstances cannot vindicate.



vindicate. It is hard, after so many rhetorical Aggravations of this Assassination, some of which will scarce bear Examination, particularly, that 'tis equal to any Thing that Papists had done; 'tis hard, I say, to make the King add, "Daily Instances whereof we are to expect, whilst Field-conventicles, those Rendevouzes of Rebellion, and Forgers of all bloody and Jesuitical Principles are so frequented and followed." The Field-conventicles, whereat the outed Presbyterian Ministers preached, were hitherto as free of any such Doctrine as the Churches were, and neither taught nor vindicated this Attempt upon the Bishop; and if we shall judge of Principles from incidental Actions of some in a Society, we know where to lodge many Murders in cold Blood, for one alledged upon the Frequenters of Conventicles. And as in the whole of these Twenty Eight Years I am describing, there are but Four or Five Instances of any Thing like Assassinations attempted that I mind of, and none of them ever defended, that I know of, by the suffering Presbyterians, but disclaimed: So in a few Months Time, we shall find Twenty Times that Number cut off, without any Process or Ground, by People upon the other Side: And 'tis well known since the Revolution, where repeated Attempts of assassinating Kings (as they called them) *de facto*, landed. So I wish, for their own sakes, the high-flying Prelatists would from henceforth spare such Insinuations as they lick up from some of the venomous Papers of this Time.

The Proclamation goes on to require all Magistrates to apprehend the Persons guilty, and Subjects to joyn with them in this. And the *Act 144. Parl. 12. James VI.* is revived: And particularly in *Fife*, the Heritors are required to bring all their Tenants and Cottars, and Masters their Servants, to the Places named, that such of the Bishop's Servants as were present, may know their Faces. No doubt, all Methods should be taken that are suitable to discover Assassinations, but one would think this a very improper Way to discover them; and 'tis scarce to be thought any of them would compear so publickly. And Masters and Heritors are made liable for Absents, if afterward upon their Grounds; which was a good Handle for much Severity in that Shire. Captions and Intercommuning are taken off for Forty Eight Hours Space, to encourage such to appear: But then, they did not know, but upon other Pretexts they might be detained, and few or none such appeared. In short, an Indemnity is offered to any of the Assassines, who shall discover his Accomplices, and Ten thousand Merks to any who shall inform against any of them, so as they may be apprehended.

With this Proclamation the Council send a Letter to the King, much of the same Strain with the Narrative of the Proclamation, and so I need not insert it. In it they complain of a Paper spread (as they seem to suspect, from *England*) in Vindication of Mr. Mitchel, which I have not seen. And at the same Time, send another Letter to *Lawderdale*, with the Proclamation; and acquaint him with a Paper dropt in *Cowpar* some Days before the Bishop's Murder, threatening such as should buy any of the Goods of denounced Persons.

All discovered by the Multitudes of Oaths taken, and the utmost Enquiry could be made, was the above List of the Names of Persons reputed to be Actors, who came to the Barn at *Teuchits* about Three in the Afternoon, and continued till Seven. In *September*, as we shall afterwards hear, another Proclamation for apprehending the Murderers, was published.

This same Day, *May 4.* there was a Meeting at Night in the House of Mrs. *Durham*. Many Conventicles had been in that House formerly, I may say, one almost every Lord's Day; but they were either overlookt or not known, tho' I am informed the Town-major knew of them generally as well as the People who came, and used to take Money to overlook these House-meetings. But this Day, all being in a Stir about the Accounts which came from *Fife*, the Major came upon them in a great Fury. The Preacher was Mr. *William Hamilton*, Brother to the Laird of *Halcraft* before described. This young Gentleman was a very pious and excellent Youth, and a solid serious Preacher. He was a Relation of Mrs. *Durham's*, and had about Thirty Hearers, most of them I believe near Relations. All of them were forthwith committed to Prison, where some continued longer, and some shorter, as their Interest was greater or lesser with the Managers.

But they were extremely hard on Mr. *Hamilton* the Preacher. After some Weeks close Imprisonment, by his ill Treatment there, he fell ill of a Flux, which turned very dangerous. His Friends presented a Petition to the Council, offering Bond and Caution for his compearing, if he lived, under what Penalty they pleased, and at what Time; begging he might be liberated, that he might have a Change of Air, and Liberty to go to the Country, with an Attestation under the Hand of Two Physicians, that his Life was in extreme Hazard; and this Method proposed a proper Mean for his Preservation. Nothing could be laid to the young Gentleman's Door, but that he had been licensed by Presbyterian Ministers, and had now and then preached to his own Relations in a House.

Yet so inhumane were the Managers, tho' the Fret by this Time, raised by the Primate's Death, might have been off their Spirits, that they not only refused the Supplication, but assured his Friends they would prosecute him for House-conventicles next Council Day. Before that came, he died in Prison, and had, I may say, a Crown of Martyrdom, since this Carriage may as well almost be lookt upon as killing, as if they had sent him to the Gibbet: And yet this excellent Youth had never broke their Laws in preaching in the Fields. He

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Council's Letter to the King and Lawderdale, sent with this Proclamation.

Conventicle in Mrs. Durham's May 4. and many imprisoned.

Great Cruelty used against Mr. Hamilton the Preacher.



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was of known Loyalty, and of a peaceable Temper. He was under no Sentence, and had nothing judicially proven against him; and all they had to lay to his Charge, was his preaching once in a Relation's House to a few Friends, after publick Worship was over. Tho' Comparisons be what I don't like to make, there are some Things in this circumstantiated Carriage, which do in some Measure look as much towards Jesuitical Popish Carriage, as many Things charged on the Sufferers.

Severity exercised in Fife at this Time.

Besides this Instance of Severity to a Person who could have no Accession to the Bishop's Death, there were vast Numbers in Fife and other Places, put to great Hardships. It was not enough for them to compear at the Courts the Council appointed, but afterwards, upon every Jealousy any of the Primate's Friends were pleased to take up, they were seized and sent into *Edinburgh*. I find by the Books of Council, a good many Persons in Fife and Perth taken up, May and June, and lying in Prison till the End of the Year, without any Trial, when upon their Petitions they are released by the Council.

John Archer in Stramiglo his Sufferings at this Time.

I shall but give one Instance of their Iniquity this way, upon *John Archer* Candlemaker in *Stramiglo* in Fife, Brother to Mr. *Thomas Archer*, whom we shall afterwards meet with in this History. This solid and judicious Christian had been since the Year 1674. several Times searched for, and forced to abscond, and at length was denounced Rebel for Noncompearance, for no other Crime but Nonconformity to Prelacy, and sometimes hearing Presbyterian Ministers. During several Years he was for the most part obliged to leave his House, Trade, and small Family, and frequently Soldiers were quartered upon his poor Wife and Children in his Absence, who, beside their Meat and Drink, and what they saw good to take away with them at Removal, had Sixpence a Day, which they forced his Wife to pay, reckoning both the Day they came to the House, and that wherein they left it. This was the Case of many as well as his, and therefore I have insisted the longer upon it.

Some time after the Bishop's Death, he was seized, when at his Work publickly in his own House, by *John Paterson* of *Chanwell*, who commanded a Party of Horse, and was carried straight to the Tolbooth of *Falkland*, and from thence very quickly to *Edinburgh*, without any Reason given him; neither could he guess wherefore it was, till in a little Time he was brought before the Council, and charged with Accession to the Archbishop's Murder. As soon as he heard this, he begged that such Persons in Town as he should name, might be called to exculpate him, which being done, and they appearing, all declared they knew him to have been in *Edinburgh* at that Time, and for some Days before and after.

Notwithstanding of this clear Exculpation, he was remitted to Prison, where he continued for some Weeks. Upon Application by his Friends to the Chancellor at *Leith*, he signed a Warrant and Order to the Clerk of Council to liberate him. The Chancellor knew the Man and his Conversation, and believed the fair Representation given of his Case; but when *John* presented the Order to the Clerks, it was not at all regarded.

Within a few Days *Rother* came to Town, and when he enquired, and found his Orders not obeyed, the Clerks laid the Blame on Sir *William Sharp* of *Stonyhill*, who came to the Chancellor, and alledged he would prove *John Archer* guilty of the Bishop's Death, tho' he had already proven himself at *Edinburgh* for some time before that Day and after. Such was the Equity of this Period!

Thus he continued in Prison four Months after this, without any Libel given him, or any Shadow of Proof advanced, which was indeed impossible; for he was a Man of quite other Principles and Practices. At length, when nothing could be laid to his Charge, the Chancellor prevailed to get him liberate towards the End of the Year. His Imprisonment merely for Fees, besides Maintenance, Loss of Time and Employment, cost him upwards of a hundred Pounds. Many others were this way oppressed most wrongously; but this Instance may suffice.

Murder of the Laird of Inchdarnie, May 3. with a Hint at the Character of that excellent Youth.

I know no Place fitter than this, to bring in the base Murder of one excellent young Gentleman *Andrew Ayton* younger of *Inchdarnie*, by the Soldiers in Fife at this Time; and it was one of the Fruits of the furious Prosecution of the Primate's Death. I give it from an attested Narrative sent me from a reverend Minister of this Church present with him that Day. This young Gentleman had the Blessing of early Piety; when at the University of *St. Andrews*, he spent much of his Time in Prayer. After his leaving that, he was much concerned to have Presbyterian Ministers brought to Fife, and the Gospel preached to these who could not hear the Incumbents. When little more than Seventeen Years of Age, he was intercommuned, forced to quit his Father's House, and to go to some of his Relations in the Shire of *Murray*. When there, Mr. *Walter Denoon*, as we have heard, was sent South Prisoner. *Inchdarnie* followed him at some Distance, till he was brought to *Dundee*, and came over to Fife, gathered some of his Acquaintances, and rescued that good Man. He continued lurking till May 3. this Year, when my Informer dined with him in his Father's House, and parted with him about Two of the Clock, when neither of them knew any Thing of the Bishop's Death. Thence *Inchdarnie* went towards his Aunt the Lady *Murdocairnie* her House; and not far from *Auchtermuchty* he saw a Party of Horse at some Distance riding most furiously to *Cowpar*, upon which he rode a little hard to escape them, which one of them



them perceiving, broke off from the rest, by Order of the Commander, and first wounded his Horse, and then wounded *Inchdarnie* mortally, by shooting Two Balls through his Body, without ever asking any Questions, or requiring him to surrender himself; and then the Soldier rode back to his Party, and came with them to *Cowpar*. It was with Difficulty the Gentleman could sit his Horse till he came to the next House, where he got the Benefit of a Bed, and sent for his Relation, Sir *John Ayton* of that Ilk, whose House was near by. Sir *John* came, and immediately dispatched a Servant to *Cowpar* for a Chirurgeon. But the Party had given Orders that no Chirurgeon should leave the Town without Allowance from them. When they were applied to, some of their Number were sent immediately to the Place to bring the wounded Person to *Cowpar*; when they came, Sir *John Ayton* represented the Cruelty of taking the dying Gentleman three Miles to *Cowpar*, and offered them Bail, or to entertain them there till Chirurgeons were brought, and they saw what became of *Inchdarnie*. But nothing could prevail, he was hurried away that Night upon one of their Horses to *Cowpar*; he fainted four Times through Loss of Blood. And the Magistrates of *Cowpar* allowed him to be carried to an Inn, where he died next Day about Twelve of the Clock in much Peace and Serenity, with the Comfort of his Parents being with him at his Death. The Soldier who killed him, was a Relation of his, one *William Auchmutie*, and came to him professing much Sorrow for what had happened, begging Forgiveness, which *Inchdarnie* very cheerfully gave him, with some Christian Advices. This poor Man died in the Year 1682. under great Terror for this Fact. But I return to the Procedure of the Council.

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Upon the 8 of May the Council emit a Proclamation against travelling with Arms without Licence, which is annexed *App. N<sup>o</sup>. 12.* It is founded upon the atrocious Facts committed by Persons who go to Field-conventicles, which hath been already considered; and discharges all Subjects to travel with Arms without Licence, and appoints all Magistrates to seize such, except Noblemen, landed Gentlemen, and their Children, and Servants in Company with them, if they be found with Arms; and the Soldiers are likewise ordered to apprehend such. This Proclamation wants much of the Virulence of many at this Time, and so I say no more of it, but that it was a plain Insult both upon the Safety and Liberty of the Subjects, and a good Handle for the Soldiers to spoil many of their Arms, and brought much Trouble to many of the persecuted People.

Proclamation  
May 8. against  
travelling with  
Arms.  
*App. N<sup>o</sup>. 12.*

That same Day the Council send a Letter to *Lawderdale*, acquainting him with the Order they had given for discovering the Bishop's Murderers in the Shire of *Fife*, and the diligent and strict Search which had that Day been made in *Edinburgh*, which they term the strictest that ever had been made in it for suspected Persons. That the Reader may see the Pains used in *Fife*, I have annexed the Instructions to the Sheriff-deputes there, *App. N<sup>o</sup>. 13.*

Letter to *Lawderdale*, as to Pains taken to discover the Murderers of the Bishop. Instructions for Sheriff-deputes in *Fife*.  
*App. N<sup>o</sup>. 13.*  
*Urquhart of Meldrum* has many Polls bestowed on him.

The Care of the Managers is not confined to *Fife* at this Time. The Earl of *Linlithgow* is impowered, "to dispose of his Majesty's Forces, as he thinks most convenient for reducing Conventicles and all unlawful Conventions." And *Adam Urquhart* of *Meldrum*, whom we shall frequently meet with afterwards, having signalized himself by appearing against the persecuted People, is made a Justice of Peace in the Shire of *Roxburgh*, and is to act in Conjunction with *Henry Ker* of *Graden*, conform to the Instructions, *March 11. last.* And this Month I find the Council heap Places on him: He is made a Justice of Peace in *Teviotdale* and the *Merse*. And *May 27.* he is made a Justice of Peace and Commissioner against Disorders in the Shire of *Selkirk*.

That same Day the Council approve of the Report of the Committee for publick Affairs, and continue *Earl Stoun's* Case till next Diet. The Report is, "That they had writ a Letter of Thanks to *C. Carne*, and *William Carmichael* Sheriff-deputes of *Fife*, for their Diligence in searching after the Murderers of the Primate; and had impowered them to secure and put under Inventory the Goods of *John Balfur* of *Kinloch*, *Blackstoun* of *Rathillet*, the three *Balfours* in *Gilstoun*, Persons most suspect of the Murder, until they themselves be brought to a Trial: That they had called before them Ten Persons apprehended in the South by the Laird of *Meldrum*, Two of which, *Robert Neilson* and *Nicol Story*, can make great Discoveries of *Wells* his Haunts and Reset, *Neilson* having confessed that he rode with him and *Story*; that he collected Contributions at their Meetings, Rolls of which were found on him. They are remitted to the Advocate, with other Four Prisoners sent in from *Air* by Captain *Murray*; and are to continue in Prison till they receive a Libel for being at Conventicles. That the Cautioners of Mr. *Alexander Gordon* having forfeited their Bond, by not producing him, be charged for five Thousand Merks; that Mr. *Andrew Kennedy* of *Clowburn*, upon refusing to depone, be held as confest, and fined in a Thousand Merks; that Mr. *Robert Maxwell* now confined at *Paisly*, because of his great Age and Infirmary, have the Diet continued against him, he finding Caution to appear when called, under the Pain of a Thousand Merks; that, upon the Testimony of the Archbishop of *Glasgow*, Mr. *John Law* be dismissed, upon Caution, to appear when called, upon Bond of a Thousand Merks; that *Bennet* of *Chesters* continue in Prison till he receive an additional Li-

Report of the  
Committee for  
publick Affairs.  
*May 8.*

*Robert Neilson*  
and *Nicol Story*  
taken.

Mr. *Alexander Gordon*,  
Mr. *Andrew Kennedy* of  
*Clowburn*,  
Mr. *Robert Maxwell* con-  
tinues.

Mr. *John Law*  
dismissed.  
*Chesters* and *Bis-*  
*hop*.



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"bel; and Scot of Pitlochrie, and his Cautioners be cited to the next Council Day." I can only set down those Hints of Things and Persons as I meet with them; if the full Minutes of the Committee of publick Affairs had been preserved, larger Accounts might have been given of them. We had some Hints about some of them upon the first Chapter.

King's Letter  
read: May 13.

Upon the 13 of May the Council meet, and a Letter is read from the King, approving the Draught of the Proclamation about *Conventicles*, which, it seems, had been agreed upon May 1. He gives them Thanks for it, and declares, "That he will maintain his Authority, and countenance them, notwithstanding of the Aspersions cast upon them and their Proceedings, as contrary to Law and Reason. And from the Satisfaction he received last Year, by some of their Number coming up, and setting their Procedure in due Light, when Noise was made against them unjustly, he desires them now to send up some, that he may have a fuller View of the State of Things at present, and signifie his Pleasure about many Things he cannot impart by a Letter. He names the Clerk Register, Advocate, Justice Clerk, Prefident, and Sir George Mackenzie of Tarbet Justice General, to come to him, that he may have Information in Law and in Fact."

Proclamation  
against Con-  
venticles, May  
13  
App N. 14  
Remarks on it.

Upon this Letter they order the Publication of the Proclamation against *Conventicles*, May 13. which is so remarkable, that it deserves a little more to be noticed. The Reader will find it App. N. 14. It begins with an Assertion that doth not so well agree to a limited Monarchy, "That by the fundamental Laws of all Monarchies, the Power of Arms is lodged in the King, and Rising in Arms is punishable as Treason." This was indeed the Doctrine now set up for, but that 'tis the fundamental Law of Monarchy, is more than I have seen proven by the Passive-obedience Gentlemen. Next follows a Recapitulation of the Spite and Venom now ordinarily poured out upon the Period from the 1638 to the 1650. To call these Times of Reformation, Rebellion, is now common Stile: But one must be surpris'd at the Penner of this Paper, his asserting, *That then the Liberty of the Subject was destroyed.* This is an odd Proposition to be asserted by the Managers, till once they had got all the excellent Laws, made for securing Liberty and Property, and restraining arbitrary Attempts upon both, by Princes or their Servants, not only rescinded, but all the Copies of them destroyed; for as long as these remain among Peoples Hands, they will easily be in Case to disprove this wild Assertion; and perhaps a Parallel to the good Laws 'twixt the 1640 and 1650. as to their Advantage to the Subject, can scarce be produced any where.

The Acts of Parliament referred to in this Proclamation, have been already considered. The Clemency of the Government, in not putting these Acts in Execution, is mightily insisted upon; and the former Part of this History will shew what was the clement Executors Methods. They never had any Risings in Arms, but that at *Pentland*; and we have seen how much Blood was shed upon that Score. People's meeting at *Conventicles*, in Arms, was not yet declared a Rising in Arms, or treasonable, otherwise there was no Need of this Proclamation, or of the King's signing it, before they durst venture to publish it; nor would the passing it in Council, have cost the late Primate such a Struggle as it did.

After they have made the King offer an Apology for the former Lenity, as *laying a Snare for his Subjects*, all Judges and Officers of the Army are appointed, "To proceed against all such who go to any Field-meetings with Arms, as Traitors." Judges Procedure against them is plain, but for the Officers of the Army, their doing so, needs to be explained a little: More must be necessarily included in it, than their seizing them, and delivering them up to other Magistrates and Judges; for they were thus to proceed against such who had no Arms at *Conventicles*. 'Tis then either to call an Assize of their own Soldiers, as their Practice after this explained it, and proceed to a Sentence of Death; or to kill and destroy them where they found them, without giving themselves this Trouble; both which they frequently did, and I know no other Warrant but this Proclamation.

Great Caution is used in what follows, lest any Favour might be supposed to be in the statutory Part, towards such who came to hear the Gospel without Arms, and had the Courage to venture themselves on the Mercy of the Soldiers and Government; and they are fairly warned that no Mercy is to be shewn them, and all concerned are required to execute the Laws against them.

The Ground of all this Severity, is, "That now the King is convinced fully, that these Meetings, (either with or without Arms, *that is*, the Preaching of the Gospel by any who will not subject to Prelacy) do certainly tend to the Ruin and Reproach of the Christian Religion, and Discipline, Introduction of Popery, Subversion of Monarchy, and Contempt of all Laws and Government." It will certainly, when remarked by Posterity, leave a lasting Reproach upon this Period and Government, to find such a publick Declaration concerning the pure and peaceable Preaching of the Gospel. The ill grounded Nature of his Majesty's Conviction on these Heads hath been frequently shewn.

Bishop Sharp's  
Share in this  
Proclamation.

I shall only remark further, That the Gentlemen I have formerly spoken of, have this Observe upon a Copy of this Proclamation now in mine Eye. *Nota*, "This was the last Act of Council the Bishop of St. Andrews had the Honour to be present at upon Earth; for it was passed in Council upon Thursday the First of May, and sent up to his Majesty, and



“ and by him subscribed the 6 of May, and emitted here, and published the 13 of May. In the interim the Archbishop went over the Water on Friday the 2. and was cruelly murdered upon Saturday the 3. his Burial was upon Saturday the 17 of May.”

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By other Accounts, and from the Nature of the Thing, it appears that the Archbishop met with some Opposition to this severe Proclamation. And they all saw need, before it was published, to have it signed by the King, that this might be a Warrant to them, if afterwards called to an Account for it; and Care is taken to insert so much in the Title of the Proclamation. So we may reckon this the Primate's Legacy, and an Earnest of what he would have essayed had he got up to Court.

No wonder such a Proclamation drove People to Measures which otherwise they had no Mind to. The former Laws, and their severe Execution, forced People to come with Arms to hear the Gospel; now this is made *Treason*, and they *Traitors*. And when no Way of Relief was possible, but by standing their Ground, we need not be surpris'd, after what went before, and this Proclamation, to hear of a Rising very soon, especially if we consider the further severe Methods agreed upon at this Time.

That same Day the Council remit the Consideration of an Overture proposed, for obliging Masters either to produce their Tenants, or be liable for their Delinquencies, if they do not produce them to the President, Advocate, Justice-clerk, *Collingtoun* and *Tarbet*. Upon the 15 of May, the Overture is approved, and transmitted to his Majesty by such as are to attend him; the Tenor of it follows. ‘ That it is thought convenient and legal, to the end that every Master may be watchful over his own Tenants, and that every Tenant may stand more in Aw, because he knows that his Master stands engaged, that the 6 *Act, Parl. 3. Jam. V.* be put in Execution in this way and manner: That his Majesty and Council issue out a Proclamation, ordaining the Justices to hold Courts twice a Year in those Countries that are most irregular, and to take up Dittay particularly against Tenants guilty of Field-conventicles, and such Disorders. And where any Tenant is delated upon Oath by an Informer, and is named and set down in the *Porteous-roll*, as Use is, that immediately the Names of the Tenants so delated be given to the Clerk of the Justiciary, who must produce them at the Day assigned for their Compareance, or else pay their *Unlaw*, to be modified by the Justice according to the Nature and Quality of the Case and Delinquency. But if the Master does exact Diligence, in putting the Tenant off his Land, and does not after reset him, then he shall be free of those *Unlaws*, conform to 107 *Act, Parl. 7. Jam. VI.* This, we shall hear, was gone into, and became the great Foundation of harassing Gentlemen and their Tenants in the following Years.

Overture transmitted to the King, obliging Masters to produce their Tenants, or to be liable for their Delinquencies.

i.e. Their Fine for Absence.

May 14. they have the King's Letter, in answer to theirs of the 4. dated May 10. wherein he declares, he will resent the Inhumanity and Barbarity in the Primate's Murder; that he approves of their Proclamation, and hath caused reprint it at London, and recommends that they go on in the Search with all Vigour; and puts them in mind of his former Commands to some of their Number to come up to him. Next Day the Council send a Letter to the King, wherein they remit the State of Things to those he has called for, thank him for his Marks of Affection, promise to go on in his Service, and conclude with their Hopes, that they need not recommend the State of the Church, and such who serve in it, to his Majesty, and declaring that their Security will still be one of their chief Cares.

King's Letter to Council, May 10. with their Answer, May 14.

At the same Time they pass an Act against that excellent Person beforenamed, Mr. Patrick Simpson. ‘ The Lords of his Majesty's Privy Council considering, that Mr. Patrick Simpson, indulged Minister at *Kilmacomb*, was cited to compare before them in February last, to answer for Breach of Confinement, and keeping of Conventicles; and whereas he hath not appeared, and has been denounced Rebel, they declare the Kirk of *Kilmacomb* vacant, and ordain the Solicitor to acquaint the Parishoners that they pay him no more Stipend.’ What was the Occasion of this Severity, I know not. Afterward, as hath been remarked, he had, upon better Information given, some Favour shewn him.

Act against Mr. Patrick Simpson, dated from Kilmacomb.

After the Persons sent for were gone to Court, May 27. the Council acquaint his Majesty, That they are convened that Day, upon a Letter from the Earl of *Argyle*, desiring some of the Forces to be sent to repress the Rebellions and disorderly Practices of the Lord *Maddoald* and his Accomplices; that they found it not proper to send any of the standing Forces to *Inverlochke*, when Conventicles were so numerous, but have ordered the Sheriffs of *Dumbartoun* and *Bute* to joyn the said Earl. And, upon Information that several Persons in the Shire of *Inverness* have joyned the said Rebels, they have issued a Proclamation against them, and have sent to the Earl Twelve hundred Weight of Powder, and Ball proportioned. That same Day also Letters are writ to the Earls of *Cathness*, and Sheriffs of *Inverness*, to joyn *Argyle* in repressing those rebel Papists, and to take with them Forty Days Provision. We shall afterwards hear the Earl is called off this necessary Work, to joyn in suppressing the West-country Army.

Forces refused to the Earl of Argyle, except the rebel Papists, with other Methods taken with them.

That same Day the Council approve the following Report of the Committee for publick Affairs. ‘ That they had granted Warrant to search further in *Fife* for the Murderers of the Primate, and to bring over Witnesses against *Henry Schaw* an intercommuned Person lately taken.

Report of the Committee for publick Affairs, May 27.



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Several Ladies cited before the Council, for a Conventicle in Gallashiel.

Mr. Thomas Wilkie and Mr. Francis Irvine sent to the Bais.

taken. The Prisoners taken by Meldrum are dismissed upon Bond, except Neilson and Story, upon Caution given to compear before the Justices of Peace in their Shire; and the Bonds are sent to him and the Quarter-master Dalmahoy, to be put in Execution. Claverhouse having lately surpris'd a Conventicle in the Parish of Gallashiel, where were present the Ladies Torwoodlie, Gallashiel, and Newtown younger, the Laird and Lady Ashiesteil, the Lady Fernylie, and Mrs. Jean Hunter Spouse to Mr. Pringle, and his Daughter, with several other mean Persons; a Citation was ordered against the said Ladies and their Husbands to compear before the Council, and the Laird of Meldrum was ordered to proceed against the rest. Mr. Thomas Wilkie, the Minister taken at that Conventicle, and Mr. Francis Irvine an intercommuned Minister sent in from Dumfries, are remitted to the Council (who order them to the Bais) Mr. James Daes Advocate hath the Time of paying his Fine prorogate till the second Tuesday of June, and is to re-enter Prison that Day, if it be not paid. The Rising in June, and the Consequences of it, put other Work than this in the Managers Hands for some Time. Of this I come now to give some Account.

## S E C T. II.

*Of the Occasions, and Causes of, and Inlets to the Rising at Bothwel.*

The Springs of this Rising.

There can be no exact and full Judgment pass'd upon any Matter of this Nature, especially its Justice or Iniquity, till once it be fully known in its Springs and Rise; therefore I begin any Account I am to give of this Business of *Bothwel*, with some Enquiry into these. What I have said before, as to the Gathering which ended at *Pentland*, may very much be referred to here. There was no Preconcert, nor any formed Design laid down; but the oppressed People gradually fell into this Rising, by a Chain of Things making it some way necessary to them: Indeed it ought not to be entirely lodged upon any one of these following Particulars, but upon the Whole of them; and, no doubt, several other Things helped it on, which have escaped my Observation.

Oppression in civil Concerns.

I may well begin with the heavy Oppression of the *Lieges* in their civil Concerns, some Hints whereof may be gathered from the preceeding Part of this History, but it is a very small Part of it can be now represented. Every one who had the least Shew of Seriousness was grievously harass'd in as far as they could be reached, and plain Spulies were committed upon all who would not concur actively with the Soldiers in their oppressive Methods. These Things sow'd the Spirits of not a few; and if, as *Solomon* tells us, *Oppression makes a wise Man mad*, we need not wonder at any Heights run to at this Time, but rather be surpris'd that Things were not much further carried.

Rigorous exacting of the Cess, with the firing upon unarmed People at Conventicles.

We have already had some View of the barbarous Invasion upon the West Country by the Highland Host, and the succeeding Severities in exacting the Cess last Year and this. The Meetings for hearing the Gospel, in Houses and the Fields, were violently attacked, and frequently the Soldiers did discharge their loaded Pieces among poor unarmed Country People; some, we have heard, were killed, and many were wounded.

Havock made by Parties of Soldiers and the Garisons.

The dreadful Havock made in all the Corners of the West and South of *Scotland*, by the Parties of Soldiers marching up and down, and the Garisons, is what cannot be exprest. When the Soldiers got Notice of the Houses of any of the Fugitives or intercommuned Persons, there they exercised their greatest Fury, yea, upon the Houses of such as were the Relations of the former, and of all who kept not the Church regularly. And it was odd to observe how few such they miss'd in their Traversings of the Country; they had generally their Information from the Episcopal Incumbent in every Parish whither they came.

Multitudes robbed and spoiled.

At such Houses the Soldiers used to stay, not only living at Discretion, and eating up as much as they saw good, killing Sheep and other Cattle for their own Use, and giving their Horses a great deal more than was needful, but also carried away every Thing portable which made for them; and either kept it, or when their Luggage turned cumbersome, they would make Money of it at the next Place they came to, and even force People to give them Money for what they had robbed others of.

And what the Soldiers could not carry off, they destroy.

Yea, to such a Height came their Rage, as they most maliciously destroyed what they could not eat up. In some Houses they took the thresh'd Corn out of the Sacks, and cast it into the running Waters, and took the Meal, and trod it in the Dung-hill; and in other Places set Fire to the Stacks of Corn and other Victual, and burnt the thresh'd Victual: And many other dreadful Abuses did they commit, of which there was no Room to complain. Many particular Accounts of these Outrages I have seen, and a good Number are before me, too tedious to insert here.



It was no great Wonder then, that not a few, who perhaps had no great Sense of Religion, joyned with such as were forced to be in Arms, and wander up and down for their Principles, and sided with any Party who might procure their Relief in their Property and civil Liberty so dreadfully invaded; especially, when they could have no View of Redress, but in an hostile Way, and by repelling Force with Force.

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All Means of Redress stopped.

Indeed the Quarrel upon which several in this Rising stated themselves, was Self-defence, and the recovering of their civil Liberty, as well as the Freedom of hearing the Gospel preached: And the greatest Part of the West and South were subjected, not only to the arbitrary Government of the Prince, and the more arbitrary Procedure of the Council, but to the cruel and covetous Luit of every private Centinel.

The Country subjected to the Army.

Invasions, generally in an evil Time, are made both upon Religion and Liberty: These ordinarily stand and fall together; and when Measures are well laid and concerted, it is certainly the most tenable and justifiable Quarrel for rising in Arms, which is stated upon Property and Right, and where civil Liberty is defended and maintained with an Eye to its Influence upon, and Subserviency to Religion.

Civil Liberties may be defended as subservient to Religion.

Several Things have been already noticed concerning the strict Pursuit of the Field-meetings in the West and South, by the Garisons formerly mentioned; and as it was a Branch of this which gave the immediate Occasion to the Rising, so the long and growing Tract of those Severities prepared Matters for it.

Self defence in hearing the Gospel, the immediate Incent to this Rising.

Some of the Ministers and People who used to have such Meetings with very little Observation and Noise, and but in small Numbers, found it needful, because of the Insults of the Soldiers, to keep more closely together, and narrow themselves into one Meeting, sometimes in one Place, sometimes in another, where they best might with Safety. I have already observed, that such as were concerned in this ambulatory sort of Meeting, were of the warmer Sort, who had Freedom to go some Lengths, wherein the most Part by far of Presbyterians could not follow them; and some of these afterwards went far greater Lengths than at this Time were set up for.

Several Meetings for hearing the Gospel formerly separate, and with little Observation were now obliged to join in one.

To this Meeting a good many brought Arms for defending themselves, and the Ministers who preached to them, against the Garisons and Parties of Soldiers; and they were armed a great deal better than any other I hear of. The Soldiers hearing of the Numbers in Arms, endeavoured by all Means to catch People, at least in their coming, and going. Their Hazard this way from the Garisons, and rambling Parties of the Soldiers, whose Orders were to apprehend, assault, yea, to kill, if any Defence were made, brought them at length to this, that the most Part of the constant Attenders upon these Meetings, save the Country People in every Neighbourhood, who came merely to hear, were armed. By this the Soldiers were a little frightened, and did not so much trouble them as formerly, and somewhat scared from firing among poor naked People, killing and wounding of some, and dragging others to Prison and Banishment. And this way they kept up the Preaching of the Gospel for a good many Weeks, which now to some of them was indeed dearer than their Lives; and the Soldiers, when acquainted with their Numbers, thought good to keep at Distance, and withdraw.

Many who kept this Meeting were armed.

Accounts of this were sent to *Edinburgh*, and the Numbers of the armed at this Meeting were no way diminished: Yea, many Lies came in to the Council, both by the Clergy and Commanders of the Soldiers. These issued in new and more severe Proclamations, as we have heard, and Orders to the Army. And more Soldiers were brought West, and sent to the Places where the Field-meetings were.

Their Numbers were multiplied, and the Council emit a severe Proclamation and Orders.

This again increased the Numbers of People in Arms at the Meetings: And warm Persons coming in among them, Projects were spoke of *A la-volee*; and some put upon Courses they at first had no View of, nor Design to come to. They continued together in Parties through the Week; and their Tempers, by Hardships and Conversation being heightened, there was Talking of going some further length than mere Self-defence: But any Thing that way, came never to any Bearing till *Drumclog*.

Which increased the Ferme among the oppressed People.

We may add the severe and cruel Laws made especially after the Primate's Death, and some before it. The being in Arms at Field-meetings is made Treason by Law, which, as hath been observed, was much the same to many, as if the Hearing of the Gospel preached by outed Presbyterian Ministers had been made Treason, since the Case of not a few was such, as without Arms they could not be present at Field-meetings: And I do not question this drove many a great deal further than at first they projected.

All is heightened by the severe Proclamations after the Primate's Death.

Travelling with Arms, or, as the Soldiers execute the Act, *the Having of Arms at all without the Council's Licence*, which none of the persecuted People could ever look for, was punishable at Pleasure; and the Soldiers Pleasure came in room of the Council's, and was extravagant enough.

Terrible Powers were granted by the Council to the Commissioners, Sheriffs, and their Deputies, as we have seen, and a good many poor and rakish Gentlemen, were clothed with these Powers at the Request of the Bishops. And to crown all, the Officers of the Army were warranted, not only to apprehend, but wound and kill such as they found with Arms at Field-

And the terrible Powers given to the Commissioners, Sheriff deputies and Army.



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From all this many are brought under extraordinary Hardships:

And forced, in waiting on the Gospel, to bring Arms, and continue in this Posture.

No Concert 'twixt them and the discontented Party in England.

Remarks upon the Caveat for the Whigs.

Further Evidence, there was no Concert with England.

\* Foundation.

Breaches among Presbyterians at this Time.

Field-conventicles, or any coming or going to them, if they made Resistance: And the Parties who ranged up and down, were not wanting in executing these Powers granted them.

All these laid together, may discover what extraordinary Hardships and Difficulties great Multitudes were brought under. They found such Sweetness in the Gospel purely and clearly preached to them, that they looked on it as the greatest Blessing, and what was most necessary to them; and it was but a few who had Access to it from the Handful of Presbyterian Ministers who were indulged.

They were most averse to take up Arms, until they were forced to it, and that merely in their own Defence. For a long Time, tho' they had Arms with them, yet they made no Use of them, and never desired any Occasion of using them: And being made guilty of Treason for this, they were obliged to continue in this Way, which the Fury of their Persecutors had forced them unto. And thus, by one Step after another, they were necessitate to this Rising I am now to give the Account of.

That the Party who gathered at *Bothwell* were in Concert with the discontented and Country Party in *England* at this Time, I cannot believe, since I find no Proofs of it. The *English* Writers upon the one Side, do assert it, without giving any Thing, that I have seen, which looks like a solid Reason: And when I consider all Circumstances, it appears to me a Thing that could not well be.

The virulent Writer of the *Caveat against the Whigs*, alleges there was a close Correspondence 'twixt *Shaftsbury* and the *Scots* Rebels, as he calls them; and talks of Forty Copies of his Speech in *March* this Year, sent down by the first Post to *Scotland*. We have already found good Cause not to receive Matters of Fact upon the Credit of this Author's Assertion. I see no Reason to doubt, but this is a Story of his own making, and of a Piece with many other Untruths in these Pamphlets, writ at a Juncture wherein somewhat of this sort was necessary to the helping forward the Designs of a Popish and persecuting Party, against the Constitution and Religion of these Kingdoms, upon the Back of the almost fatal Turn of Affairs towards the Close of Queen *Anne's* Reign.

When this Rising was begun, and some Thousands got together in Arms, we shall find, that in order to moderate the Warmth of some there, and to enlarge the Bottom upon which that Appearance was to be stated, Motions were made from *Edinburgh*, that the Declaration they emitted might be such as those in *England*, who appeared for the Liberties of their Country, might be the better brought in to espouse, if need were: But this plainly enough says, that this Rising did not flow from any Correspondence with the Earl of *Shaftsbury*; and indeed the narrow \* *Lay* upon which the first Gatherers together set up, makes this Matter beyond Debate; and when this Proposal was made from *Edinburgh*, we shall find these People would not go into it.

Further, to me it appears almost incredible, that a Handful of poor insignificant Country People, hearing and following some Field-preachers, with no other View, than to have the Benefit of the Gospel, and preserve it in the Land, should enter into a Concert with the *English* Peers. I am morally sure, that their Ministers had no such Correspondence. How far some few Gentlemen, and others with them, who had civil Liberty in their View in their Rising, and by this Motive encouraged others to rise, might take Heart from the Appearances in *England* against arbitrary and oppressive Measures there carrying on, I shall not determine; but I can learn nothing of any direct or indirect Concert or Correspondence with *England*, nor perceive any Indications of it. I am well assured from some yet alive, who preached in the Fields at this Time, that they never heard any Thing of this Nature.

Yea, to me it appears very probable, that if Matters had been concerted with that Party in *England*, this Business would have been more regularly and prudently managed and carried on. When the Country People were got together, and the Accounts had reached *London*, I doubt not but *Shaftsbury* and others there, might wish the People at *Bothwell* well, and use their Interest to have the Duke of *Monmouth's* Instructions as favourable as might be, since they knew that Party were really struggling for Liberty, as they themselves professed to do.

This is all that offers to me upon this Matter; but the Author of the *Caveat for the Whigs* will have every Thing that displeases him, to come, from an imaginary Concert betwixt the Republicans in *England*, as he names all who made any Stand against arbitrary Measures there, and the Presbyterians in *Scotland*, and the *Dutch*.

Perhaps, a Way for the Beginnings, at least of this Gathering, might likewise in some Measure be paved by the Heats about the Indulgence and Cess, coming to a greater Height this Year than formerly. We have already heard, that this Flame was now rising and spreading. Mr. *Thomas Douglas*, Mr. *Donald Cargil*, and some young Preachers, Mr. *Richard Cameron*, and others in some of the Field-meetings, were openly preaching against hearing the indulged Ministers, and speaking some very harsh Things of them: And *Robert Hamilton*, with some others who were with them in Arms, did very much widen this Breach. And yet we shall find, that altho' Mr. *John Welsh*, Mr. *David Hume*, Mr. *Semple*, and others who likewise preached



preached in the Fields, were very averſe from this Courſe, as tending to divide and break Presbyterians among themſelves, and ſo to ruine them; yet they, and many of their Followers, joyned with them who roſe at this Time, and endeavoured to have the Differences removed, tho' with little Succeſs.

1679.

And, in the laſt Room, it may not be altogether improbable, that *John Balfour*, and ſome others concerned in the Murder of Biſhop *Sharp*, might help on the Warmth upon that Side to which they joyned, and endeavour to bring Matters to ſuch an Iſſue, as to ſave themſelves by a formed Riſing; tho', as I ſaid above, their Acceſſion to that Fact was not generally known at *Bothwel*; and the People concerned in that Riſing did never approve of that Attempt: And whatever Reproach was caſt upon them by *Balfour*, and ſome others being of their Number, yet it hath no Foundation at all.

*John Balfour* and other Actors in the Primate's Death, joyned the warmer Side.

Whatever be in this, no doubt it was this Party headed by Mr. *Hamilton*, who, as they violently pushed forward the Country People to a Riſing, ſo by their Indiſcretion and Want of Conduct, evidently ruined the Weſt Country Army, and effectually hindred the fair Proſpect there once was, that they might have been a Mean of delivering the Church and Nation from the Burdens they were under; and the Upſhot of all was, Diviſions came in, joynt Meaſures were not taken. A great many left them when they ſaw whither Matters were going, and far more never joyned them; and ſuch as continued together, could never do any Thing of Conſequence: And when they came to be attacked, the High-flyers withdrew firſt, and left the poor Country Men to the Mercy of the King's Army.

And the violent Party by their want of Conduct and Diviſions, ruined all.

Theſe Things were the Occaſions of this Riſing; and from them 'tis evident it was no premeditated or concerted Thing in its firſt Beginnings, but gradually one Thing fell in upon the Neck of another, till the People were brought together in Arms; and when once together, no doubt they might have done far more than they did, had they improven their firſt Succeſſes, and kept joynt among themſelves: Which brings me forward to give ſome Account of the Beginning and Progreſs of this Riſing, and the unhappy Differences which fell in among them, which I ſhall run through as quickly as I can, that I may come to the Action it ſelf, and the Sufferings following upon it, which is my proper Task.

### S E C T. III.

*Of the Declaration at Rutherglen, May 29. and the firſt Rencontres, and ſmaller Skirmiſhes at Drumclog and Glaſgow in the Beginning of June.*

**T**HIS Riſing in the Weſt of Scotland, like many other conſiderable Turns, had but very ſmall Beginnings: And it is ſcarce to be thought that the Perſons concerned in them had any Proſpect that what they did, and particularly their Attempt at *Rutherglen*, May 29. would have been followed with what ſucceeded.

This Gathering from ſmall Beginnings.

Hitherto the Perſons concerned in that united and contracted Meeting before ſpoken of, had contented themſelves with coming to Sermons preached in the Fields by the Miniſters and Preachers who went their Lengths, and defending themſelves when attacked: But their Numbers increaſing as well as their Warmth, againſt ſuch as differed from them, Mr. *Hamilton*, and ſome others in the Company, moved, That ſomewhat further ſhould be done by them as a Teſtimony againſt the Iniquity of the Times. The Reader will have the beſt View of what they came to, from one of their own Papers juſt now before me, as follows.

The Riſe of the Appearance at Rutherglen.

"After ſerious Conſideration and Prayer, they (ſpeaking of theſe concerned in the above mentioned Meeting) reſolved to continue in hearing the Goſpel, and reckoned they would plainly quit their Duty, if upon the account of Danger they gave up this Privilege; and conſidering the Smalneſs of their Number, the Strength of their perſecuting Adverſaries, together with their own manifold Infirmities and Failings, they feared, that, if the Lord in his Providence ſhould permit them to be diſperſed, or to fall before their Enemies, their Cauſe would likewiſe fall; therefore they judged it their Duty to publiſh to the World their Teſtimony to the Truth and Cauſe which they owned, and againſt the Sins and Defections of the Times."

Mr. *Hamilton* and others, their Reſolution to publiſh their Teſtimony.

Theſe who were violently againſt the Indulgence, entred into this Reſolution towards the End of May, and Mr. *Hamilton* was very active in preſſing it, and pushing forward a publick Appearance, as the Way to form and ſtrengthen their Party, and prevail with others to come and joyn them when they ſet up openly againſt the Evils of the Time.

Their Motives.

In



1679.

Persons pitched upon to publish their Declaration.

In Prosecution of this Resolution, some were pitched upon, the said *Robert Hamilton*, Brother to the Laird of *Prestoun*, *Mr. Thomas Douglas*, one of the Ministers who preached to them, with about eighty armed Men, to go to some publick Place, and burn the Acts and Papers which shall just now be named, and publish their Declaration.

It needs scarce be again here noticed, That neither this Resolution, nor the underwritten Declaration were formed in any Concert with the Ministers or People who kept Field-meetings in other Places, far less with any Concurrence of the Body of Presbyterians through the Nation; and consequently the Good or Evil in the Matter or Manner of these is chargeable only upon the few who were engaged.

Upon the 29 of May at Rutherglen.

The 29 of May was by them found to be the most convenient Day for making this Appearance, being the anniversary Day so much abused, and against which, among other Things, they were to testify. I am informed the City of *Glasgow* was the Place where at first they resolved to have published their Paper; but hearing the King's Forces were many of them come down from *Lanerk*, and lying there, they altered their Resolution, and went to *Rutherglen* a small royal Burgh Two Miles from *Glasgow*.

Their Declaration and Testimony.

Accordingly they came there in the Afternoon, and, extinguished the Bonfires with which the Day was solemnized, and at the Market-cross, burnt the Papers just now to be mentioned in their Testimony, and read publicly, and then affixed upon the Cross a Copy of the following Declaration.

*The Declaration and Testimony of some of the true Presbyterian Party in Scotland, published at Rutherglen, May 29. 1679.*

‘AS the Lord hath been pleased to keep and preserve his Interest in this Land, by the Testimony of faithful Witnesses from the Beginning, so some in our Days have not been wanting, who, upon the greatest of Hazards, have added their Testimony to the Testimony of those who have gone before them, and who have suffered Imprisonments, Finings, Forfeitures, Banishment, Torture and Death from an evil and perfidious Adversary to the Church and Kingdom of our Lord Jesus Christ in the Land.’

‘Now we being pursued by the same Adversary for our Lives, while owning the Interest of Christ, according to his Word, and the national and solemn League and Covenants, judge it our Duty (tho’ unworthy, yet hoping we are true Members of the Church of Scotland) to add our Testimony to those of the Worthies who have gone before us, in witnessing against all Things that have been done publicly in Prejudice of his Interest, from the Beginning of the Work of Reformation, especially from the Year 1648. downward to the Year 1660. But more particularly those since, as’

- ‘1. Against the *Act rescissory*, for overturning the whole covenanted Reformation.’
- ‘2. Against the Acts for erecting and establishing of abjured Prelacy.’
- ‘3. Against that Declaration imposed upon, and subscribed by all Persons in publick Trust, where the Covenants are renounced and condemned.’
- ‘4. Against the Act and Declaration published at *Glasgow*, for ousting of the faithful Ministers who could not comply with Prelacy, whereby 300 and upwards of them were illegally ejected.’

- ‘5. Against that presumptuous Act for imposing an holy anniversary Day, as they call it, to be kept yearly upon the 29 of May, as a Day of rejoicing and thanksgiving for the King's Birth and Restoration; whereby the Appointers have intruded upon the Lord's Pre-rogative, and the Observers have given the Glory to the Creature that is due to our Lord Redeemer, and rejoiced over the setting up an usurping Power to the destroying the Interest of Christ in the Land.’

- ‘6. Against the explicatory Act 1669. and the sacrilegious Supremacy enacted and established thereby.’

‘Lastly. Against the Acts of Council, their Warrants and Instructions for Indulgence, and all other their sinful and unlawful Acts, made and executed by them, for promoting their usurped Supremacy.’

‘And, for Confirmation of this our Testimony, we do this Day, being the 29 of May 1679. publicly at the Cross of *Rutherglen*, most justly burn the abovementioned Acts, to evidence our Dislike and Testimony against the same, as they have unjustly, perfidiously, and presumptuously burned our sacred Covenants.’

‘And, we hope, none will take Exception against our not subscribing this our Testimony, being so solemnly published; since we are always ready to do in this as shall be judged necessary, by Consent of the rest of our suffering Brethren in Scotland.’

Several Copies want the Article about the Indulgence.

I have seen a good many Copies of this Paper in Writ, and they generally agree with that which is printed by the *Society People*, in their *informatory Vindication*, Edit. 2. p. 171. and want the Clause about the *Indulgence*. But this, and some other Copies I have seen, I have Reason



Reason to believe, is the extended Copy published at *Rutherglen*. Whether this Draught agrees with what was resolved on by the Publishers Constituents, I cannot determine. Altho' probably the Bulk of that Meeting, where it was agreed upon, were heartily against the *Indulgence*, yet I question if they all came the length of burning the Acts thereunto, and am ready to suspect, that the Warmth of some imposed upon the Simplicity of Mr. *Thomas Douglas*, and this Alteration or Addition was made when the Paper was extended for Publication.

1679.

The Ground of my Jealousy is a Copy I have before me, which agrees with the most I have seen, and with that in Print, and so needs not be insert in the *Appendix*, bearing this Title, *Double of a Paper resolved upon to have been read at the Cross of Glasgow, May 29. 1679.* wants this Clause, and yet, by that Inscription, it seems to have contained what was at first resolved upon: The most Part, as I have said, want it, and that Copy, published by that Set of People, in Print likewise. If this Conjecture hold, it is a new Proof of Mr. *Hamilton*, and others engaged, their Zeal to form their publick Appearances very soon against other Presbyterians, and the Indulged in particular.

Be this as it will, in their after Debates this was cast up, and this Testimony was urged against joyning with such who could not acknowledge the Evil of the *Indulgence*, and it was likewise, some time after this, alledged to import a denying of the King's Authority: But the Framers of it plainly say, as we shall afterwards hear, That this was only waved, and not determined or denied; Matters among them were not yet come this Length.

From this short Account of the Matter of Fact, as it passed at *Rutherglen*, the gross Ignorance of our Affairs in *Scotland*, to call it no worse, in the Author of the *Caveat fr the Whigs*, Part I. p. 61. will be plain. That Writer tells us, *That at Ragland they proclaimed the Covenant*; which is just of a Piece with his senseless Story, p. 65. *That the Presbyterians, at their armed Field-conventicles, used to take the Covenant openly, to the Number of Seven or Eight thousand in a Body*; which he alleges to have been the Cause of the Government's dealing severely with them. The *English* Writers have many a Time surpris'd me with their palpable Mistakes in Matter of Fact, when they meddle with our *Scots* Affairs: But in the Accounts of this Period, I own, Allowances must be made them, as being imposed upon by Sir *George Mackenzie's Vindication of the Reigns of King Charles and King James*, and the little idle Stories vented by some of our *Scots* Episcopal Clergy, since the Revolution retired into *England*, who have made up a great many Untruths, to blacken this National Church, and to gratify their own fretted Spirits, as well as the Inclinations of some of the High-flyers in *England*. Indeed Presbyterians may in part blame themselves, who have not given our Neighbours and the World a fair and just Account of this Period.

Remark upon the Account of this in the *Caveat for the Whigs*.

Springs of the Mistakes in *English* Writers when they handle our *Scots* Affairs at this Period.

But I leave this Appearance at *Rutherglen*, and come forward to what followed upon it. Mr. *Hamilton* and his Party retired from *Rutherglen* towards *Evandale* and *Newmills*, after the Publication of their Paper; whereabout Mr. *Thomas Douglas* was to preach next Lord's Day. The publishing of this Declaration, and the extinguishing the Bonfires made a mighty Noise, both at *Glasgow* and *Edinburgh*. The Thing was magnified, and the Officers of the King's Forces at *Glasgow* were in a terrible Fret.

This Declaration makes a great Noise.

Mr. *Graham* of *Claverhouse*, whom we shall frequently meet with in this Period, afterwards created Viscount of *Dundee*. was now a Captain of one of the new levied Troops, and had been, beyond his Companions, active in oppressing the Country, and bearing down of Conventicles. This Gentleman had large Powers granted him, and marched upon Saturday May 31. in quest of these who had made the Appearance at *Rutherglen*.

*Claverhouse* goes in pursuit of Mr. *Hamilton*, and his Party.

He had his own Troop, two others, and some Foot given him, to go on this Expedition. These Men, especially his own Troop, were rude profane Wretches. One Instance shall suffice out of many. One of them, *James Blair*, who had been Chan'ellor to the Assize who gave their Verdict against the four Men executed at *Glasgow*, for being at *Pentland*, came out to *Rutherglen* the Day after Mr. *Hamilton* had been there; whether for Information, or what End I know not: He raged up and down the Streets like one possessed, threatening and abusing the Inhabitants, and asking where these Eighty Men were who flock'd out the Fires Yesternight, swearing bloodily he would run his Sword through their Soul if he had them, with many other senseless and execrable Expressions. This poor Man was killed next Day save one at *Drumclog*.

The Rudeness of the Soldiers with him.

*Claverhouse's* Commission and Powers were very great, tho' I cannot say but they were agreeable to the Acts of Council formerly mentioned; and had he not been stopped, was abundantly ready to have executed them in all Points: He had Liberty to kill and destroy all he found in Arms, at any Field-meeting, to deal with them as Traitors, and to discover, seize, and, upon Resistance, to kill all who had any Share in the Appearance at *Rutherglen*.

His Commission and Powers.

Accordingly upon the Saturday Afternoon, he came up in a Surprise upon the Town of *Hamiltoun*, where he got Notice of Mr. *John King* and some others, who were come to that Place, or near by it. Whether Mr. *King* was to go to the Meeting at *Loredn-hill*, or to preach himself near by *Hamiltoun*, I know not; the last is most probable, for I don't find him among

Geese to *Hamiltoun* and *Loredn* Mr. *John King*.



1679.

And some of  
thems.

among these who ordinarily were with Mr. Hamilton, Mr. Thomas Douglas and others of their Sentiments.

*Claverhouse* seized Mr. John King Preacher, in *Hamiltoun*, or, as some Papers say, in a House a little South-east from the Town, and about Fourteen more Country Men, mostly Strangers, either come with Mr. King, or going to the Meeting to Morrow. There was some Pretence to seize Mr. King, being a vagrant Preacher, and, I think, inter-communed; but there was no Law for seizing the rest, they not being in Arms, or any Thing to be laid to their Charge.

Design laid to  
rescue them.

When this was known, some who escaped, and the People near by, began to entertain Thoughts of rescuing Mr. King; and some of them went toward *Glasgow*, acquainting their Friends by the Way, and hearing of the Meeting towards *Lowdonhill*, went thither, expecting Assistance from thence.

*Claverhouse*, June  
1. marches with  
the Prisoners  
to disperse the  
Conventicle  
near *Lowdon-  
hill*.

Mean while *Claverhouse* was likewise advertised of that Conventicle designed next Day, and resolved to go and disperse them, and come from thence to *Glasgow*, with his Prisoners. I am told he was dissuaded, by some of his Friends, from going thither, and assured there would be a good many resolute Men in Arms there, yet trusting to his own Troop, and some others of Horse and Dragoons he had with him, he would go.

Prisoners mal-  
treated in the  
Way.

Accordingly upon the Sabbath Morning, June 1. he marched very early from *Hamiltoun* to *Stratheven* Town, about Five Miles South, and carried his Prisoners with him, which was happy for them. They were bound Two and Two of them together, and his Men drove them before them like so many Sheep. When they came to *Stratheven*, they had distinct Accounts that Mr. Thomas Douglas was to preach that Day near *Lowdonhill*, Three or Four Miles westward from *Stratheven*; and thither *Claverhouse* resolves to march straight with his Party and Prisoners.

All who had  
Arms at the  
Meeting go  
and meet *Clav-  
erhouse*;

Publick Worship was begun by Mr. Douglas, when the Accounts came to them that *Claverhouse* and his Men were coming upon them, and had Mr. King and others their Friends Prisoners. Upon this, finding Evil was determined against them, all who had Arms drew out from the rest of the Meeting, and resolved to go and meet the Soldiers, and prevent their dissolving the Meeting; and, if possible, relieve Mr. King and the other Prisoners.

And come up  
with him at  
*Drumclog*;

They got together about 40 Horse, and 150, or 200 Foot, very ill provided with Ammunition, and untrain'd, but hearty and abundantly brisk for Action, and came up with *Claverhouse* and his Party in a Muir, near a Place called *Drumclog*, from whence this Rencounter hath its Name.

And defeat  
him.

This little Army of raw undisciplined Country Men, who had no Experience in the Business of fighting, neither had they Officers of Skill to lead them, very bravely stood *Claverhouse's* first Fire, and returned it with much Gallantry; and after a short, but very close and warm Engagement, the Soldiers gave Way, were intirely defeat, and the Prisoners rescued. *Claverhouse* and his Men fled and were pursued a Mile or two.

Number of the  
killed on both  
Sides.

In the Engagement and Pursuit, there were about Twenty, some say Forty of the Soldiers killed, and *Claverhouse* himself was in great Hazard, had his Horse shot under him, and very narrowly escaped. Several of the other Officers were wounded, and some of the Soldiers taken Prisoners, whom having disarmed, they dismissed without any further Injury, having no Prison-house to put them in. All this was done with very inconsiderable Loss on the Country Mens Side. Some Accounts before me say, only one Man, John Mortoun, was killed; others say, Two or Three, and some few wounded. Some of them died in a few Days, as *Thomas Weir*, and *William Daniel*, who was concerned in the Bishop's Death.

The Success at  
*Drumclog* by  
some ascribed  
to Mr. Hamil-  
ton, by others  
to William Clel-  
land.

Mr. Hamilton in this Action discovered abundance of Bravery and Valour, and from this Day's Success, he reckoned himself intitled to command afterwards wherever he was, tho' he had no Experience in military Affairs; and some reckoned him of a passionate and positive Temper. I find some Papers blame him for one of the Soldier's being killed after Quarters given; but how far this is true, I cannot determine; and they add, that after this, his Conduct, Counsel, and Courage evidently failed him. Other Accounts before me give the Honour of this Success to *William Clelland*, afterwards Lieutenant Colonel *Clelland*, well known for his Piety and Bravery, at, and since the Revolution, and say, he made the Country People, upon the Soldiers presenting their Pieces, and firing, fall flat to the Ground, so that they quite escaped their Shot.

After this, Vi-  
ctors, they re-  
turn to the  
Meeting.

However this Matter stood, *Claverhouse* and his Men were totally routed; and it was the Opinion of not a few, that if the Country Men had pushed their Success, followed their Chuse, and gone straight to *Glasgow* that Day, they might easily with such as would have joyned them by the Road, upon the Notice of their Success, have dislodged the Soldiers there, and very soon made a great Appearance; but they did not so, and in a few Hours returned to the Meeting. (Some Accounts before me say, they went straight to *Hamiltoun*.) Thus the Forces at *Glasgow* had the Alarm, and were prepared to receive them to Morrow, as shall be noticed in its Place.

Where it is re-  
solved to con-  
tinue together  
in Arms.

When they returned, and had consulted some time among themselves, what to do in their present Circumstances, Mr. Hamilton and his Party came to a Resolution to continue and abide



abide together in Arms. The Grounds they went upon were many. When Things were at this Pass, it appeared absolutely necessary they should stick together; they could not separate without evident Hazard; they knew well their Persecutors Rage would be sharpened by this Rule; and if when they were merely passive, and made no Resistance, they and others used to be sought for at their Dwelling-houses, in their Wandrings taken, tortured, and murdered, or at least banished; what might they not now expect? As soon as ever they separate, the Soldiers would be upon them one by one, and destroy them. Upon these Reasons they resolved to abide together in this Extremity, till they saw what Turn Things would take. This was the Beginning of the Rising which ended at *Bothwell*.

It is not worth while to refute the senseless Blunders of the Writer of the *Caveat for the Whigs*, upon this Skirmish at *Drumclog*. Every Line almost contains a Mistake. He talks, "That the Country Men upon June 1. rendezvoused upon *Lowdonhill*, to the Number of fourteen or fifteen hundred Men, well armed, the Foot commanded by one *Weir*, and the Horse by *Balfour* and *Hachstoun*, Murderers of the Primate, with *Hamilton* and *Patron*." I fancy he would be at *Paton of Meadowhead*, but he was not come up till some Days after *Drumclog*. I need not expose the Lies in every Word of this; 'tis just made up to expose the Country People, and extenuate *Claverhouse's* shameful Defeat.

Mr. *Hamilton* and these with him, after their Success marched that Night to *Hamiltoun* with an Eye to the City of *Glasgow*. *Claverhouse*, when after his narrow Escape got to that City, sufficiently alarmed my Lord *Ross*, and the rest of the Officers of the King's Army there, and, to be sure, did not lessen Mr. *Hamilton's* Numbers. By this Means the Soldiers there were upon their Guard, and had formed Barricadoes and some Kind of Shelter for themselves at the Cross and other Places in that open and large City, before the Country People could reach it.

Upon *Munday June 2*. Mr. *Hamilton* and his Party marched from *Hamiltoun* to *Glasgow*; the Success they had the Day before, the Numbers joyned to them in their March to *Hamiltoun*, and 'twixt *Hamiltoun* and *Glasgow*, where the Country had been alarmed with Mr. *King's* being taken, and encouraged by *Claverhouse's* Flight, had elevated them too much. They would scarce have attempted to dislodge the regular Troops, had they duly considered their Number, the Skill of their Officers, my Lord *Ross*, Major *White*, *Claverhouse* and others, and the Care they would take to put themselves in the best Posture of Defence the Place would allow; and they had not been idle, but formed themselves in the Centre of the Town, and covered themselves at the Cross with Crosses laid over with Deils and other Things at Hand, the best way they might; behind these they stood and received the Shot of the Country Men, without any Hazard almost.

About Ten of the Clock the Country Men came to *Glasgow*, and divided themselves into two Bodies. The one, under Command of Mr. *Hamilton*, came up the Street called the *Gallowgate*; and here their Leader did not shew that Gallantry he had the Day before discovered, and some question if he looked the Soldiers in the Face, and say he stepped into a House at the *Gallowgate* Bridge till his Men retired; the other Party came in at the Head of the Town, by the Wynd-head and College.

The Country Men shewed abundance of Courage, but were under mighty Disadvantages; their Horses were of no Use to them at all; they were perfectly open to the Fire from the Cloises and Houses, as well as that of the Soldiers who lay behind the Rails and Barricadoes covered from their Fire; yet so brisk were the Country Men in their Attack, that, I am told, several of the Soldiers gave Way, and some of their Officers saw good to retire behind the Tolbooth stair. And 'tis not improbable if the Country Men had had Officers to direct and lead them, they might have chased the Soldiers out of their Nest.

But after Six or Eight of them were killed in the Attack, among whom I find *Walter Paterson* a choice and pious Youth in *Canmethan* Parish, and Two or Three wounded, who were afterwards taken, the Country Men retired in Order, finding the Attempt too warm for them, and drew up in Two Bodies a little from the *Gallowgate* Port, expecting the regular Forces would venture out of their Barricadoes, and give them fair Play in the open Fields: But the Soldiers liked their Entrenchment very well, and were not fond to follow them, and content to ly still with whole Skins. I am told indeed a few were sent out to view the Country People's Army, but, as soon as they discovered a Party sent to meet them, they retired.

After they had waited some Time in the open Fields without any Appearance of a Visit from the Soldiers, Mr. *Hamilton* and those with him marched back again to *Hamiltoun*, where they formed a Kind of Camp; the People not being unfriendly, and the Duke and Dutcheſs at *London*, they took the Liberty to put their Horses into their Parks. This Discomfiture very much disheartned the raw and unexperienced Soldiers. It was indeed a rash Attempt, and if they were left in the Attack by their Leader, it could not be but discouraging; but the Numbers from all Quarters who flocked to them, soon made them forget this Disappointment.

1679.

Their Reasons for this.

Remarks upon the Account of this in the *Caveat for the Whigs*.Mr. *Hamilton* and his Party come to *Hamiltoun* that Night, and *Claverhouse* escaped to *Glasgow* and alarmed the Soldiers there.*Munday June 2*. Mr. *Hamilton* and these who joyned him attack *Glasgow*.Particulars of the Attack at *Glasgow*.After some killed and wounded, the Country Men retire out of *Glasgow*.And go to *Hamiltoun*.



1679.

Great Inhumanity used by Soldiers to the dead Bodies in the Street of Glasgow.

Their Burial hindered for some Days.

When they are fairly marched off, the King's Forces came out of their Barricadœ. Great was the Inhumanity of the Soldiers to the dead Bodies left in the Streets. I find some Papers asserting that *Claverhouse* and some of the Officers gave Orders that none should bury them, but that the Butchers Dogs should be suffered to eat them. I can scarce prevail with my self to think there were any such Orders given; but it is certain that the seven dead Bodies lay upon the Street from Eleven of the Clock till Night came on, and the common Soldiers would not permit them to be carried into Houses, yea, actually hindred by Force People who were going about this Act of Humanity: Yea, which further discovers their naughty Barbarity, when in the Evening they were taken into Houses, and dressed up for their Burial, the Soldiers came in and turned the Bodies out of their dead Clothes, and went off with the Linens.

And when a Kind of Connivance was given to bury them, none durst appear to do this last Office but Women; yea, when these were carrying them up the Street to their Burial-place, such was the unparalleled Rudeness of the Soldiers, that they attacked the Women, cut the Mort-cloths with their Swords, and forced away the Bier-trees from them. Upon this the Women turned off some of their own Plaids, folded them by their Length, and put them under the Coffins, and went on with them, till the merciless Soldiers, after they had scattered those who were not carrying, came and took the Plaids from them, and would not suffer them to carry the Coffins to their Graves, so they were set in the Alms-house near the High-church, and I think continued there till Mr. *Welsh* and some of their Friends in a few Days came and buried them, as shall be noticed in its own Room.

## S E C T. IV.

*Of the Procedure of the Council, and Motions of the King's Forces until the Duke of Buccleugh and Monmouth's coming down, June 18. 1679.*

Contents of this Section.

Council's Affairs June 3.

Proclamation against the Rebels. App. N<sup>o</sup>. 15.

Remarks upon it.

I Shall in this Section essay a Narrative of the Procedure of the Managers and Council at *Edinburgh*, upon this Rising, now begun in the West, from the Registers, and take Notice of the Orders they send to the Army, and their Motions in prosecution of these as far as the Hunts in the Books of Council lead me.

Very early *June 3.* the Council meet by Advertisement from the Committee for publick Affairs, who had received a Letter from *Claverhouse* to the Major General, giving an Account of the Opposition he had met with at *Drumclog*, and another from my Lord *Ross* acquainting them with the Attack made upon *Glasgow*. Immediately they form and publish the Proclamation against the Rebels in Arms in the West, which I have insert App. N<sup>o</sup>. 15.

The first Accounts of Matters of this Nature are not readily the best, and 'tis the lame Poit brings the surest News: Accordingly we shall find, in running through this Paper, Mistakes in Matter of Fact. We have done so in former Papers of this Nature, and ere long we will meet with more of them. I shall make but a few Remarks on it.

The Foundation of all that follows, is what hath been considered, the Laws declaring it Treason for any Subjects to rise in Arms without the King's Authority. 'Tis added, that the People now up in Arms had tasted of the King's Bounty and Clemency, which the Reader may judge of by the preceeding History. If Harassings, Huntings, Fugitating, Intercommuning, and daily Searchings and Perils be the Bounty and Clemency of this Period, they tasted abundantly of them. The *Cloke of Religion* is made the ordinary Pretext of Rebellion, which does not at all hold as to Presbyterians, how far soever it may be true of Papists: The religious Rights and Reformation of *Scotland* was indeed made a Part of our legal Constitution, and a good many of the publick Appearances pointed at here, and called *Rebellion*, were for both.

It is not worth while to consider the Honour the Council do to the little Burgh of *Rutherglen*, in making it the Head Burgh of the Shire, for the sake of a little Aggravation of the Rising there. But, that the Persons who came there, proclaimed the *Covenant*, is what is not Matter of Fact. We have seen what they proclaimed, and indeed it differs very much from our Covenants. That they seized upon the Persons of divers of the King's Subjects, plundered and robbed them of their Horses, Arms, and other Goods, is likewise a Misinformation, unless they understand it of what they did to the Soldiers, whom they took in their Flight: Neither did they commit any Outrages against the King's loyal Subjects.

After this Narrative, the Reader will judge with what Ground that Insurrection is declared to be an open, manifest, and horrid Rebellion, and that all the Authors, Actors, and Adherents are to be pursued as professed Traitors. After this Declaration, which does not appear to me



me any great Encouragement to lay down their Arms, all are charged to desist from their Rebellion, lay down their Arms, and render their Persons to the Earl of *Linlithgow*, or any other Officer or Magistrate in Twenty four Hours : With Certification, they shall be proceeded against as *desperate and incorrigible Traitors*.

For my Share, the Tenor of this Paper looks as if designed to make the Country desperate. They are declared professed Traitors, invited to come in, without any Promise of Pardon, in Twenty four Hours, and after that, they are to be treated as desperate Traitors, and incapable of Mercy. What could this mean, but to put them to the greatest Heights?

All are discharged to harbour, or supply them, or correspond with them, without Warrant of the Earl of *Linlithgow*, and required to joyn with the Army, and rise in Arms, under Pain of Treason to the Refusers. Masters of Families, Heritors and Landlords are required to be careful lest any of their Children, Servants, or Tenants joyn the Rebels: *Certifying them, if found negligent, they shall be looked on as disaffected Persons*. This Clause was improved after *Bothwell*, with a witness, by the Soldiers and others.

Unto this Proclamation, when the News of Multitudes joyning Mr. *Hamilton*, and the People now in Arms came East, the Council added another with relation to the Militia, dated *June 5*. which is likewise *App. N<sup>o</sup>. 16*. It is founded upon *Act 2. Sess. 1. 2 Parl. Char. II. and Act 1. Sess. 3*. All the Outriggers of the Militia, and Officers thereof, are ordered to come out, and keep their Diets of Rendezvous, and to joyn and act with the standing Forces, when required by the Privy Council or Commander in Chief, the Earl of *Linlithgow*, under the Certification of being fined *toties quoties* for ilk Day's Absence, as the Act specifies, and being looked upon as Favourers and Compilers with the Rebels, and pursued and punished accordingly. The Fines are very severe, and doubled in Time of War ; and became Matter of much Trouble to not a few, after this Business was over. I have no Accounts of the Militia's doing any great Things when the Time of Action came; however, this, with what follows, discovers both the Fear of our Counsellors, and their Care to provide against the Country People now together.

Their Care continues : And that I may give all the Proclamations at this Time together; *June 7*. all the Heritors and Freeholders are called to attend the King's Host, by the Proclamation I have added *App. N<sup>o</sup>. 17*. The Narrative of this Proclamation shews it was formed when the regular Forces, coming back towards *Glasgow*, thought good to return ; since it represents, that the Insurrection in the western Shires is now grown to an open Rebellion. Upon this the Council, tho' they might have required all 'twixt Sixty and Sixteen to rise, yet at this Time, they only call out the Regiments of the Foot Militia in the Shires mentioned in the Proclamation, and require the Heritors and Freeholders who are fencible Men, with so many of their Servants and Followers as they can bring out upon Horse, to repair to the Places specified, and supersede the Horse Militia. The whole western Shires are omitted, and those named are, *Edinburgh, Linlithgow, Peebles, Haddingtoun, Stirling, Clackmannan, Berwick, Roxburgh, and Selkirk, Fife, Perth, Forfar, Kincardin, Marisbal's Part of Aberdeen, Banff, and Errol's Part of Aberdeen, Ross, Elgin, Forres, Nairn*. All benorth *Forth* are to march, immediately after their Rendezvous, to *Stirling-bridge* ; and all besouth *Forth* to the Links of *Leith*. Full Power is granted to them to seize all disaffected Persons ; and, in case of Resistance, to use them as Enemies, within their respective Bounds, especially such as shall be suspected to be going out of the Shire, to joyn the Rebels. Heritors who come not out with their best Horses and Arms, and all their Servants and Followers they can bring on Horseback, shall be liable to the Pains and Penalties provided by Acts of Parliament, against such who do not attend the King's Host, or desert the same.

This Proclamation was Matter of very grievous Fining to a great many Gentlemen and others, who, from different Reasons, could not attend the King's Host, as we shall afterwards have Occasion to remark in its own Place. I shall only observe further, that all or most Part of the Officers named for that Host were the most violent Persecutors of Presbyterians ; and there were not a few among them Favourers of Popery, and some professed Papists. This was plainly contrary to Law, and their own late Proclamation this very Year, and flowed from the Strength of the Duke of *York's* Party in Council.

These Proclamations, especially this last, of *June 7*. were very burdensom to the Country; and at this Juncture there was a Paper writ by a very able Hand, intituled, *A Letter of Advice writ by a Gentleman to his Friend, on the Occasion of his going out to wait upon the Army, conform to the Proclamation, June 7. 1679*. The Author of which takes Notice " of another " Proclamation for Volunteers, which I have not seen, whereby he says, all the Papists in the " Kingdom are armed, and called out to the Fields ; and reckons that, and this anent Heritors " to be among the greatest Grievances. He complains heavily, that after so large a Taxation, " for maintaining a standing Army, Gentlemen should be obliged to come out themselves : " And notices, That *East Lothian, Kincardin, and Marisbal's Part of Aberdeen*, were under " Popish Commanders named by the Council, contrary to Law, and their own late Proclamation. And that those Officers had the Power of naming inferior Officers."

1679:

Proclamation  
about the Mi-  
lita, *June 5*.  
*App. N<sup>o</sup>. 16*.

Proclamation 1  
for attending  
the King's  
Host, *June 7*.  
*App. N<sup>o</sup>. 17*.

This Procla-  
mation Matter  
of grievous  
Fining alter-  
wards.

Letter of Ad-  
vice to a  
Friend giving  
Obedience to  
this Proclama-  
tion.



1679.

"He takes Notice, That the Presbyterians were forced from their Meetings in Houses (permitted in *England* and *Ireland*) to the Fields, and then hunted, apprehended, imprisoned, tortured, blocked up in Prison; and some of them lay there many Years who never had been at a Field-meeting; and when thus forced to the Hills, they were given out as designing a Rebellion, and then pursued by armed Men as Traitors; many of them apprehended, some wounded, some killed, and Multitudes put in close Prisons, others tormented and sold as Slaves; and Women most barbarously used, stripped naked, their Clothes taken away, and left in that Condition in the open Fields."

"And when their patient Bearing of all had the more exasperated their Persecutors, the *Highland Host* was sent among them, whose Cruelties and horrid Abuses were too villainous and shameful to be named by any Christian, or a Man who must own himself a Country-man of such who committed them, or of those by whom they were authorized."

"He further observes, That an *Act of Favour* by the King to his Presbyterian Subjects, was suppressed by the Bishops, and instead of that a Proclamation emitted, declaring it Treason to have Arms at Field-meetings: And after all they had met with, he falls in with the Earl of *Shaftsbury's* Remark, that it was a greater Wonder they had born so long, than that now they were in Arms for their own Defence. And then asks his Friend some very home Questions as to his joining with the King's Host, tho' there be a Proclamation for it, contrary to Law and the King's Coronation Oath, as well as opposite to the King's own declared Intentions of Clemency."

"He represents, That the King of *France* never imposed Officers upon his Nobility and Gentry, and exposes the Council's making very mean Persons, never before Soldiers, Cornets of Troops, wherein the Earl of *Lothian*, Earl of *Dalhousie*, Viscount of *Oxenford*, Lords *Torphichen*, *Balmerinock*, &c. ride Troopers, and where the Duke of *Buccleugh* can, according to the Proclamation, pretend no higher than the right Hand of the first Rank."

The Matter is summed up in short. "The Bishops have helped the Duke of *Lawderdale*, and therefore the whole Nobility and Gentry in the Kingdom must serve their Interests, when he is the King's Minion: And he lays it down as a Rule, that he is the best Friend to his King, that is, the best Friend to his Country, and Laws and Liberties thereof; and shews, that as the Prelates of *England* had of late cast the Balance in Parliament against the Exclusion of a Papist, and in behalf of the impeached Lords; so in *Scotland*, since their being set up, they had been the great Promoters of arbitrary Power and Oppression: And Presbytery must of Necessity, and in its very Nature, be the greatest Bulwark against Popery, the total Extirpation of which is the great Thing every honest Man should be set upon."

These Heads and several others are very handsomely enlarged upon, and this Letter being pretty long, and never published that I know of, and writ, as I have Ground to think, by a masterly Hand, I believe it will be acceptable to the Reader to find it in the *Appendix*, N<sup>o</sup>. 18.

App. N<sup>o</sup>. 18.

Orders to the Militia in different Shires.

They send Orders to the Militia, Companies of Horse and Foot, to meet at the Times underwritten. These in *Haddingtoun*, *Berwick*, *Lintithgow*, *Peebles*, and *Stirling*, Munday next the 9 instant. Those of *Fife* upon the 10. *Angus* upon the 11. That all have Ten Days Provision with them; and the Militia Troop of *Edinburgh* to Morrow on the Links of *Leith*, and the Foot on the 5 instant.

Council's Letter to *Lawderdale*, App. N<sup>o</sup>. 19.

Mistakes in it as to Facts.

At their Afternoon's Sederunt, they send a Letter to *Lawderdale*, together with *Claverhouse*, and my Lord *Ross* their Letters, which I have insert App. N<sup>o</sup>. 19. that the Reader may have the Accounts sent in by the Army, and observe the plain Mistakes in Matter of Fact, that through Haste and Misinformation the Council run into. They say, the *Rutherglen* Declaration traiterously asserts the King to be an *Usurper*. This is a Consequence of their own framing, from an Expression in the Declaration, which to me appears to relate not to the King's Right and Claim to the Government, but the Exercise of an usurped Power in setting up anniversary Days, and destroying the Interests of the Church. But they wire-draw Expressions to expose the People now in Arms, whereas we shall see, that the Bulk of these gathered at this Time, were far from denying the King's Authority. It is yet a greater Mistake, when they say, that Mr. *John King* and Three others were seized by *Claverhouse* in *Stratheven*, whereas they were taken at *Hamiltoun*. Besides, their Numbers were very far from Fifteen or Sixteen Hundred, as the Council represents them. I much doubt if there were yet the third Part of these in Arms. One needs not be surprized at the gross Blunders the *English* Historians fall into, when Narratives from the Council contain so many Misrepresentations.

Their Care about the Town and Castle of *Edinburgh*.

That same Day they ordain the Regiment of *Edinburgh* to rendezvouze to Morrow, and order the Magistrates there to take and grant Receipts for all the Cannon they can meet with in Cellars, or elsewhere in *Leith*, for the Security of the Town and the King's Service: And that some of the Bailies attend at *Leith*, and examine all Persons passing the Ferry at Tides-

times,



times, and imprison such as cannot give Account of themselves. Further, the Laird of *Lundin*, Governor of the Castle, is appointed to call for Smiths, Wrights, and others his Majesty's Servants, to work in the Castle as he sees necessary; and they grant him Warrant to take all Manner of Provisions necessary for the Castle, where he can find them, and give Receipts, upon which the Lords of the Treasury are to pay the Owners at the ordinary Prices.

1679.

June 4. The Council give Orders, that after the Muster is over this Day, one Company of the Militia keep Guard in the *Canongate* Tolbooth, and another in the *Abbey*, and that the whole Regiment be ready to draw together upon the Tuck of Drum; and that the Magistrates of *Edinburgh* make Trial what Powder is lately sent out of Town, and to whom, and secure all the Powder in Town, and place it in the Castle.

The Forces at Glasgow leave it, and retire eastward.

To return to the Proceedings of the Army after the Attempt upon *Glasgow*, my Lord *Ross*, and the rest of the Officers of the King's Forces there, finding the Gathering of the Country People growing, and expecting every Day considerable Numbers to be added to them, and not reckoning themselves able to stand out a second Attack, found it advisable to retire eastward.

Accordingly, June 3. they marched Bag and Baggage to *Kilsyth*, carrying some of the wounded Country Men, who fell into their Hands, with them in Carts: Next Day, when near *Falkirk*, they received the Council's Orders to stop, till the Earl of *Linlithgow's* Regiment, and other Forces from *Stirling* and other Places, joyned them, and then to march back all in a Body to the West Country.

The Motions of the Forces will best appear from the Letters which I meet with in the Council Registers from and to the Earl of *Linlithgow*. June 5. the Earl writes to the Chancellor, "That he intended to have marched with the Forces to *Stirling* that Morning, but being informed, that the Rebels are marched to *Glasgow*, upon my Lord *Ross's* Removal thence, he found it proper to order him with his whole Party to joyn him at the Bridge of *Bonny* to Morrow Morning; upon this Consideration, that if they had gone to *Stirling*, the Rebels might have marched straight to *Edinburgh* before he could have reached them." He adds, "They are said to be very strong, and Rogues flocking to them from all Hands." The Council in theirs to him, thank him for his Care; acquaint him the Companies from *Dumfries* are come to *Lintoun*, and shall, as soon as they arrive, be sent up to him, with such of the Militia as can be spared. They desire him to send them Accounts every Day.

Motions of the Forces June 5.

June 6. The Earl acquaints the Chancellor, "That he had joyned my Lord *Ross* and the Forces with him at *Larber-muir*, where they had Information from *Glasgow*, that the Rebels were about *Bothwell-bridge* and *Hamiltoun*, where they did exercise Yesterday all Day; that Two Troops of Horse from *Galloway*, *Newmills*, and *Galsoun*, and a Company of Foot with Colours and Drums had joyned them; that, when come to the *Holly-bush*, he received Intelligence from the Magistrates of *Glasgow*, that the Rebels continued where they were, and were in Number about Seven Thousand. Since he hears, they are to march to *Lowdonhill*; and the Country are still gathering to them. That he can come to no Resolution till he get further Intelligence; and is just now sending Two Soldiers in Disguise to go to them, and looking after some Country People who may be trusted to send among them, to bring him Intelligence." The Council in their Answer acquaint the Earl, that they have sent up to him some more Forces, that, instead of the Militia, they have ordered the Heritors to come out on Horseback; and conclude with their Assurance of his Vigilance and Care.

June 6.

That Night about Eight of the Clock the Council meet upon another Letter from the Major General, dated *Kirkintulloch* One of the Clock, bearing, "That Yesterday they marched to *Kilsyth*, whence they came this Day hither, where certain Advice came of the Rebels Strength, about 8000 Foot and Horse, if not more. He adds, And being apprehensive of the dangerous Consequences which may follow to his Majesty's Service, if we should engage mad Zealors, with such unequal Numbers, the whole Officers, upon Deliberation, are of Opinion that it is not safe to advance nearer the Enemy, and conceive it best to retire to *Stirling*, to refresh our wearied Men, and expect such as the Council shall see needful to order up to us, that we may be able to make head against the Rebels." He gives this as the Opinion of all the Officers, and moves that his Majesty be acquainted, and besought to send down Forces from *England*; but submits all to the Council; and promises, if they order them, to march, either to *Edinburgh* or against the Rebels, be their Numbers what they will. The Council in their Return approve of their retiring, and recommend it to them to come in to *Edinburgh*, and send an Express to *Stirling*, that the Governor look well to the Safety of that Place.

At the same Time they send an Express to *Lawderdale*, with the Letter from the Earl of *Linlithgow*, and one from themselves, bearing what is above; and further, "That they had called together the Foot Militia in *Roxburgh*, *Selkirk*, *Kincardin*, *Aberdeen*, *Bamff*, *Ross*, *Elgin*, *Forres*, and *Nairn*; and in place of the Militia Horse, by a Proclamation (already noticed) they had ordered all the Heritors in the several Shires, with their Servants and

Letter to Lawderdale, desiring Forces from England.



1679.

June 7. the Army are cantoned about Edinburgh, where they continue till the 16.

Procedure of the Council, June 5.

June 6.

June 7. Letter to the Earl of Argyle.

App. N<sup>o</sup>. 20.

June 8.

Act for administering an Oath to the Militia.

June 9.

June 10.

June 11.

June 12.

Letter from Lawderdale, June 9. App. N<sup>o</sup>. 21. Council's Answer. App. N<sup>o</sup>. 22. Letter from Lawderdale, June 11. App. N<sup>o</sup>. 23. Council's Answer.

“ Followers, whom they are able to bring out on Horseback, to rendezvouze. They add, But after all we dare not conclude his Majesty may trust to this as a sufficient Force to quench this violent Flame, and therefore desire Forces from England and Ireland.”  
 June 7. The Earl of Linlithgow writes to the Chancellor, “ That, according to the Council's Orders, he is on his March to Linlithgow, desires Directions where to quarter his Men, and tells him Stirling is in a good Condition. ” The Council in their Return, refer the Quartering of the Soldiers about Edinburgh to himself, and desire he may leave some Parties of Horse to the Westward of Edinburgh, and be careful to get Intelligence, and that he, and all the Counsellors with him may be present at the Meeting of Council to Morrow at Six after Noon. Obedience to this was given; the Army continued about Edinburgh, till the 16. when they began to march Westward against the People at Bothwell, as we shall afterwards hear.

I need not take up much more Room with the Procedure of the Council at this Juncture: We have seen their most material Steps. I shall only notice that June 5. after the publishing the Proclamation about raising the Militia, they order the Militia Regiment at Midlothian, to quarter at Leith; that the Militia in the northern Shires rendezvouze on the 17. and write to the Earls Marischal, Errol and Kintore, to come to Edinburgh with all Speed. Upon the 6. they write to the Earl of Queensberry, to call together the haill Gentlemen, Heritors, and Freeholders in the Shire of Dumfries, with as many Servants and Followers as they can bring out on Horse with Arms, and march straight to Edinburgh. The like Appointment is given to the Earl of Nithsdale, for Wigtoun and Kirkcudbright. And June 7. they require the Earl of Argyle to come with his Friends, and joyn the King's Army. I have insert their Letter App. N<sup>o</sup>. 20. And another of the same Nature is writ to the Earl of Cathness, desiring him to be at Stirling by the 14 instant. June 8. all the Militia Regiments on the South of Forth are appointed to rendezvouze at Leith as soon as possible, and those benorth it, at Stirling.

That same Day they appoint an Oath to be administered to the Militia by the following Act. “ The Lords of Council, considering how necessary it is to secure the Town of Edinburgh from all Attempts of the Rebels, do ordain the Magistrates of Edinburgh, to draw out to Morrow the Militia Regiment, and Train-bands, and cause the haill Officers enrol the Soldiers under their Command; and ordain the Provost, as Colonel, to administer to the Officers and Soldiers the following Oath, That they shall be true and faithful to the King, defend his Authority, and maintain the same against this Insurrection and Rebellion, and all others, if any shall happen, with the Hazard of their Lives and Fortunes. And if any shall refuse this Oath, he be presently disarmed, secured, and Notice given to the Council.” This is one of the plainest Oaths imposed in this Reign.

June 9. The Council require the Earl of Mar to secure the Passages of the Water of Forth, and seize all Persons who pass the Water with Horses or Arms, not having Passes. That same Diet they write to Major Main, who with a Troop of Horse and Five of Dragoons, was at Anwick, and ready to act against the Rebels, desiring him to march to Kelso, and seize Frank Pringle of Rowiston, Bailie of Kelso, John Brown, and James Handiside; and from thence to go to Jedburgh, and thence to Selkirk, where he should meet with a Party of his Majesty's Forces with further Orders. All Boats are ordered to be secured at Queensferry and Blackness. And Half a Crown is appointed to be given to every Foot Soldier, besides his Pay, for their present Necessity.

June 10. Upon Information that some Rebels infest the Shire of Fife, the Council send over a Troop of Horse, and some Dragoons under the Command of the Laird of Meldrum; the Chancellor is likewise desired to repair thither. The Parishes about Edinburgh are ordered to bring Ammunition for the King's Army. Some Hackney Coach Horses are to draw the Artillery and Sixty Bolls of Meal; and Forty Horses, to carry the Meal for the Use of the Army, are to be provided.

The Master of Ross acquaints the Council, by a Letter read June 11. That Yesterday, near Selkirk, he met with a Party of Rebels of about 150. and defeated them, killed near 60. and took 10 near Galla Water. Next Day the Lord Elphinstoun acquaints the Council, he had taken 33 Rebels Prisoners, who were coming from Fife, and the like Number near Perth. This Day they order the Earl of Mar to gather as many Highland Foot as may be, and bring them to Stirling-bridge. In the Afternoon a flying Packet comes to the Council from the Duke of Lawderdale with Letters, wherein the King approves what they had done, and promises to send them Assistance. I have insert the Letter, dated June 9. App. N<sup>o</sup>. 21. June 13. the Council make a Return to his Grace, and give a short Narrative of what had passed, which is added App. N<sup>o</sup>. 22.

June 15. they receive another Letter from the Duke, dated June 11. acquainting them of the Supplies coming to them, and that the Duke of Monmouth was appointed General, which follows App. N<sup>o</sup>. 23. That same Day they return an Answer, wherein they propose General



General Dalziel may be made Lieutenant General under the Duke of Monmouth, and give some Account of the present State of Things. 'Tis added App. N<sup>o</sup>. 24.

1679.

App. N. 24.

Thus, from the Registers, I have given as short an Account as I could of the great Diligence of the Council at this Juncture, and of the Motions of the Army, and have been the larger here, that we have yet no tolerable Accounts of these Matters. I do not enter upon the Springs of the King's sending down his own natural Son the Duke of Buccleugh to be General. The English Historians, who may be better depended upon when giving what passed at London than in Scots Affairs, tell us, That the Marquis of Halifax, Lord Essex, and Sunderland, continued in close Friendship, and, with Sir William Temple, had for some Time the first directing of Affairs in their Hands. When Shaftsbury had got the Management of the House of Commons in his Hand, the Lord Sunderland moved that he should be brought in to the Council and the Direction of Affairs: This Sir William Temple opposed; but the other Three prevailed, and he was some Time before this brought in, kept close with the Duke of Monmouth, in Opposition to the Duke of York; and when these Two were like to engross the King to themselves, the other Four kept the more unite, and got the Parliament dissolved, and, to satisfy the Clamour in England against the Duke of Lauderdale, and smooth Matters against a new Parliament met, endeavoured the Duke's Removal, or at least the Admission of some other Scots Peers to their Affairs.

State of Affairs at this Time in England.

Thus Matters stood, when it came to be considered what was proper to be done to bear down the Rising in Scotland; and in this Matter there was no small Difference among them. The King was for suppressing it immediately, by Forces from England joining with the Scots Army, and the Duke of Monmouth to command them; Shaftsbury was for suppressing it by his Friends in Scotland, whom he would have brought into the Management, in Lauderdale's room, jointly with Monmouth. Essex agreed with the King as to the Suppression, but wished it might be done only by the Scots, and was against the Duke of Monmouth's having the Command: However, all at length came in to the Duke's being sent down, and so he came, as we shall hear, with Instructions not altogether unfavourable to the oppressed People of Scotland, and he seems not to have been very acceptable to many of our Managers at Edinburgh.

Different Sentiments in the English Council, as to the Duke of Monmouth's coming to Scotland.

I shall end this Section with observing, that, about this Time, the Lord Macdonald, a professed and violent Papist, who, as we have seen, with his Clan, Friends and Followers, for some Time had been up in Arms, and making Ravages upon the Earl of Argyle's Lands, sent in to Edinburgh a Petition to the Council, my Copy of which wants a Date, but I take it have been toward the Middle of June.

The Lord Macdonald, a Papist, makes an Order to the Council.

It was much suspected that this Army of professed Papists, now up in a Body, tho' they pretended Self-defence against the Earl of Argyle, and lived pretty much by the Depredation of his Lands, were in a close Correspondence with, if not under Pension to the Duke of York, and in Concert with those concerned in the Popish Plot in England, and were to have been employed, with too many others his Friends in Scotland, as Occasion served, to support the Popish Successor, in case some Designs against the King had succeeded; or, in the Event of the Bill of Exclusion's taking Effect, they might have been of use to overaw Scotland into an Opposition to it.

The secret Design of this Body of Papists now in Arms.

Although our Laws very expressly provide against all Papists in Arms, and, by the Proclamation abovenamed, they were really guilty of Treason, yet the Council are pleased to receive a Petition from the Commander of this Popish Party, which, being short, I insert here.

Their Petition to the Council.

*The humble Petition of the Lord Macdonald, and the Gentlemen of the Name of Maclean, convened to defend themselves against the Oppression and Malice of the Earl of Argyle.*

*May it please your Lordships,*

Being necessitate, by the Oppression of the Earl of Argyle, to defend our selves and Kinsmen from being for ever ruined and enslaved to him; and, for that end, being convened, and being informed of a rebellious Crew in the West, in Arms against his Majesty's Authority, whose Addresses we have rejected; we most humbly, according to our Duty and Loyalty, petition to be authorized by the Commander in chief, to assist to avenge the King of his Enemies, and that the Earl of Argyle may in the mean Time be commanded to desist; which he hath ever done, when his Majesty had any Thing to do: And your Petitioners shall give their wonted Testimony of their Loyalty and Duty, and give a contrary Proof to the false Character the Earl of Argyle hath given of us,

*who shall ever pray, &c.*



1679.  
Remarks upon  
it.

It is rejected in  
Council, tho'  
with some  
Struggle.

The Infination in the Petition, that the Rebels, as they call them, in the West had made Addreses to that Popish Army of barbarous *Highland* Papists, is so gross a Slander, that it needs no Refutation. They were the firmeft in their Opposition to Popery; their Opposition to Prelacy was under the Views they had of its being a Remain of Popery, and contrary to our Reformation Rights. The first Rifers were so strict, as they made Difficulties to joyn with the Presbyterians who had embraced the Benefit of the *Indulgence*, and all along they gave sufficient Documents of their abhorring the least Motion this way.

Consequently we must necessarily look upon this Clause of the Petition, either as put in at *Edinburgh* by some Body, to cast a Slur upon the Presbyterians, or as an Artifice of the Papists to recommend themselves, who stick not to advance their Cause by the grossest Lies and Dissimulation.

When the Council read this Petition, there was a considerable Number appeared for indemnifying these Popish Clans, and employing them against the West Country Army: But this was so flatly in the Face of their own Laws, and so open a Siding with Popery, that it was got crushed, tho' with some Difficulty. How low a Pass was the Reformation Interest in *Scotland* at, when such a Proposal was made, and almost carried at the Council Board! I return now to the West Country Army.

## S E C T. V.

*Of the State, Declarations and Divisions of the West Country Army, from their leaving Glasgow till the March of the Army under the Duke of Buccleugh.*

The Motions  
of the West  
Country Army  
until their De-  
feat.

**W**E left the West Country People at *Hamiltoun*, after they found their Design upon *Glasgow* impracticable. All the Account I can give of their Motions, till they came to *Hamiltoun-muir*, before the Engagement, is in the following Memorandum, which I find among some other Papers relating to this Period, which, for ought I know, is Matter of Fact.

It is informed the Rebels were at *Drumclog* the first of *June* being *Sunday*, upon *Munday* at the Infal upon *Glasgow*, and at Night they came to *Hamiltoun*, from thence they went to *Strathaven*, and from that came to *Kilbride* Parish, where they staid until *Sunday*, when they came to *Rutherglen*, whence upon *Munday* they came into *Glasgow*, upon *Tuesday* to *Towcorse-park*, *Wednesday* to *Hamiltoun*, *Friday* to *Bradisholm-park*, *Saturday*, *Sunday*, *Munday*, *Tuesday*, they were at *Monkland-kirk* and *Schawhead-muir*, then to *Hamiltoun* till the Defeat.

Considerable  
Numbers joyn  
them from all  
Quarters.

The Reports of this Body of Men their continuing together in Arms after their Success at *Drumclog*, joyned with the Accounts of the Soldiers retiring from *Glasgow* eastward, being spread up and down the Country, a good many came and joyned them from all Quarters. Their Discouragement, for their Repulse at *Glasgow*, was alleviated by *John Paton* in *Medowhead*, called Captain *Paton*, his joyning them at *Hamiltoun* or *Strathaven*, with a Body of Horse from *Finwick*, *Newmills* and *Galsoun*; and considerable Numbers joyned them that Week. It was a Wonder to see the Arms a good many of the Country Men had in so good Case after the West Country had been so oft plundered of Arms.

Places from  
whence they  
mostly came.

A good many came to Mr. *Hamilton*, and the People with him (of whom, without the Ceremony of a Choice, he took the Command) from *Galloway* and *Nithsdale*; and indeed some of the best provided Men at *Bothwell* were from the South, from *Carrick*, *Kyle*, *Cunningham*, *Renfrew*, *Lanerk*, the *Lothians*, and *Stirling-shire*, and among them some very good Gentlemen. None of the Nobility did joyn in this Rising.

Many of those  
Strangers to  
the *Rutherglen*  
Declaration.

These Gentlemen, and the commoner Sort knew nothing of Mr. *Hamilton* and Mr. *Douglas's* Declaration at *Rutherglen*; neither were they at all privy to any Thing of their Scheme if they had any. They reckoned them a Body of People appearing for the Presbyterian Interest, and in hazardous Circumstances at present, whom the King's Army would swallow up unless Assistance were given them; and therefore resolved to hazard themselves in their Defence, not knowing what Providence had to bring forth from these small Beginnings.

They were  
much in want  
of Arms Am-  
munition and  
Officers.

Indeed abundance of Men came in to the Camp, when about *Glasgow* and *Hamiltoun*, during the Time they staid in the Fields; but then many of them had but very sorry Arms, and they were yet more straitned for Ammunition, and had no Way to supply themselves in this, except with a very small Quantity they found at *Glasgow*; and it was a great Loss to them that they almost altogether wanted Officers any way trained to War.



But the greatest Loss was, their Want of Order and Harmony among themselves; neither had they any Person in whom they heartily centred, nor could they agree either upon the Grounds of their Appearance, or the Time and other Circumstances of it: They split upon Subjects that seemed much out of their Road, when their All was at Stake; the Heats and Breaches upon these Heads will presently come in.

Their Camp, when in Commillar Fleming's Park, in Kilbride Parish, and about Glasgow, Schawhead and Hamiltoun, was but ill regulated; and no wonder, when there were but a few among them who had ever been almost in any Camp; and any Officers they had, wanted Authority over the Soldiers; but People came, and went off from the Camp just as they pleased, and as the Carriage of the leading Men pleased or displeased them; and the Captains and other Officers whom they chose, had nothing of that Power which is absolutely necessary to the modelling an Army.

No exact Account can be given of their Numbers, for they were very far from being any way stated; a good many would have been with them to Day, and gone away to Morrow. When most numerous, they are by some Papers said to be Five thousand; but I question it ever they exceeded four Thousand; and even these decreased exceedingly before the Engagement, if I may term it so, at Bothwell, as we shall afterwards hear.

When the Soldiers were retired from Glasgow, Mr. John Welsh, and a considerable Number of Country Men from Carrick with him, came to that City, where they met with no Opposition, but much Kindness and Friendship from many good People there, and in the Country about it. Nothing considerable was undertaken by them, only they caused the Heads and Hands of those who were executed in that Place, for being at Pentland, to be taken down and buried; the same Office they did to those who were killed in the Attempt upon Glasgow, June 2. with one or two who died of their Wounds since.

A Party was also sent westward to Kilmarnock, Irvine and Ayr, who took down the Heads and Hands set up in those Places, and interred them. No doubt these little Detachments used their Interest whither they went, to get People to join their main Army; and considerable Numbers came every Day.

In order to increase their Numbers, and to state the Grounds upon which they took up Arms and continued in them, the most considerable Persons among them, Gentlemen, and others, as well as some Ministers who preached to them, had many Meetings; the principal Thing they had before them, was the drawing up a Declaration to be published to the World.

It was upon this Head they first began to divide and break among themselves. Their first Rising was what they were forced unto, and involuntary, as hath been observed; and the Declaration at Rutherglen, when considered, was unsatisfying to a great many now come up, who nevertheless were willing to join with these who drew it, and venture their Lives and Fortunes to get Grievances redressed, and Matters in Church and State set right, in the most regular and orderly way Circumstances would permit.

Mr. Hamilton, Mr. Thomas Douglas, Mr. Donald Cargill and some others, upon the one Side, would have the Indulgence witnessed against, and some other Things done: Upon the other Hand, the Laird of Kaitloch, Mr. John Welsh, Mr. David Hume, and some others, were not for going those Lengths; but inclined to set up upon as large a Bottom as they could with a safe Conscience, and were of Opinion nothing should be taken into their Declaration which might exclude any Presbyterians from joining in the common Cause.

I find Mr. Hamilton and those of that Side blamed in some Papers writ at this Time, as maintaining some Principles in their Nature antimonarchical, as to the State, and tending to Separation in the Church, with what Truth I cannot positively say. It is my Province to set down Matters of Fact as I find them; and therefore I shall essay to give as short a Deduction of the Debates and Differences 'twixt those two Parties, as I can, from the Papers come to my Hands, and I leave the Reader to judge on the Whole.

At the Beginning of the Gathering, that Week in which the Attempt was made upon Glasgow, when they came to deliberate upon a Declaration to be emitted, most Part by far, in the Meeting for Confutation, were of Mr. Hamilton and Mr. Douglas's Sentiments, Mr. Welsh and a few others excepted; so that it was carried almost without a Struggle, that the Indulgence should be testified against in the Declaration agreed to. All that Mr. Welsh and those of his Sentiments could do, was to get the Passage relative thereunto kept in general Terms. The Paper at this Time before them is but short, and follows.

"We who are here providentially convened in our own Defence, for preventing and removing the Mistakes and Misapprehensions of all, especially of those whom we wish to be, and hope are Friends, do declare our present Purposes and Endeavours to be only in Vindication and Defence of the true Reformed Religion in its Profession and Doctrine, as we stand obliged thereunto by our national and solemn League and Covenants, and that solemn Acknowledgment of Sins, and Engagement to Duties, made and taken in the Year 1648. declaring against Popery, Prelacy, Erastianism, and all Things depending thereupon."

1679.

And without Harmony and one in whom they could confide. Their Camp not well regulated.

Their Numbers uncertain, and were never much above four thousand.

Mr. Welsh and a Party with him come to Glasgow, and bury the Heads of the 5. Officers at Pentland, and some others.

The like done at Kilmarnock, Irvine and Ayr.

Many Meetings among them to state the Grounds of their Appearance, and draw a Declaration. Upon those their Breaches begin.

The two different Sides stated.

A View of their Debates.

At first Mr. Hamilton's Party outvoted the other, and declare against the Indulgence.

Draught of the first Declaration.



1679.

Observe upon it.

Declaration made for the West Country by the Author of the *Caveat* for the Whigs.

The moderate Party to make, and find Fault with the last Clause of the above-named Declaration.

And desire it to be taken out, with their Reasons.

Answers upon the other Side.

Who move a Day of Fasting, and an Enumeration of Defections.

A Committee named to form a Draught of it.

This Declaration was concerted and agreed to, and, as some Papers say, published in the Army. Perhaps it might have been agreeable to the Interest of both Sides now together in Arms, to have for a while satisfied themselves with this general Draught, until some Way had been fallen on to bring them nearer other in their Sentiments upon the controverted Heads; but this would not do.

I imagine some broken Story about this Declaration, or some Commentary some Body hath made on the Words of it, hath given Occasion to the idle Story the Author of the *Caveat for the Whigs*, hath *Part I. p. 51.* "The Rebels, when they had possessed themselves of *Glasgow*, issued forth their Proclamation, commanding the Magistrates to turn out all the Arch-bishops, Bishops, and Curates, their Bairns and Servants, and all Families and Persons concerned in the King's Army, within 48 Hours, under the highest Pains." This Proclamation is so ill made for the Whigs, I am of Opinion it will not do them any Hurt, and no reasonable Person will believe it.

After some few Days, when some more Gentlemen and intercommuned Ministers joyned themselves to the Gathering, they being of moderate Principles, and for the softest Methods of Procedure, began to enquire a little into the Declaration, and found Fault with the last Clause of it, as unseasonable and inexpedient. The Persons, whom I shall afterwards term the moderate Party, did every Day increase, and had no small Debates in the Meetings now kept with Mr. Hamilton and his Party, whom I shall call the first Party. Some who came in afterwards joyned them; but they were mostly made up of such who had been in the first Rising.

This first Party had chosen the strictest and seemingly most zealous Side, and continued a good many of them for a while in these Sentiments because they conversed only upon the one Side. When they had a more extensive Conversation, several came to have other Views of Matters; and upon the other Hand, others who came up, joyned them for some Time, and they continued pretty numerous. Heavy and long Oppression had embittered their Spirits, and the positive and unguarded Expressions of some Ministers upon this Side, contributed not a little unto this.

The moderate Party desired the Clause, *All Things depending thereupon*, might be taken out, as plainly enough pointing at the *Indulgence*, at a Season when it was most unfit that Presbyterians should bite and devour one another. They urged, the *Indulgence* was a Point in its Nature disputable, and not yet declared sinful by any General Assembly, or other competent Judge; adding, That a Declaration in this Matter would certainly break them who were gathered, among themselves, and hinder a considerable Body of People, who had Clearness about the *Indulgence*, or at least could not make it a Ground of Separation, from joyning them.

The other Side urged, That the Point controverted was only declared against in a general Clause, and that it was their Opinion it was a Defection; that *Erastianism* was as directly abjured by this Church as *Prelacy*, and the *Indulgence* was a Fruit of *Erastianism*. Thus their Debates landed upon the Merits of the Clause, and turned both long, warm and endless, and a sensible Colours fell in among them, and the Alteration of the first Declaration was dropt for some Days, until it came in another Shape in a little Time.

At another Meeting the first Party moved, That, considering they might have the Enemy shortly to grapple with, a Day for Fasting, Prayer and Supplication might be kept, for mourning over publick Sins and Defections, deprecating GOD's Wrath upon that account, and wrestling for the divine Protection and Blessing upon their present Endeavours; and pressed a particular Condescension might be drawn up in Writ of publick Defections.

I shall not say this was a *Fasting for Strife*, and not a *Loosing of the Bands of Wickedness*; but in Fact it did turn in the Event to foster and heighten their Dilention and Differences. The moderate Party expressed their Fears of the Tendency of such a Proposal in their present Circumstances, and reasoned for some Time against the condescending upon any Sins in publick Causes, but what they could all agree in. They were over-ruled, and Four Ministers and Four Gentlemen were appointed to bring in a Draught, which will best discover the View of the Proposers, and I insert it here.

### Enumeration of publick Defections, June, 1679.

- Enumeration of Defections.
- AS to those before the Restoration, we refer to the *Causes of God's Wrath*. Since the Year 1660. we reckon,
1. The universal Rejoycings, Bonfires and Riotings, that were almost every where throughout the Land, at the King's Return, and yearly since; the many publick Abuses then committed, and frequent profaning of the Lord's Name.
  2. The establishing of, and complying with abjured Prelacy.

3. The



3. The neglecting of publick Testimonies and Protestations against the erecting of that tyrannical abjured Hierarchy, and against the defacing of the Lord's glorious Work, and overturning the right Government of his House.
4. The great and publick Sin of many, in taking unlawful Bonds, called *Bonds of Peace*, &c. which are contrary to our solema Oaths and Covenants.
5. The paying of unlawful Cess and Taxations, imposed and levied for keeping up the sacrilegious Supremacy, and for maintaining Soldiers to suppress the Gospel.
6. The complying with abjured *Erastianism*; Ministers appearing at the Court of usurping Rulers, and their accepting from them Warrants and Instructions (founded upon that sacrilegious Supremacy) to admit them to, and regulate them in the Exercise of their Ministry; their leading blindfold alongst with them many of the Godly in that abjured Course; their *Indulgence* becoming a publick Sin and Snare, both to themselves and many others.

1679.

However well this Enumeration is drawn to answer the Views of the one Side, 'tis evident that such as were upon the other Side could never go into it. I am told, Mr. *Weyb* was not with them when the Draught was appointed; but he and Mr. *Hume* very much opposed it, and posed the Urgers of it, how they would take it, if he and those of his Sentiments should urge a Fast, because some Ministers and Preachers separated from Presbyterians, and divided them, and preached against the *Indulgence*, before its Unlawfulness was determined by any Judicatory. In short, he pressed the forenamed Arguments against this, and gave his Opinion that it would make great Numbers desert them, and hinder many Gentlemen and others from joyning with them. All the Reply given, was positive Assertions that these Things were sinful, and ought to be publicly mourned for.

which could not be gone in to by the moderate Side.

These who were against this Enumeration and the Fast, because they perceived it would not be kept as such a solemn Work ought to be, could not yield in this Matter, and so there was no Fast kept.

And no Fast was kept.

Thus their Divisions increased, and the necessary Work which might and should have been gone into, was by their Debates first delayed, and then entirely marred. And Enemies had it to observe and remark, that Ministers preached and prayed against one another. And Mr. *Cargil*, they say, publicly protested, that they behoved to part one from another, because a good many of them would not go into a Day of Humiliation.

Thus their Divisions increased.

When this Project failed, I am told, Mr. *Hamilton* took upon him to send Orders to Mr. *Wells*, Mr. *Hume*, Mr. *Rae*, and others of the more moderate Party, to preach against the *Indulgence*, otherwise he and a good many of the Officers would not hear them. It is said, Mr. *Rae* sent a very home and close Answer to him, and desired the Messenger to tell Mr. *Hamilton* and the rest, That he had been wrestling against *Erastianism* in the Magistracy for many Years; and he would never truckle to the worst Kind of *Erastianism* in the common People; that he would receive no Instructions from him nor any of them as to the Subject and Matter of his Sermons; and wished he might mind what belonged to him, and not go beyond his Sphere and Station.

Mr. John Rae's Answer to Mr. Hamilton, when pressed to preach against the Indulgence.

Another, and I may say, the principal Point upon which they divided, was concerning the stating the Cause whereupon they took up and continued in Arms. The clearing of this will take up a little Room; but I give it the more largely, as what will be, upon the Matter, a Vindication of the Body of Presbyterians in Scotland, from many Aspersions cast upon them with relation to this Rising I am giving the History of. It will likewise further let us into the Difference 'twixt the Two Parties at this Time, in the West Country Army.

Their Differences as to the stating the Cause of their Appearance in Arms.

When a Declaration, or the State of the Cause upon which they now appeared in Arms, came to be considered in their Meeting of Officers, now called the Council of War, the first Party would hear of no other State of their Quarrel, but upon the Foot of the Declaration at *Rutherglen*, and the other a little after that before mentioned. They were not unwilling to have them amplified and enlarged, but remained peremptory to have the same Materials continued.

The first Party will have it stated upon the Rutherglen Declaration.

The moderate Party proposed another Draught, which contained an Acknowledgment of the King's Authority, in the Terms of the third Article of the *Solemn League and Covenant*, as we shall find just now in the Draught it self, and desired their Rising in Arms might be stated upon that Foot.

The other Side propose to own the King's Authority.

This was most vehemently opposed by the first Party; who urged, that as they had not mentioned the King and his Interest, and had waved any positive Declaration against him, so they might be excused, and not urged to declare positively for him. They pressed, that all Mention of the King might be left out of any Paper should be agreed upon, since they could not in Conscience positively own him, because he was now in a stated Opposition to the Interests of Christ, and had, upon the Matter, declared War against his People; and all the present Oppression, Cruelty, and Persecution in Scotland, for the Redress whereof they were now appearing, was carried on in his Name. And in short, such a State was inconsistent with the Declarations they had already published; and that the Covenants bound them and

Arguments of Mr. Hamilton's Party against mentioning of the King in their Declaration.



1679.

Reasonings on  
the other Side.

the whole Land, first to GOD, then to one another ; and then to the King in the Defence of the true Religion : But now they alledged the King had actually overturned the true Religion, set up Prelacy and *Eraastianism*, ruined the covenanted Work of Reformation, and the Liberties of the Nation, persecuted to the Death the Owners of both, and plainly broke the Conditions of Government sworn at his Coronation, whereupon his Right and their Allegiance were bottomed : That upon the whole it followed, that Subjects Ties to him were loosed, and that the Words of that Article of the Covenant ought not now to be used.

This was Matter of long Debate : It was almost fruitless for the moderate Party to urge, that in the Year 1638. the General Assembly, and the Covenanters owned the King's Authority in the plainest and most forcible Manner, though he had declared War against them : That tho' the Breach of many of the Articles the King had engaged to, was too evident, yet no habile and competent Judges had declared so much ; and they questioned much how far this could be found competent for them : That this Method of throwing off the King's Authority, would directly preclude all Redress of Grievances, and getting Things that are wrong, righted ; and evil Counsellors removed, who had been the Authors and Springs of all these Evils, and advised the King to them : That their not owning plainly the King's Authority, would undoubtedly break the Design of their gathering together, and effectually hinder Multitudes, who were willing to joyn them, from coming to them.

In short, tho' in Reasoning they endeavoured to answer every Particular advanced by the other Side, yet it was to little Purpose. They were very fixed to their Sentiments. I find by the Papers whence I draw this Account, that it was urged by the first Party ; that since the other Side would have in the third Article of the *Covenant*, that the Fourth might likewise be inserted : That was soon found to be a mere Shift, and not much insisted upon, and so dropt.

A Declaration  
carried by the  
moderate Par-  
ty.

After many Debates in several Meetings, the Draught of a Declaration, which I shall presently point to, was agreed to in one of their Meetings. I find indeed Complaints in the Papers of such who favoured the first Party, that by reason of the Absence of many of the Officers from the Council of War, and a sudden Alarm given to the Army, the Meeting, where this Paper was voted, was thin, the Thing concluded in a Hurry, and some Promises given by such as urged it, that some Words should be amended before it was published, which were not fulfilled : And from this, some Papers, particularly one written by *Rathillet*, says, That upon June 13. Mr. *Welsh* and Mr. *Hume* published the Declaration at *Glasgow*, against Faith and Promise.

Published at  
*Glasgow*, June  
23. and spread.

What Truth is in these Assertions of the one Side, I do not know, having seen nothing written by the moderate Party taking any Notice of them. I am apt to believe many Gentlemen were come up by this Time, who brought the Two Parties to a greater Balance than they had been in before : And it may be, upon the occasional Absence of one or two of the first Party, the other became supernumerary. However this be, upon its being voted, Mr. *Welsh* and Mr. *David Hume* did carry in the Copy to *Glasgow*, and caused publish it at the Cross ; and afterward printed it, and spread it up and down the Country. I have inserted the printed Copy of it, App. N<sup>o</sup>. 25.

App. N<sup>o</sup>. 25.

It is very probable, had not new Divisions and the Engagement itself prevented, this Declaration would have brought in great Numbers to the West Country Army. Perhaps the Differences among them anent the Fast might fall in after this in Order of Time, tho' I have given them before it : For the Papers I have before me have very few of them any Dates ; and the great Heats anent the Choice of their Officers certainly fell in after this.

Observed upon  
it.

I shall make few Reflexions on this Declaration. This was a Time when Things could not be got done as many wished to have had them. We have seen with what a Struggle this Paper was got through ; and when it was voted and published, Mr. *Hamilton* and some others complained of it, and would scarce own it as the Deed of the Meeting ; and we shall find some who died afterwards, put upon bearing Testimony against this as a Defection. However, as yet it was not directly disowned, but highly complained of, by such who were for other Methods.

Upon the Whole, it appears to me to have been fully satisfying to neither Side and their Sentiments, far less the Opinion of the Body of Presbyterians through the Land. It was what the moderate Party with Difficulty got through. Some Things were put into it, if possible, to cement both Parties : But that would not do, the Breach rather run higher.

Another Decla-  
ration, in  
which he Bo-  
d' of Presby-  
terians in Scot-  
land, would  
have joined ;

But leaving this, I come to lay before the Reader another Draught of a Declaration, which, I can say, was the general Sentiments of Presbyterians throughout the Nation, was approved by the moderate Party at *Bothwell*, and would have been heartily gone into by them, had they not been cramped, and brought to quit it by the Importunity of the other Side, and a Willingness, if possible, to agree with them in some Draught. I have Ground to think however, that they took in as much of it as they had any Prospect the other Side would come in to.

That



That the Reader may understand the Genuineness and Conveyance of this Paper, which, for what I know, hath been hitherto in the Hands of but very few, it may be proper I give the History of its coming to my Hands. The reverend Mr. Robert Wylie, Minister of the Gospel at *Hamiltoun* since the Revolution, lately entred into the Joy of his Lord, was pleased to give me the original Copy, which continued in his Hands, being Clerk to the Meeting from which it came. The shining Piety, fine Taste, excellent Sense, and singular Accomplishments of this truly great and good Man, in every Branch of valuable Knowledge and Learning, forbid me to enter upon his Character, as what I am not able to give; and he is so well, and so long known in this Church, that it were needless for me to offer at it. I only take this Opportunity to own publicly the Encouragement and Helps I had from himself, while alive, and from his Papers, by the obliging Favour of his Relict, since his Death, in compiling this History. Within a few Weeks of his Death, when not able to write himself, *February 1715.* he sent me this Account of this Paper, which I give here.

1679.

Communicate to the Author by the late reverend Mr. Wylie, Clerk to the Meeting, who formed it. Hint at his Character.

As soon as the Reports of the Rising in the West came to *Edinburgh*, a good many Presbyterians, Gentlemen and others, used to meet there every Night almost. Those Persons wanted not their Fears that Mr. *Hamilton* and others might expose that honest and sincere Appearance of the Country People, by running to Extremities; and therefore offered their Advice to some among them, as knowing the Posture of publick Affairs, and Circumstances of Things; and frequent Messages and Informations were sent to the West, several of which were not very kindly entertained.

However, the Paper I am just now to insert was read in one of these Meetings, and, after Consideration, was agreed unto. All the Ministers in Town, and particularly Mr. *Robert Fleming*, afterward Minister at *Rotterdam*, at this Time Prisoner in the Tolbooth, applauded it much. The View they had in it, was to state the West Country Appearance, upon such Reasons and Grounds as would bear some Weight; and upon such a Foot as the Party in *England*, who were appearing for civil Liberty, might countenance them, and if Grievances there could in no other Manner be redressed, might in due Time side with them. In short, the View they had was to enlarge the Bottom upon which they went, so as their Quarrel might appear just and fair to all the Reformed Churches, as well as agreeable to the real Principles of our Reformation from Popery, our Presbyterian Establishment, and, above all, to Scripture and Truth.

The Views of the Framers of this Paper.

The Difficulty was, how to get it conveyed to the West Country Army. At length Mr. *William Dunlop*, then in my Lord *Cochran's* Family, was pitched upon, and he undertook it. By the naming him, many of my Readers will know, that afterwards he was the reverend and worthy Principal of the College of *Glasgow*, since the Revolution, whose singular Piety, great Prudence, publick Spirit, universal Knowledge, general Usefulness, and excellent Temper, was so well known, that his Death now a good many Years ago, was as much lamented as perhaps any one Man's in this Church. With some Difficulty Mr. *Wylie* conveyed a Copy of the Paper, at one of the Rounds of the South Side of the Town-wall, to Mr. *Dunlop*; and I have some Reason to think these Two formed the first Draught of this Paper. Mr. *Dunlop* took the Occasion of my Lord *Cochran's* Horses and Livery-men their going West, and came with the Paper unobserved to the Camp. He was very acceptable to Mr. *Wells*, who was much pleased with the Paper, and shewed it to Mr. *Hamilton*, who was a little sour upon it. However a Council of War was called, Mr. *Dunlop* was not admitted to speak with them, but the Paper was rejected very positively, yet Mr. *Wells* made use of it in the Draught abovementioned.

It was sent West by Mr. *William Dunlop* afterwards Principal of the College of *Glasgow*. Hint at his Character.

The Copy of this Paper sent from *Edinburgh*, I set down here from the Original now in my Hands.

The Declaration.

### *The Declaration of the oppressed Protestants now in Arms in Scotland.*

‘ Since it hath pleased the Lord in his holy and wise Providence, to call together us the oppressed People of the Western, Southern and other Shires of *Scotland*; we judge it a Duty incumbent upon us, to give the World a short but faithful Account of the Causes and Motives of this our Appearance; which, tho’ it hath been, as to its immediately antecedent Occasion, altogether accidental, and, upon our Part, merely defensive, and involuntary, yet we now finding our selves providentially stated in another Capacity, do, with reference thereto, declare,

‘ That whereas we have long and patiently groined under the intolerable Yoke of Oppression and Persecution upon our Bodies, Consciences, Liberties, and Estates, by the Violence, Rapin, Robberies, Finings, Confinings, Imprisonments, Banishments, Denunciations, Intercommunings, Torturings, putting to Death, and all Manner of Outrages that have been exercised upon us, through a Tract of several Years bypast, particularly in the Year

1678.



1679.

1678. by sending against us an armed Host of barbarous Savages upon free Quarter, contrary to all Law and Humanity, for enforcing of a most unnatural Bond, wholly illegal in itself, and imprestable by us; all which are too many and grievous to be enumerated, and too recent to be forgotten by any.

For maintaining and carrying on of which unjust and horrid Designs, there have been several Taxes and Impositions laid upon this Land, as formerly, so of late, by a Meeting of packt, prelimited and overawed Members in the Convention of Estates, *July 1678.* intrusted, as to a great Part of it, in the Hands of avowed Papists, or Favourers of them, by whom sundry Invasions have been made upon us, and the most exorbitant Abuses, and incredible Insolencies committed against us.

Whilst we, mean while, have demeaned our selves most peaceably, dutifully and loyally, even to the Conviction of our Adversaries themselves, who were never able to charge us with any other Crime than that of serving God according to his Word and our Conscience, nick-named by them, *Sedition and Rebellion.*

All which, as we have more than sufficient Reason to believe, hath proceeded from the pernicious Influence of some prime Ministers of State for *Scotland*, from the implacable Cruelty and Malice of the Prelates in *Scotland*, and from the Agency of their subordinate and ungodly Instruments; by whom his Majesty's Favours to his distressed Subjects, the Results of his own Royal Bounty and native Clemency, have been either totally withheld or miserably curtailed, and maim'd; and all Administrations in Church and State, contrary to Equity and our known Laws, have been dispensed for many Years bygone in a most arbitrary and tyrannical Manner.

And whereas we have long, but without Effect, expected a Redress of these our sad and unsufferable Grievances, all Applications for Remedy being by Act of Parliament declared unlawful; and those worthy Patriots, who have undertaken to make a Representation of the lamentable state of this Kingdom, having, through the finitrous Policies of their Adversaries, been baffled and disappointed in their Attempts for Relief.

And it being now more than ever apparent to us, that there is a formed and universal Plot carried on, for Subversion of the Protestant Religion, and for subjecting these Lands under the antichristian Bondage of Popery, as by secret undermining and murderous Practices in *England*, so by the open Introduction of Slavery and tyrannical Government in *Scotland*. It being likewise further evident to every one who doth not wilfully shut his Eyes, that many of the present *Scottish* Privy Council do signally contribute to the promoting of the same, as in manifold Instances might be made appear, so particularly in this, that not only hitherto have they countenanced and tolerated known Maies, and Massing-priests and Jesuits to be kept, and to converse in and about *Edinburgh*, and through the Nation; but also, that the Lord *Macdonald*, a professed Papist, with a modelled Army, mostly, if not altogether, consisting of Papists, hath remained in Arms within the Kingdom for a considerable Time, without any effectual Controul from them: But on the contrary, so far are they from a vigorous suppressing of Popery, that it doth still receive remarkable Encouragement from them, in that not only by their late Proclamation of the 7th Instant, the Conduct of the Gentry in several Shires is committed to declared Papists, and Persons popishly affected; but also it hath been lately proposed and agitated at the Council-board, and narrowly misfed of passing there, that the said Lord *Macdonald*, with his Popish Army, should be indemnified for all that is passed, and invited down upon the Western Shires; whereby it is unquestionably clear, that they are more inclinable to reconcile with, embrace and cherish the most bloody and obstinate Papists, than to listen to Cries of oppressed Protestants.

All which abovementioned Particulars, here huddled up for Brevity in transient Hints, with many other our sharp and cutting Grievances, we intend speedily, God willing, in a more ample Narrative to exhibit to the World.

And now all our Hopes of Redress, and Prevention by calm and gentle Methods, and the ordinary Course of Justice, not only from our Rulers at home, but from our Neighbours abroad, being utterly cut off through the Prorogation of the *English* Parliament, from which, under GOD, we expected that a speedy and effectual Check should be given to these growing Evils and eminent Dangers, whereby the Contrivers, Assisters, and Abettors of the foresaid hellish Plot, are protected from that Punishment which their Crimes deserve, the imperial Crown, if the King should decease, or be violently made away by his treacherous Enemies, which GOD avert, to be devolved upon a professed Popish Successor, an eminent Promoter of the said Plot, and the deplorable Calamities and Miseries of this Land, so far from being terminated, that they are daily increasing to a more prodigious and insupportable Height, through the constant working of that diabolical Popish Plot, as well in this as the neighbouring Nation, as is now beyond all rational Contradiction manifest.

Therefore we, finding our selves under an unavoidable Necessity of having Recourse to Arms, do, in Presence of almighty GOD the Searcher of Hearts, declare, That as nothing short of the utmost Extremity hath driven us to it, so the Reasons of our continuing in Arms are candidly and sincerely none other than these. 1. The defending and securing the



the true Protestant Religion and Presbyterian Government, the great Bulwark against Popery, founded upon the Word of GOD, and established by the Laws of this Land, to both which the King, Nobles and People are solemnly sworn and engaged. 2dly. The Preservation of his Majesty's Royal Person from the insidious Projects of his Popish Adversaries. 3dly. The Deliverance of his said Majesty from the malicious Influence of the foresaid wicked Counsellors, and of this Kingdom from the ruining Effects of their wicked Counsels. 4thly. The diverting of the Succession from falling in the Person of a notorious Popish Plotter, which we mean and intend, with all due Respect to Authority, and Deference to the Royal Line.'

'In the Prosecution of which commendable and Christian Ends, as we hope for the Countenance and Help of almighty GOD, the Patron and Protector of the Oppressed, and Vindicator of his own Truth, so we do expect the Aid and Concurrence of all honest and true Protestants, to a suit the Justice of our righteous Cause.'

'Protesting always, That, upon the obtaining of our foresaid just and reasonable Desires, we are most ready to lay down Arms, and behave our selves with all submissive Obedience towards lawful Authority.'

This Paper speaks for itself, and I need say nothing upon it. Had the West Country Appearance been stated upon this Foot, 'tis probable their Numbers and Success had been greater. This Declaration contains a succinct Account of the present Circumstances of this Church and Nation, and the real Sentiments of the most judicious, knowing, and the greatest Part of the suffering Presbyterians.

Upon this Bottom this Rising at *Bothwell* may be defended in the same Manner, and almost from the same Reasonings advanced in the former Book with relation to that at *Pentland*: Yea, if Circumstances, and the present State of Things at this Juncture, be narrowly viewed, with the Hazard *Britain* and the whole Reformed Churches were in from Popery, we shall find this Rising to be much upon the same Reasons and Foot with the Revolution 1688. and the Abdication of the Popish Plotter, in the Paper complained of; and all the unanswerable Arguments, so well advanced for vindicating of that happy Turn of Affairs, will support this Rising at *Bothwell*.

Upon this Bottom, this Rising in the West may be vindicated from the Arguments advanced as to that at *Pentland* and was on the same Foot with the Revolution 1688.

Indeed the West Country People wanted the Concurrence of Persons of Rank and Quality, and had none of the Nobility openly joining with him; and therefore Allowances must be made as to some Circumstances, and the Manner of their appearing: And probably, if Persons of Interest in the Country, and better Management, had directly joined with them, the Balance would have entirely been cast upon the moderate Side, and the unhappy and ill-timed Heats among them would certainly have been prevented, and a Stop put to several other Mismanagements which attended this Attempt for national and religious Liberty.

However, even those Steps most liable to Exception cannot be charged upon Presbyterians through the Nation, neither altogether upon the Generality of those who were in the Army, as is plain from what is above narrated. The moderate Party did Things the best way the Circumstances they were in at present allowed, and it was a great deal easier censuring them, than acting in their Circumstances at this Time.

Other Differences and Heats fell in among the West Country Army, some little Time before the Engagement, concerning the Choice of their Officers, and the offering an Address to the Duke of *Buccleugh* and *Monmouth* when he came West: But I shall leave the Accounts of these to the following Section, where I am to consider what immediately went before the Engagement, and the Defeat itself at *Bothwell-bridge*.

## S E C T. VI.

*Of the Arrival of the Duke of Monmouth, and March of his Army, the continuing Divisions, and Supplication of the West Country Army, with an Account of their Engagement and Defeat at Bothwell-bridge.*

WE have already heard, that, upon the Accounts from Scotland of the Rising in the West Country, the King, by the Advice of his English Council, named his natural Son, James Duke of *Buccleugh* and *Monmouth* to command his Army in Scotland, and gave him Instructions not altogether unfavourable to Presbyterians, of which I have not seen a Copy.

The Duke of *Buccleugh* and *Monmouth* General.



1679.

Arrives at Edinburgh, June 18.

Notice of the Duke's favourable Dispositions sent to the West Country Army.

State of the Army under the Earl of Linlithgow, from Two Letters, June 17 and 18.

App. N<sup>o</sup>. 26.King's Letter, June 16.  
App. N<sup>o</sup>. 27.

Council's Answer,

App. N<sup>o</sup>. 28.

Favour shewn to the Prisoners not concerned in the Rising.

Duke in the Camp, June 19.

He makes repeated Complaints of Want of Provisions, and the Council's Negligence.

Duke's Motions slow. Pains taken for an Application to him from the Army at Bothwell.

Abstract of the Advice sent them as to this Application.

The Duke made all Dispatch, and parted from London the 15 of June, and was in Edinburgh the 18. where I find him that Day admitted Privy Counsellor. His Instructions are read in Council, and he intimates his Resolution to go to the Army to Morrow early. When at Edinburgh, it was soon known he was willing to hear Grievances, if presented to him: It seems Care had been taken at London to give him favourable Impressions of Presbyterian Ministers, and we shall afterwards find them applying to him.

Notice was immediately sent to the West Country Army of the General's good Inclinations, that they might accordingly concert Matters; but Mr. Hamilton and his Party shewed a great Aversion to any Applications to the Duke; and some Papers insinuate, that the People who had been accessory to the Murder of the Archbishop, did what in them lay to mar any Motions this way. The moderate Party were entirely for presenting their Grievances, and accommodating upon good Terms, and with great Difficulty, as we shall hear, carried it, when, I may say, it was too late.

We left the Earl of Linlithgow and his Army about Edinburgh, and June 17. I find the Earl in his Ligger at Kirkhill-park, belonging to the Lord Cardross, whose Lories were very great at this Time by the Soldiers. From thence he writes Two Letters to the Council, June 17 and 18. which contain the best Account of his Army I have seen, and they are inserted App. N<sup>o</sup>. 26. The Council make a Return to them, signifying that Provisions were come up to him, and the Duke of Buccleugh was to be with them that Day, and desire him to take up fit Quarters for his Army at Blackburn, and there to wait the Duke's Orders. That same Day they send a Letter to Lawderdale, acquainting him with the General's Arrival, and thank the King for sending him (which they do in very soft Terms) and conclude with giving the Substantance of the Major-general's Letters just now insert. And June 20. the Council receive a Letter from the King, approving what they had done, and requiring them to go on against the Rebels, dated June 16. which stands App. N<sup>o</sup>. 27. To this they return an Answer, which, because it contains some further Hints of the State of Things, I have added App. N<sup>o</sup>. 28.

Let me only remark, that in the midst of other Affairs, June 19. after the General had been in Council, they remit it to the Lord Abbotshall, and Sir George Kinnaird, to call for a List of the Prisoners in the Canongate and other Prisons, and examine their Case, and liberate such as are not concerned in the Rebellion, as they find Cause.

That Day the Duke goes to the Army, and marches slowly westward toward Hamilton; next Day he complains, in a Letter to the Council, of Want of Provision in the Camp at Muirhead, which hinders them to march. Upon which the Laird of Lundin is, June 21. sent Express from the Council, to represent their Diligence in this Matter. Before Lundin comes up, the Council have another Express from the General, acquainting them, 'That the Bread is come up, but so much short, that it will not serve them one Day; and therefore (with some Sharpness) he urgeth them to send what they promised, and give Orders that their Stores be daily sent up to them, as they would not infinitely prejudice his Majesty's Service.' This produceth another Letter to his Grace from the Council, with Nineteen Cart-load of Provisions, promising to send the Meal to Morrow, and laying the Blame upon the Bakers. But some were of Opinion, the General was not very acceptable to a good many at Edinburgh, and this Slackness in the coming up of Provisions was not wholly chargeable on the Bakers. I shall only further notice from the Registers, that, June 22. Dalziel's Commission comes down by a flying Pacquet, which the Council immediately forward with a Letter to the Duke, leaving it to his Grace's Consideration, if it be not fit to send out a Party of Horse to meet him, at his Coming that Day, in Quality of the King's Lieutenant-general.

This Want of Provisions, and, as some say, the General his waiting for some Application from the West Country Army, made the Duke's Motions westward but slow. Mean while Friends at Edinburgh endeavoured to dispose the People at Bothwell this way, and likewise directed them as to the Manner of their Management in all Events. The Double of a Paper of Advice sent them is before me, and it may not be improper to give an Abstract of it here.

The Person who writes gives it as his Opinion, that all imaginable Affection would be testified to the Duke; and he tells them this may have good Effects, and there is Ground for it. "The Extremity, adds he, of Oppression and Cruelty so long, and by so many various Methods, exercised upon you, only for adhering to a Matter of Conscience, which the Love of GOD and his Word obliged you not to dispense with, for which you have been traduced to the King as Haters of his Person and Laws, would be noticed; and you would vindicate your selves with Expressions of Zeal for your lawful Sovereign and native Country, and shew what you have suffered, and how long before you would any way appear in any Method that would seem opposite to his Authority, which you are perswaded hath been abused by evil Counsellors."

"You would cheerfully, and with Protestations of Fidelity, offer your Lives to his Majesty's Service, with a Reservation of your Religion and Liberty: And you may justly challenge your Enemies who talk so much of their Loyalty, that none of them dare do more, or go further in obedience to lawful Commands, and for the Honour and Safety of your

"So-



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"Sovereign, than you are ready to do. You may truly assert, that there are Multitudes through the Nation, who from many different Reasons do not appear as yet with you, who are under the same Burdens, and equally ready with you, upon the securing of Religion and Liberty, to answer his Commands at home or abroad, and make his Majesty a Terror to his Enemies, especially the Papists."

"Those and such like Expressions of your Affection and Zeal will stop the Mouths of your Enemies, therefore it will be your Wisdom and Interest to study to frame your Hearts to such Sincerity and Zeal in this as may evidently discover it self."

"It may be added, you rejoyce that you have one, and such an one, as above all others you desired to lay your Case before, being hitherto dreadfully misrepresented to his Majesty, and, by Acts of Non-addressing and Intercommuning, rendred hopeless of all Help, or Mitigation of your Oppression; all Access by Petition or otherwise being obstructed by Law, and it being a Crime to you or your Friends to essay it."

"Further, he assures them, your Enemies are disheartned many of them, both by Scarcity of Provision, and with the Views of the Unreasonableness of their Quarrel, which at first they thought not upon. And 'tis reasonably supposed these Discoveries will grow among them, and especially the Gentry, among whom are Divisions and Dissatisfaction; and the Militia will probably soon weary either in waiting or following: So that 'tis their Design and great Interest to fight suddenly, if Conditions be not agreed upon; and their Number is formidable, and many of them resolute, and they must not be despised."

"Therefore, adds he, it will be most reasonable for you, damping to your Enemies, and what will prevent Blood, upon your not coming to an Agreement, to keep at Distance, and shun Fighting for a Time, unless you can do it with seen Advantage, by a Surprizal, Ambuscade, or the like. In the mean time, you would not ly too sparse and open, but keep your Body as close as you can; and let your Scouts be many, strong, and at a good Distance; in all which 'tis reported you are defective."

"Have a Care you be not secure upon the Sabbath-day: Your Enemies are waiting an Advantage against you here, and endeavour to catch you unprepared to meet them. It is generally said and expected, that the Duke is to demand the Murderers of the Bishop, therefore, if any such be amongst you, cause them shift for themselves; that the giving of them up, which 'tis like some of you will not incline to be active in, may be evited, and you freed of Reproach upon this Score."

"If you come to a Treaty, you may represent, that there are a good many of your Friends, wise and sober Persons, who, tho' they have not joyned, yet own your Quarrel, and are alike therein concerned with you, whom you must consult, and have their Judgment in what you do: And upon this Score, urge a Cessation of Arms, and a Liberty to them and you to meet together, to advise what Length you may come in obedience to the Duke's Commands. And if their Number be startled at, as supposing this a Shift, you may name a few of these who may be most useful, and generally acceptable."

"An Express came Yesternight to the Duke, they say, with Orders for fighting: What his Resolutions are thereupon is not yet known. His Commission is very ample, and Intrusions large; and he will do therein as he finds meet. If he enter upon a Treaty, it is likely he purposeth not to fight suddenly, tho' you would not be secure. If he enter not upon a Treaty, be upon your Guard. This is in great Haite; the only wise GOD direct and assist you."

P. S. "It will be convenient the Cessation of Arms be only during the Treaty, and the Treaty as short as may be, because they expect great Force from England and Ireland."

I have given the larger Account of this Paper, because it contains some Hints at Matters of Fact I have not elsewhere met with. The Advice was kindly given, and well received by a good many in the Army, but their growing Differences hindred their Harkning to any Thing of this Nature.

Their former Discord anent the State of their Appearance, and their Declaration, did a vast deal of Hurt to the common Cause, and to both Sides. When the Reports of it came abroad, Multitudes who were coming to the Army were discouraged, and great Numbers, when they came to the Camp, and saw how Matters went, very soon left them. And I find both Sides, in their Papers, complaining of this; Mr. Hamilton's Party especially, towards the Close of this Rising, and when the moderate Party overbalanced them, complained that many came to the Camp, and finding that the Cause was not cleanly stated, and the Indulgence not plainly opposed, they left the Army: The other Side complain, I imagine, with as much Reason, that many quit the Camp, and more who wished them well, came not up, by reason of the Heights and Extremities run into by many.

As the Time of the Engagement approached, these Differences run higher. The publishing the abovenamed Declaration, June 13. did very much ruffle those who opposed it; and they were not only broken in their Affections, but the common Soldiers were under no kind of Discipline: Their Confusions increased, and Numbers lessened much, before the King's Army came

The continuing Divisions at Botho 1, near the putting these in Practice.



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A Motion made to model the Army, and chuse Officers.

It is unpleasant to me, and, I think, would be tedious to the Reader, to run through all the Differences which fell in among them. Upon their receiving the News of the Duke's being come down, it was moved, that their Army should be modelled, and Officers chosen who had most Knowledge of military Business, and would be most acceptable to the Men ; and it was hoped this would help to introduce some Order and Discipline, and prevent Mens coming and going as they pleased.

A Declaration proposed to be signed by the Officers.

Before this Proposal, some Jealousies had been taken up, that some among them who inclined to Heights, were of Principles, and upon Designs which could not be approved. This Jealousie was strengthened by an Incident which fell in : A Person unknown to them, came into one of their Meetings, with a Paper, as he said, from some Ministers and others, which they earnestly desired all might sign, for the Removal of Jealousies and Surmises. The Tenor of it was, " We the Officers of the Presbyterian Army, do hereby declare, That " we have no Intention or Design to overturn the Government Civil or Ecclesiastick where- " unto we are solemnly sworn by our national and solemn League and Covenants ; and that " 'tis our Judgment and Opinion that all Matters now in Controversy be forborn, and re- " ferred to be determined by their proper Judicatories, viz. a free and unlimited Parlia- " ment, and a lawful General Assembly."

Refused by Mr. Hamilton and that Side.

Whether this was a Contrivance of the moderate Party, to try the other Side, or a Paper sent by some Presbyterians, who had not as yet joyned the Army, I cannot determine ; nei- ther do I know what Part of this Declaration was scrupled at, further than the Answer gi- ven by Mr. Hamilton and that Side bears, which seems to fix upon the last Part, and it was, ' That before signing that Paper offered to them, they behoved to be informed more par- ' ticularly what these Things were, which were to be forborn till determined in a lawful ' Parliament and Assembly.' There was no more of this for a little Space ; and Mr. Hamil- ton's Party in their Papers complain, that their Enemies branded them with anarchical and antimonarchical Principles, because they declined the signing of this Paper.

The Proposal for a common Choice of Of- ficers, with a Declaration, delayed for some Time.

Be this as it will, the former Motion was made by the moderate Party, that Officers should be chosen by common Consent ; and that all of them give it under their Hands, that they had no Design to overturn the Government of the Nation. The first Party alledged, that such a Subscription imported a groundless Innuendo, as if some of them there engaged in such a Plot. As to the Officers, Mr. Hamilton said, they had pitched upon the best they could think upon ; and declared for himself and the rest who joyned with him, that if the Cause were right stated, and a Day of Humiliation gone into for their own Sins, and the Sins of such who joyned with them, so that they could satisfy themselves as to the Righte- ousness of the Quarrel, they would most willingly demit, and would cheerfully ride as Vo- lunteers. Both of the Proposals were dropt for a Time.

When the Ac- counts came of the General's good Disposi- tion, the moderate Party urge an Address.

But when the moderate Party were acquainted with the Duke's Willingness to receive Ap- plication from them, they urged upon the Thursday, or Friday before the Engagement, the drawing an Address to his Grace, and the presenting of their Grievances. The first Party itaved this off as long as they could, some of them being, as we have heard, against declar- ing themselves at present for or against the King's Authority, and some from other Reasons ; yet it was not long this Matter could be delayed now, for the King's Army was marching up to them, and upon Saturday came towards Bothwell-muir.

The King's Army oppress the Country in their March, which was very unskilful.

I shall not remark any Thing here of the Severities and Oppression of the Country through which the King's Army came, tho' I have in my View, considerable Losses of Money and Goods, which the Parishes of Livingstone, Shots and Bothwell sustained. Great Confusion and Outrages are ordinary in those Cases ; neither shall I notice what I find observed as to the uncautious, if not unskilful March of the regular Troops westward, in a Line, if it may be so called, for Two Miles of Way. It was well for them they had as unskilful People to deal with, for if any Body had been among the Country People, knowing the Art of War, the regular Troops might have been attacked and scattered with a very small Number. But I return to the State of the Army now in Hamiltoun-muir.

Officers of the West Country Army meet June 21.

The Officers met upon Saturday June 21. where the moderate Party were supernumerary. by the Accession of a good many Gentlemen of some Note, who joyned them, and could not well be excluded the Meeting, which they named the Council of War.

Their Debates about choosing Officers.

At this Meeting their Debates run higher than ever, even when the Enemy was within their View. Much of what had been formerly upon the Field was now tabled, especially the Manner of addressing and modelling the Army. To begin with the last, 'twas urged, that all Places in the Army be declared vacant, and Officers now harmoniously chosen, that they might be intirely one when the Engagement came. The first Party answered, They were most willing upon the Conditions I just now narrated ; the other Side expressed their Sur- prise that they must be forced to mourn for the Sins of others, upon the Supposition they were Sins, and that their Cause must be stated upon that ; And thus the Debates fell in again upon



upon the Indulgence, to that Height, that some of the first Party rose up and protested, that seeing there were severals come in to the Council of War, who were Strangers, and they knew not their Principles, and had never been in any of their Meetings before, that none might be admitted to vote, but such whose Honesty was known, and the Stanchness of their Principles. This was interpreted to be, that none should be admitted but these who declared themselves against the *Indulgence*; and Mr. *Hamilton*, who, as one of his own Side acknowledges upon this Occasion, "was often too forward, pretending to exercise a Power which he had not, and that his Carriage at this Time gave just Occasion of Offence to both Sides;" opposed much the consulting with the Ministers there, because, he said, none of the faithful Ministers were present, but only such who owned the *Indulgence*; adding, That since the Sword was drawn, he thought it Duty to appear against all Sin. It was reported he laid his Hand upon his Sword when he spoke what follows; but Mr. *Hackstoun* of *Rathillet*, in his Relation of the Divisions at *Bothwell*, denies this, but owns he added, *I have drawn my Sword, and am equally ready against the indulged Men and Curates.*

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And the Indulgence.

So high did the Flame rise at a Time, when Harmony was absolutely necessary. The moderate Side continued to urge to have Leaders chosen who were most capable of that Fruit, whether for or against the *Indulgence*, whereupon Mr. *Hamilton*, and a good many with him, left the Meeting, telling them as they went away, "That hitherto they had carried on this Work, and now since they were setting up upon the Foot of the *Indulgence*, they had no Freedom to venture their Lives in that Cause."

Mr. Hamilton leaves the Meeting.

The Persons who went out with Mr. *Hamilton*, as far as *Rathillet*, from whence I take this Account, remembers, were, *John Paton*, *William Carmichael*, *James Hendrie*, *Henry Liall*, *Andrew Turnbull*, *John Haddoway*, *William Clelland*, *Walter Smith*, *Alexander Ross*, *James Fowles*, *David Caldwell*, *John Lowdon*, *Bewly*, *Tweedy*, *John Hamilton*, *James Johnstoun*, and *John Balfour*. We are not to think that all these Persons were of the same Character, altho' at present, as People who had reasoned upon one Side, and Party Men use to do, they withdrew. Some of them were very far from inclining to Mr. *Hamilton's* Measures, and several of them, some say, Mr. *Hamilton* himself, subscribed the Supplication to the Duke.

And others who joined with him.

Those who remained choosed a new Preses and a Clerk, and fell upon their Business. They were unwilling to nominate Officers, when so many were absent, and only talked a little upon it; and the Persons they spoke of were Major *Learmond*, *John Paton*, *William Carmichael*, *William Clelland*, *Robert Fleming*, and others. Nothing was concluded; but they came closely to consider of an Application to the Duke of *Buccleugh*, that being an Affair could not allow of a Delay; and I find they drew, and unanimously voted a Supplication to his Grace.

Those who stayed talked about some Officers, and formed an Address to the General.

A Copy of a Supplication to the Duke, is just now in mine Eye, but whether it was what was agreed to by this Meeting I cannot say, or only a Draught proposed to them. If this be not their very Draught, there is little Question but it would run in this Strain; and it appears to have been calculate to introduce a second Application. The Reader probably will be desirous to see it, and it runs

The Draught of it.

To the right Noble and Potent Prince, James Duke of Buccleugh and Monmouth,  
General of his Majesty's Forces now in Scotland,

The humble Supplication of the Nonconformists in the West, and other Places of this Kingdom, now in Arms, in their own Name, and in the Name of all the rest of those who adhere to us in the Church and Kingdom of Scotland,

Humbly sheweth,

THAT whereas we the Presbyterians of the Church and Kingdom of Scotland, being, by a long continued Tract of Violence and Oppression upon us, in our Lives, Liberty, Fortune and Conscience, and without all Hope of Remedy, cut off from all Access of Petitioning, and that by an Act of Parliament, and discharged to pour out our just Grievances and Complaints; and our Lives being made so bitter by cruel Bondage, as Death seemed more eligible than Life, the Causes whereof we have partly mentioned in our Declaration; and being, by an unavoidable Necessity, driven unto the Fields in Arms, in our own innocent Self-defence:

And now looking on it as a most favourable Providence, that your Grace is come amongst us at such a Time, of whose princely Clemency, and natural Goodness, and Aversion from shedding of Christian Blood, we have had so favourable a Report: We accept, with all Thankfulness to GOD, of this Opportunity to lay before your Grace our sad Grievances and humble Requests; all which, we know, will be misrepresented to your Grace, by such who



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have studiously, yet without any just Ground, except in the Matters of our GOD, been the principal Actors of our sad and deplorable Sufferings. ' May it therefore please your Grace to grant Liberty, under safe Conduct, to some of our Number, to address themselves to your Grace, and to lay open our Heart in this Matter, and that some speedy and effectual Redress may be, by your Grace's Favour and Authority, made, to the establishing of the Nation's Peace. In doing whereof, your Grace shall do that which is most acceptable to the Lord, commend your self to the Generality of the People, as a Reliever of the Oppressed, and a seasonable Preventer of all the Miseries and Ruins that threaten this poor Land, yea, and we doubt not shall bring upon you the Blessings of many Thousands, Men, Women and Children, tho' not with us, yet sincere Lovers of us, and Favourers of our righteous Cause. That the good Lord may incline your Grace's Heart to this, is the humble Desire and earnest Request of, '

May it please your Grace,

Tour, &c.

Supplication not concluded, till Pains was taken upon the Withdrawers. Mean while the King's Army advance to Bothwell Muir.

Mr. David Hume and Kaitloch went up in the Morning June 22. with it.

Their Demands of his Grace.

Who gives them an obliging Answer, but refuses to treat with them till they lay down their Arms, and gives them only Half an Hour for an Answer.

When the Commissioners return, the Officers will agree to nothing, and no Answer is returned.

Whereupon the Attack is made by the Lord Livingstone upon the Bridge, which the Country Men defend till their Ammunition fails.

When they send up to Mr. Hamilton for more, he orders them to quit the Bridge, where their great Strength lay.

After the Meeting had resolved upon a Supplication, Pains was taken to get in the Officers, who had withdrawn, to sign it. This, and some other Things, cost them so much Time, that the Supplication was not sent that Night; and a good many were content to put their Hands to it ere next Day. To Morrow, Sabbath June 22. the Duke and his Army were come to Bothwell Muir, and their advanced Guards to Bothwell Town, within a Quarter of a Mile of the Bridge. The Country Men lay encamped on the South-side of the River of Clyde, in Hamiltoun Muir, and had an advanced Party ready to dispute the Passage at the Bridge over the River, called Bothwell-bridge, if the King's Army should venture to essay it.

Mr. David Hume, and the Laird of Kaitloch, and, some say, Mr. John Welsh, had been named to go to the Duke with the Supplication; and, upon the Sabbath Morning early, they went in Disguise: Yet Claverhouse, having some jealousy of them, watched them upon their Return, and having got some Hint of them, saluted them by their Names.

They had very ready and easy Access to his Grace, and, beside the Supplication, it seems, were instructed to make the following Demands. ' That they might be allowed the free Exercise of Religion, and to attend Gospel Ordinances dispensed by their own faithful Presbyterian Ministers, without Molestation: That a free Parliament, and a free General Assembly, without the Clogs of Oaths and Declarations, should be allowed to meet, for settling Affairs both in Church and State; and that all those who now are, or have been in Arms, should be indemnified. '

The Duke heard their Demands very patiently, and told them, ' That the King had given him no express Instructions concerning these Matters, but assured them, upon his Honour, he would interpose, and use his Interest to the utmost with his Majesty for granting their Desires; and he was very confident he would be able to procure from his Majesty Satisfaction to them, for he reckoned their Desires reasonable and just: But, in the mean Time, he acquainted them, that he would engage to do nothing, nor so much as come in Terms with them, till they laid down their Arms, and betook themselves to his Mercy; and dispatched them back to their Friends, and ordered them to bring him Information, in Half an Hour at farthest, whether they would accept of Quarters upon these Terms; and at the same Time he gave Orders to his Army to advance toward Bothwell-bridge. '

Now the fatal Nature of their Divisions began to appear. When the Commissioners came back, the Officers fell a debating, and would come to no Resolution. Mr. Hamilton, who assumed the general Command, was against all Accommodation, and others did not relish the Proposal of laying down their Arms; in short, they were quite disjoyned and broken, and nothing was agreed upon, nor any Answer returned to the General.

So the Lord Livingstone, upon the Head of the Foot-guards, came up with the Cannon to force the Bridge. A Guard of Two or three hundred Country Men were set to keep the Bridge, consisting of Kippen and Galloway Men. Hackstoun of Rathillet was one of the Commanders of this Guard, and shewed abundance of Bravery, and the Men defended the Bridge with a great deal of Gallantry. Several of the Soldiers were killed, the Country Men stood their Ground near an Hour, making a brisk Resistance, till their Ammunition failed them.

When they found their Powder and Ball falling short, they dispatched up to their General, either to send them down Ammunition, or a fresh Body of Troops well provided. Instead of this he sent back Orders to them, forthwith to quit the Bridge, and retire to the Body of the Army, which at length with very sore Hearts they did, their main Strength lying in keeping that Pass. Thus it was most shamefully parted with by brave Men, for want of necessary Supply: Had they maintained that Pass, which might easily have been done, all had been well; but when it was lost, there was no more Resistance made to the King's Forces. The



The Duke, upon this, ordered the whole Army to pass the Bridge, with Cannon before them, which they planted against the West Country Army, and played a little upon them. Mean while the King's Forces drew up very leisurely behind their Cannon; nor did Mr. Hamilton, as far as I can learn, ever once aim to attack them, or give any Orders for it, when they were coming over, or forming themselves on the South-side of the Bridge.

All my Accounts agree, that the Duke's Cannon playing upon the Horse on the Left of the Country Men, either disordered them, or made them think themselves in Hazard, and essay to shift their Ground. But after this, the Papers giving Account of this Business differ, so that I can make nothing of them. *Rathillet*, in his Narrative, says, 'When he came up from the Bridge, and the Army was formed and seemed very hearty, upon a sudden the Cry rose from the Troops and the Companies on all Hands, that their Leaders were gone, which adds he, were the Men who were inclined to the Indulgence, either flying or seeking a Parley with the Enemy, tho' all Favour had been refused, unless we would lay down our Arms, and come in their Will.' The Papers on the other Side blame Mr. Hamilton and his Party as discouraging the Men, and doing nothing but clamouring against those who were sent to the Duke, and such as were for an Accommodation; they alledge, Mr. Hamilton, and these who were warmest, were soonest out of the Field.

I have seen many and various Narratives of this Action; the plainest and most probable Account I can give from them, is, That the Duke's Cannon did reach the Horse on the Left of the Country Army; whereupon they wheeled to take up another Ground a little higher, but were never able to make their Horses face the Cannon; and, in the Wheeling, or taking up their Ground, they fell foul upon some of their own Men formed near them, and put them in some Disorder: And those nearest them, seeing this, took it to be a Flight, and the whole Army fell into Confusion, and fled; and one who was present there writes to me, Mr. Hamilton was among the foremost, 'leaving the World to debate whether he acted most like a Traitor, Coward, or Fool.'

I would not set down so severe a Remark upon this Gentleman, were it not that I find almost every Body blame his Conduct at this Time. The bringing up the Party from the Bridge was certainly a mad Step, and they ought to have been supported to the utmost, and not called off. I have this following Passage also well vouched. Captain *Thomas Weir* of *Greenridge*, whom, I find, *Rathillet* represents as an Occasion of disordering some of the Foot, when he saw a Body of the King's Forces get over the Bridge, and but a forming, wheeled about his Troop, and the *Galloway* Troop, commanded by Captain *Macculloch*, joyned with him, and was riding down to attack them. Mr. Hamilton came off to him, and said, What mean you, Captain? will you murder those Men? Mr. *Weir* answered, He hoped there was no Hazard, and that he might give a good Account of all the Horse yet come along the Bridge, especially when but forming. When Mr. Hamilton found the Captain's Troop resolute, he dealt with the *Galloway* Troop, and represented and magnified the Difficulties, so as they shrunk, and so the Captain was obliged to retire back with them. My Informer is of entire Credit, and had it from *Greenridge* a few Days after the Engagement, whom he represents as a pious sensible Gentleman.

In short, the Horse and Mr. Hamilton rode off, and left the Foot entirely to the Mercy of the King's Army. The regular Troops perceiving the Country Men in this Pickle, advanced with all Speed upon the Foot, now perfectly naked; they fled all of them, except a Body of about Twelve hundred, who surrendered Prisoners of War, without Stroke of Sword. The Horse got mostly off, and many of the Foot took the Banks and Woods thereabout.

Never was a good Cause and gallant Army, generally speaking, hearty and bold, worse managed; and never will a Cause, tho' never so good, be better managed, when Divisions, Disjoyntings, and Self creep in among the Managers. And indeed, had there been any Skill to manage, I am told, that the regular Troops were extremely open, both in their March, and especially in their Attack; and nothing but the Views of these Divisions, and Unskillfulness, can justify the Duke, and other Officers with him, in attacking an Enemy at such a narrow Bridge, where the Water was not fordable near it, far less in marching his Army through so narrow a Pass, under the Shot of Troops, who were reputed as resolute as his own: But he knew whom he had to deal with.

There cannot be any full Account given of the Slain, because they were just murdered up and down the Fields, wherever the Soldiers met them, without Mercy. It was reckoned there were about Four hundred killed, and Twelve hundred who surrendered Prisoners in the Muir: The Soldiers brought in few or no Prisoners, but cut off all they met with. Some Papers bear, that there were but Two or Three killed at the Bridge, and in the Muir, Bushes and Woods, near by upwards of Three hundred. There were not many of Note killed, that I hear of. Whether it was this Day, or the following, I know not; but, at this Time, that excellent Person, *William Gordon* of *Earlstoun*, who was coming up to the Western Port, was killed by the English Dragoons, who behaved but very cowardly at the Bridge. I am informed, that the Predecessors of this ancient Family entertained the Disciples of *Wickliff*

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The King's Army pass the Bridge, play with their Cannon upon the Country Men, and form themselves without any Opposition. The Cannon put the Horse to flight to them in Disorder.

Accounts of what followed differ according to the different Sides.

The most probable Account of the Country People's Flight.

Mr. Hamilton very much blamed on this Occasion.

The Horse retire, and leave their Foot naked. Twelve Hundred of them, surrendered Prisoners of War.

Remarks on this Defeat.

No perfect Account can be given of the Slain, they were judged to be about 400.



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liff, and had a *New Testament* in the vulgar Tongue, which they used to read in Meetings in the Woods about *Earstoun* House. And, as if the Death of so good a Man had not been Expiation enough for this Crime, his Lady had her Joynture seized, her House spoiled, and many Horses and Cattle taken from her. I hear also, that good Man, Mr. *James Smith*, Brother to Mr. *Hugh Smith*, of whom before, was barbarously killed near the Nether-town of *Hamiltoun*. Neither were there many of Note taken Prisoners at the Action.

It is said, the *English* Dragoons, the *Highlanders*, and some Volunteers from *Perth* and *Angus-shire*, were very bloody, and gave no Quarter. And, had it not been the merciful Temper of the General, and the Influence and Interest used by a considerable Number of Noblemen and Gentlemen this Day waiting upon the Duke, certainly there had been a much greater Slaughter of the Foot.

Cruelty exercised by the Soldiers.

Notwithstanding of the General's Care, no small Severities were committed by the Soldiers: I shall only give a few Instances. When the Body of Foot in *Hamiltoun-muir* surrendered themselves, they were all of them not only disarmed, but stript almost to their Skin, and made to ly down flat upon the Ground in the Muir, with strict Orders not to stir out of the Posture, and a strong Guard set upon them. One of them turning himself to a more easy Posture, set up his Head a little; and when one of the Soldiers perceived this, he shot him dead in an Instant.

Several unarmed Persons coming to Sermon, were murdered in cold Blood on their high Road.

Several Persons were that same Day killed upon the Road near *Hamiltoun*, who were unarmed, and coming down to hear Sermon at the Camp, or upon some other Occasion, and knew nothing of the Engagement, or that the King's Forces were come over the River. Thus Two serious Persons in *Glasford* Parish, *James Scouler* and *Gavin Semple*, tho' they had no Arms, were barbarously murdered upon the High-way, and Six belonging to *Evandale* Parish, *John Browning* in *Kype*, *Robert Stobo* in *Strathaven*, *William Hamiton* in *Threestanes*, *Robert Steil* in *Adstoun-head*, *William Pate* there, and *Archibald Dick*; these were severally met by the Soldiers: Upon their declaring ingenuously that they were coming down to hear Sermon, the Soldiers shot them as they found them. This Cruelty will make the Reader less wonder at their Severity to *Robert Finlay* in the Parish of *Stonehouse*, whom they caught on the Road, and he acknowledging that he was indeed coming to the Army, tho' he wanted Arms, they straightway dispatched him.

The Murder of *Arthur Inglis* in *Cannethan* the Day after.

I shall end this melancholy Subject with a well vouched Account I have of *Arthur Inglis*, a pious, sober, honest Man in the Nether-town of *Cannethan*: He had not been at *Bothwell*, but, upon *Munday June 23*. he was looking after his own Cattle feeding upon a Ley, and had sit down in a fur among his own Corn, and was reading upon the Bible; the Place was Two or three Miles from *Bothwell*, and the high Road came near it. Some of the Soldiers were coming that Way, and perceiving him reading, concluded he was a Whig; and, when at a little Distance, one of them discharged his Piece at him, but missed him. The good Man, conscious of no Guilt, and probably not knowing the Shot was directed at him, only looked about to the Soldiers, and did not offer to move; they came straight up to him, and, without asking any Questions, clave him in the Head with their Swords, and killed him on the Spot.

By these Hints we may guess what was done by the Soldiers up and down near the Place of Action; and indeed they spared no Body almost they met with.

Loss of the King's Army inconsiderable.

The Loss of the King's Army needs not be computed: It was perfectly inconsiderable; a few were killed at the Bridge; after that there was no Resistance made, except in the Woods, where I hear Two or Three of the Soldiers were killed.

Remarks upon the Narrative of this Action in the Caveat for the Whigs.

Perhaps I have spent too much Paper already in animadverting upon the Author of the *Caveat for the Whigs*. I shall take my Leave of him, with observing his gross Blunders and Lies in his Representation of this Action at *Bothwell*. That scandalous Paper is not indeed worth noticing, were it not to expose his Masters who employed so worthless a Tool. He libels the Duke of *Monmouth*, because he was not in the Interest of the Duke of *Tork*, and the Popish Faction, alledging it was his Mercy and Forbearance made the West Country Army insist upon Terms; and among other Things, that the *Covenants* should be renewed. The Duke was civil, and not for shedding of Blood, if it could be prevented; but still he pushed his Point, and would not ~~trough~~ till they laid down their Arms: But the renewing the *Covenants* was none of the Terms they sought. This Writer talks in his following Sentence like one stupidly ignorant of *Scotland*, and says, "The Rebels thought to have marched off to *Carriok* and *Galloway*, in order to furnish themselves with Arms and Ammunition, which was landed at *Borrowstounness*, besides what was further expected from *Holland*." That is, they went West and South to get that which was in the East. And 'tis perfectly a Fiction of his own, to get in the Republican Dutch to the Story, that Arms were landed at *Borrowstounness*, and more expected from *Holland*. I may venture to assure this Dabbler in Politicks, that this Plot, as he thinks it, was not so deeply laid, and their Correspondence did not reach so far. He fully asserts, "Old *Dalziel* honestly resolved to end the Matter." He may depend on it, that old and bloody Man had none of the Honour of that Day. Any thing of this belonged to the Duke of *Monmouth*, and *Dalziel* was at *Edinburgh*. Indeed, upon his receiving



ing a Commission, as we have heard, he came west after the Defeat. To compleat the Glory of this Day, he doubles the Number of the Slain, and makes them Eighthundred. The more were slain in the Circumstances above narrated, the less honourable it was for the Murderers. And he alledges, the Rebels 1600 Horse might have been cut off, had not the Duke given Orders not to pursue them, which is just as true as the Number of the Slain. 1679.

Upon these Falshoods, and some others, such as the Insurrection's being within Two Weeks after the Bishop's Murder, he raises his Scheme, that there was a Correspondence with England, and that *Shaftsbury* and other Patriots there, were to have renewed the Covenants in Scotland. The insisting so long upon these Roveries, deserves an Apology.

The Observes I have made upon the *Caveat for the Whigs*, will shorten my Remarks upon the Account given by Mr. Archdeacon *Eachard*, of our Scots Affairs this Year. There is so great an Agreement in the Narratives given by both, that it looks as if the last had copied from the first, both in this Account of the Bishop's Murder, and this Affair of *Bothwel*. Mr. *Eachard's* Story of so many Copies of *Shaftsbury's* Speech coming by Post to *Edinburgh*, and the pretended Correspondence 'twixt Presbyterians and the Country Party in England, have been already considered. He ought to have brought some Proof for what he adds, "That the Malecontents in Scotland, thus animated from England, began at their Conventicles to display the Banners of *Jesus Christ*, as they called their Colours." But indeed it can never be proven, and I can assure him, there was never a Pair of Colours at a Field-conventicle in Scotland. And a Writer of Mr. Archdeacon's Reputation, ought not to advance such glaring Untruths as we meet with here. Of this Sort are the Scrapes which follow from the Sermons at Conventicles; and the Lists, dropt with the Primate in the Head of them, of *Men to fall by heroic Hands*. The only Foundation for this was the Paper posted up in *Cwpar*, which was not a List of this Nature. His Account of the Archbishop's Murder is mostly taken from the Narrative before insert: But his fixing it upon *Shaftsbury's* Speech, because this happened to be before it some Weeks, with his making the Commons Address against *Lawderdale*, a kind of Consequent of it, are Stretches the Archdeacon will be ashamed of when he reflects upon them, and considers the true State of Things above.

Remarks upon  
Mr. Eachard's  
Accounts of  
Scots Affairs  
this Year.

His Account of the Skirmish at *Drumclog*, June 1. seems copied from the *Caveat* or his Authors; and the Blunders of proclaiming the Covenant at *Ragland*, and their Numbers and Commanders, have been considered, with the foolish Account that follows of the Proclamation at *Glasgow* against the *Bishops and their Bairns*. In Scotland the Untruth of these is well enough known; and 'tis Pity Mr. *Eachard* should lessen his own Character, by publishing such Things again.

In the short Hint he gives of the Defeat at *Bothwel*, he has the Misfortune not to have one true Article almost. He says, *The Duke at Bothwel-bridge fought the Rebels with great Fury*, whereas there was on the Matter no proper Engagement. The Soldiers indeed murdered the poor, fleeing and unarmed Country Men with Fury enough, and, adds he, *Tho' seventeen thousand in Number, intirely routed them*. From what Authority he makes them near six times more than really they were, he can best inform us; even the *Caveat* falls not in this Blunder, whom he follows in the Numbers of the killed. And I am glad, for the Archdeacon's sake, that he has not copied him in the Account of the *Whigs* going to *Carrick and Galloway*, to meet with the Arms come to *Borrowstounness*. However, in Time to come, I hope Mr. *Eachard* will look better to his Vouchers in our Scots Affairs.

Thus I have given as distinct an Account as I could of this Rising, which ended at *Bothwel*. I have essayed impartially to state their Differences as far as the Papers upon both Sides, come to my Hand, would carry me, and narrated Matter of Fact; and the more largely, that these were the Beginnings of the fore Divisions which fell in afterwards among the suffering Party: And because the Misgiving of this Effort and Struggle under Church and National Grievances, may be landed upon them, I wish these Accounts of them may be of use to warn and guard the Church of Scotland in all after Times against Extremities. I come now to the Consequents of this Defeat, which I put in a new Chapter, and with it shall end this Year.

Conclusion of  
this Chapter.



## C H A P. III.

1679.

## Of the Consequents of this Rising and Defeat at Bothwel, and other Things this Year, 1679.

The Defeat at Bothwel followed with much Persecution.

The Defence of those Severities from this Rising, its being Rebellion, considered.

Contents of this Chapter.



MUCH of the Persecution and Harassings of Thousands, for Nine Years following, may be reckoned Consequents, and some way the Fruits of this Defeat I have been describing: What I have in View upon this Chapter, is the Severities which followed during this Year, and more immediately those exercised upon the Prisoners.

I know well the Managers defend their Cruelties, by alledging the rebellious Nature of this Rising. The Reader, after what is set down above, must judge for himself. We have seen this Appearance was not reckoned Rebellion when the Nation came to their Senses after the Revolution. Quarters were offered by the Duke of Monmouth, and even Intercession to have their Desires answered; and, I question not, pacifick Measures had been gone into, if the Duke of York and Papists had not prevailed at Court, but they turned Matters soon upon the severe Side, with respect to Presbyterians.

All I have further upon this Year shall be brought in upon this Chapter, where the Harassings of the Country, and Actings of the Government and Army immediately after the Defeat at Bothwel, the Treatment of the Prisoners, the Trial and Execution of severals who had been in that Rising, the Circuit Courts this Year, and Forfeitures which followed, together with the State of Presbyterian Ministers, and others who had not been in the Rising, the third Indulgence, and the Turn of Affairs in the Close of the Year, by the coming down of the Duke of York, will be Subjects for the following Sections.

## S E C T. I.

## Of the immediate Consequents of the Defeat at Bothwel, the Harassing of the Country, and the Actings of the Government and Soldiers.

Proposal of some Officers of the Army, to burn Glasgow, Hamiltoun, &c.

ONE of the first Consequents I notice of the Defeat at Bothwel, is the Hazard the City of Glasgow, the Town of Hamiltoun, and the Country round the Place of Action were in, had not the good Nature of the Duke of Buccleugh and Monmouth prevented it. The Officers of the Army who had been at Glasgow, Major White, Claverhouse, and others of their cruel Temper, solicited the General to ruine the West Country, and burn Glasgow, Hamiltoun, and Strathaven, to kill the Prisoners, at least considerable Numbers of them, and to permit the Army to plunder the western Shires, who, they alledged, had countenanced the Rebels.

Rejected by the General:

The General abhorred so unnatural a Proposal, and rejected it with Detestation. However, from it we may remark the sad Pass this poor Kingdom was at, when the Army made such Proposals: And the Reader will easily foresee what their Carriage will be the succeeding Years, when the Power is in their Hands. I find, when they were balked in this, they proposed, that at least the Soldiers should be allowed Three or Four Hours to spoil the disaffected Houses in the City of Glasgow, because of the Favour shewn there by many to the West Country Army: But this was likewise peremptorily refused. Yet 'tis said, that the Town of Glasgow was obliged to quit to the Town of Edinburgh, for the behoof of some particular Persons who were to be gratified, a Debt of Thirty thousand Merks they had upon the Canon-mills, that they might be saved from Plunder at this Time.

Multitudes in Hamiltoun brought to great Trouble for their inevitable Conversation with the West Country Army.

It would be endless almost to enter upon the Ravages and Spulies committed by the King's Forces, upon the adjacent Places, immediately after the Engagement at Bothwel. Many Persons in Hamiltoun were spoiled of all their Household Plenishing, and cited before the Council and Circuit-courts for Converse with the Rebels, and some of them imprisoned and fined in very great Sums, altho' they were not in Arms: And it was perfectly impossible to evite Converse



verse with the West Country Army, they lying in and about that Town for several Weeks. Some Gentlemen who got Council Grants of rimes, and the Sheriff-depute made Money by their vexatious Procelles upon these Pretexts for several Years after this. 1679.

*Arthur Tacket*, a Boy of Eighteen Years of Age in the Town of *Hamiltoun*, had gone out with his Gun the Day of the Defeat, but soon got into his Mother's House in that Place. This coming afterwards to be known, he was in a little Time seized by the Laird of *Raploch*, who carried him in Prisoner to *Edinburgh*; where some Years after, as we shall hear, he was, notwithstanding of the Indemnity, executed for his being at *Bothwel*.

The King's Forces, when pursuing the scattered Country People in the Places near by, took all the Horses of any Value which they found in the Possession of such who were no ways concerned in *Bothwel*: And it was their Way, either to carry them with them, or to make the Owners pay very near their Value for them; and when they had done so, they were in Hazard to be plundered by the next Soldiers who came that Way.

Thus in the Parish of *Cambuslang* the Soldiers took away, in Horses and Money, to the Value of 500 Merks from four Farmers, without the least Reason or Provocation. A large List of Oppressions this way from the Parishoners of *Blantyr*, *Kilbride*, *Cambuslang*, *Micklands*, *Bothwel*, and *Hamiltoun* might be given. I have just in mine Eye an Account of the Losses sustained by the East End of the Parish of the *Shots*, at the retiring of the Soldiers and Militia after *Bothwel*, and it runs above 500 *lib. Sterl.* From which we may infer what a swarming Sum the Total would have been, which was exacted from the Parishes round about, had the Accounts of them been preserved.

The Reader will further observe, that in all the Parishes through the Kingdom, where the Managers or Soldiers got Notice of any who had been at *Bothwel*, there was a continued Tract of Plundering, Quartering and spolie for Seven or Eight Years, and that not only upon the Families of such who had been, or were said to have been there; but their Relations, Friends and Neighbours, and all who had any Dealing with them; yea, those Cruelties were exercised upon all who did not comply with Prelacy, and abet and assist the Soldiers in their Rapin and Outrages; so that some of the most exact Conformists themselves did not escape, when they were either so generous, as not to turn Informers, or merciful, as not to fall in with every severe Method now proposed.

The Fines and Forfeitures of Persons of Substance and Estates were innumerable, some of the last may come to be noticed in this Chapter, and in the Progress of this Work. 'Tis very true the King emitted an Indemnity, but we shall just now hear how clogged it was; and the Circuits, Judiciary Courts, and Multitudes of Executions which followed for some Years, are sensible Proofs that our Managers in *Scotland*, who were much influenced by the Clergy, had sufficient Interest to put a Stop to any of the King's Favours this way.

And, as we shall hear in a little Time, most Part of the Gentry of the western Shires, of any Piety and Tenderneis, or who would not go into the Measures of the Time intirely, tho' no way accessory to this Rising, were brought to inexpressible Trouble. They were harried before Circuits, toiled by frequent Appearances before the Council, imprisoned and exorbitantly fined for alledged Harbour, Refet, and Converse with such who had been at *Bothwel*, or were informed against, as having been there; and there was no Way of escaping, but by taking the self-contradicting Oath of the *Test*, and the *Bond* of Regularity, whereby they were tied down to hear the Curates, and delate Presbyterian Ministers who exercised any Part of their Office; all which will appear evidently in the following History.

One Instance at present shall suffice to vouch those Generals. A worthy Gentleman in *Limerick* Shire, *Sir Thomas Stuart* of *Cultnefs*, Son to *Sir James Stuart* late Provost of *Edinburgh*, of whom in the preceeding Books, a Person of an eminently holy Life, shining Conversation, and many other excellent Endowments, was obliged, after *Bothwel*, first to abscond for some Time, and then to retire to *Holland*, and take upon him a voluntary Banishment till the happy Revolution, Orders being issued out to apprehend him upon a Suspicion, without any legal Proof, that he had supplied some of the Country Men going to *Bothwel*, with Meat and Drink. It was not so much as pretended that *Sir Thomas*, or any of his Family and Servants were there: He had indeed refused or declined to put poor People and his Tenants out of their Possessions, for hearing the Gospel in the Fields, or in Houses; and would not be active in persecuting others, who suffered for Conscience sake. Upon these Grounds he was forced to flee his native Country, and lurk among Strangers, to the great Prejudice of his Family and Estate; and, in Absence, when they knew he could not answer their Citation, he was forfeited upon most unjust Grounds, and defrauded of the Incomes of his Estate until King *William's* happy Accession to the Throne.

After these general Hints, let me notice the Procedure of the Government, the Bond, Proclamations, and Indemnity issued out after the Defeat at *Bothwel*. Other incidental Matters which fell in *June* and *July* this Year, I leave to the last Section, that the Reader may have the Treatment of such as were concerned in this Rising all together.

*Arthur Tacket* several Years after executed for being with them.

Horses of any Value seized up and down the Country.

Losses of a Part of the Parish of *Shots* by the Soldiers at this Time 500 *lib. Sterl.*

A continued Tract of Oppression for many Years followed upon the West and South of pre-texted People's being at this Rising.

With innumerable Fines and Forfeitures.

Gentlemen and Heritors brought to great Trouble.

An Instance in the Case of *Sir Thomas Stuart*, of *Cultnefs*.

Procedure of the Government, and General after the Defeat.

From



1679.

Procedure of  
the Council at  
ter the Defeat.Their Letter  
June 22. to  
Lawderdale.App. N<sup>o</sup>. 29.Their Letter  
to him, June 24.

From the Books of Council, I shall here give some Narrative of the Managers Procedure immediately after the Defeat, and bring in here the Actings of Council, during the Remainder of this Year, except what relates to the Prisoners, Circuits, and other Heads which will fall in under the following Sections.

The Laird of *Lundin* brought the Council the first Acount of the Defeat of the West Country Army, June 22. and that Night they send off a tlying Pacquet to *Lawderdale*, with an Account of the Action, which I have insert App. N<sup>o</sup>. 29. At the same Time they write to Colonel *Struthers* in *Northumberland* that he secure the Borders, and stop and imprison the Rebels who shall endeavour to escape to *England*, and order all the Boats of *Queenserry*, and the South-side of the *Firth*, to ly on that Side, that none get over to *Fife*.

June 24. they dispatch another Letter to *Lawderdale*, wherein they acquaint him, "That they have not yet full Accounts of the Victory, but they hear 800 Rebels are slain, and more than 1100 Prisoners. They assure him of their Care to get all Information possible from the Prisoners, and discover such as skulk and hide themselves. They take notice, That his Majesty hath, by this Victory, an Opportunity to secure the Monarchy, Church, Protestant Religion, and Liberty of his Subjects, against all after Attempts. They promise, for their Part, so to execute the Laws against Rebellion, Faction and Schism, as the King shall direct them, without gratifying the Humours of such as are apt to grow more insolent by his Majesty's Grace and Goodness, and have been encouraged and hardened in an obstinate Opposition to the Church; by his Condescensions and Indulgences. They add, That the General, with the Army, are within Two Miles of *Strathaven*; that the Prisoners are come to *Edinburgh*, and ask Directions how to dispose of them; and propose, that after the Ringleaders are punished capitally, the Rabble may be transported to the Plantations, never to return; for which end they desire one of his Majesty's Frigats to be sent down to *Leith*." That same Day they write Letters to *Queensberry* and *Nithsdale*, that they guard the Passes, and endeavour to secure the Rebels, and prevent their going over to *Ireland*.

Upon the 25 of June, the Council receive a Letter from the General, wherein he acquaints them, "That he had sent Parties beyond *Newmills* and *Douglas*, who had informed him the Rebels had passed by those Places in great Haste, and small Parties; that he reckons them now dispersed, and has ordered home the Militia Regiments, and desires them to stop those that are coming up." That Day they order *Henry Ker* of *Graden*, to search for *Turnbull* of *Bewly*, *Turnbull* of *Standhill*, *Henry Hall* and Mr. *Archibald Riddel* who were at the Rebellion, or Abettors of it.

Next Day, June 26. in their Forenoon's *Sederunt*, before the Duke of *Buccleugh* and *Montmouth* comes up to them, they publish their Proclamation of this Day's Date, against the Set of Rebels, &c. which I have insert Appendix N<sup>o</sup>. 30. Therein the Reader will see the Names of the Persons of most considerable Note, who were in the West Country Army, and many of them I take to have been Officers, as *Robert Hamilton*, *John Paton*, Major *Learmond*, *William*, afterward Lieutenant Colonel *Clelland*, *John Balfour*, the Lairds of *Latgoun*, *Bar-scoe*, *John Wilson*, afterward executed, Major *Koss*, Captain *Wier*, the Lairds of *Rathill*, *Kaitloch*, *Shingartoun*, *Bankhead*, *Montgrenan*, *Bedlan*, *Earlstoun*, *Freugh*, *Craichtaw*, *Bewly*, *Standhill*, *Greddin*, *Urats*, and *Murdoch*, the Lord *Cathcart*'s two Sons, *Henry Hall* and others, and all the Ministers and Preachers they could hear of, with the Persons alledged to be concerned in the Attempt on the Archbishop.

I find the Council owning Mistakes in this Proclamation: They declare July 18. That *Robert Stuart* of *Ravenstoun*, and *William Stuart* of *Castle Stuart*, Brothers to the Earl of *Galloway*, have made it evident before them, they were not in the Rebellion; and upon the last of June, they declare that *Brice Blair* of *Finwick* is wrongously insert in this Proclamation. But these are not all the Mistakes the Reader will find upon the Perusal of this Proclamation. I do not much enter upon them, since frequently the Misrepresentations of the Penners of publick Papers at this Time have been noticed.

All who had been at *Bothwell*, are made Traitors, and the Rising a desperate and avowed Rebellion: This will appear hard after what hath been narrated, and, we have seen, their Declaration vindicates them from such hard Epithets. Their Proposals had been some way reckoned reasonable; and, had it not been their own Divisions, 'tis probable a Treaty had been entred to. Now when they are broke, I can see no Use of such hard Words, but to irritate the Remains of them, and put them upon a new Rising. The pretended Reason for publishing this Declaration, is, to keep Subjects from being ensnared and brought to Trouble by them. This may hold as to such whose Names are insert; but this was neither a full List, nor a true List, as we have heard; and the general Clause, Or any others who concurred or joyned in the late Rebellion, makes Subjects as liable to Trouble, as to those not named, as with Relation to such as are named. All such who fail in their Duty in the Premises, are to be punished, as guilty of Rebellion. Here is a broad Foundation laid for pursuing and harassing Multitudes, who afterwards, by People whose Interest it was to have them guilty, were pretended to be accessory to this Rising; and the following Years are a sad Commentary upon

Council's Pro-  
clamation a-  
gainst the Re-  
be of Rebels.  
June 26.  
App. N<sup>o</sup>. 30.Mistakes in this  
Proclamation  
acknowledged  
by the Coun-  
cil.Remarks upon  
it.



on this General. The Proclamation ends with a Recommendation to the Archbishops and Bishops, to see *that it be published in all Parish Churches*. This Method of publishing the Council's Acts of this Nature, is new. The conformable Clergy gave ready Obedience, and they had been ungrate had they done otherwise; but in reading it, one would think they might have had many Challenges, as having been the Occasion of all this Severity, Blood, and Confusion; however the Church and Sabbath seem not altogether so very proper for such Publications.

1679.

In the Afternoon's Sederunt, June 26. I find the General present, when the Council give his Grace their Thanks for his great Pains in suppressing the late Rebellion. Orders are given to the Magistrates of *Edinburgh* to provide Chirurgeons that may attend the sick and wounded Prisoners, and to appoint Persons to receive Meat and Drink, and see it distributed among them. The like Orders are sent to *Lintithgow* and *Hamiltoun*. Next Day the Militia Troops beyond *Forth* are ordered home, and the Militia Regiment of *Edinburgh* ordered to guard the Prisoners by Turns.

Care taken of the Prisoners by the General's Orders.

July 4. The Council receive a Letter from the King, dated June 29. wherein he directs them as to the Disposal of the Prisoners, which I have added *Appendix N<sup>o</sup>. 31*. Therein he refers them to the Duke for his further Pleasure in a Proclamation, which contained a Suspension of the Laws against Conventicles, as we shall see upon the 5 Section. We shall find this Letter obeyed as to the Prisoners in the next Section.

King's Letter, June 29. App. N<sup>o</sup>. 31.

Whether it was by virtue of the Powers granted the Duke at this Time, that he published a Pardon and Indemnity to all Tenants and Subtenants, who had been at *Bothwell*, providing they submitted themselves against such a Day; or if the General, by virtue of his former Powers, emitted this before, he came into *Edinburgh*, I know not, not having seen the Date of this Proclamation. But that he did publish it, appears from the Bond offered at this Time, to the Heritors in the West Country, the Tenor whereof was.

The General offers an Indemnity to Tenants who had been at *Bothwell*.

Whereas the Duke of *Buccleugh*, General of his Majesty's Forces, has thought fit to issue forth a Proclamation of Pardon and Indemnity to all Tenants and Subtenants that were actually concerned in the Rebellion, and present at the late Fight at *Hamiltoun*, and shall render themselves, their Horse and Arms, to his Grace, at the King's Standard, or the Magistrate in Chief of the head Burgh of the Shire, where they shall happen to be, within Days after the Publication of the said Proclamation.

Bond required of Heritors as to such who refused this offered Pardon.

These are testifying, that I do, by these Presents, bind and oblige my self, that in case any of my Tenants or Subtenants that were concerned in the Rebellion, and present at the late Fight, shall refuse or delay to accept of this Act of Grace, within the Time limited, I shall use my utmost Endeavour forthwith to apprehend and deliver up to Justice all such Persons; and in case it shall be made to appear that any of the said Persons shall be found to have resided on my Land, at the End of Thirty Days after the Date of the said Proclamation, I shall forfeit and be liable to his Majesty in the Sum of 500 *Lib. Scots*, for every such Person as shall be found in my Land. Those only excepted to whom the King and Council shall think fit to grant a Pardon. In witness whereof, &c.

For any Thing I can learn, there were but few Tenants came in upon this Proclamation: A good many of the common Sort were made Prisoners, and came not under it; and those who escaped, hid themselves for some Time, and probably had but uncertain Accounts of this Offer, and many were unwilling to venture themselves so soon to the Hands of the Army or Magistrates.

Few Tenants come in on this Indemnity.

Neither do I find the Heritors most concerned, were willing to come in to this Bond. It did involve them in owning the Rising to be Rebellion, and engaged them to turn out all their Tenants who came not in within the Time limited, and brought them under a Fine in case they were after found upon their Lands, and I find no Penalty enforcing this Bond upon them; and therefore, as far as I know, it came to very little. This Proclamation however was of a quite different Strain from that we have seen emitted by the Council, June 26. before the Duke came up to them.

Heritors refuse the Bond.

At this Diet the Council write to the different Sheriffs in the Shires, on the South-side of *Tay*, to send up exact Lists of the Heritors who did not attend upon the King's Host, or left it without Allowance, that they may be prosecuted according to Law. It took some Time before this Matter was brought to a Bearing; and therefore I shall refer it to the next Year, when Multitudes were brought to Trouble upon this Account. At the same Time the Council, being informed, that *Alexander* and *James Balfours*, Tenants in *Gilstoun*, who were taken in Arms going to Rebellion, have fraudulently disposed their Estates and Means, order the Sheriff of *Fife* to sequester all they have for the King's Use.

Notice taken of such who attended not the King's Host.

His Grace the Duke of *Buccleugh* and *Monmouth* takes his Leave of the Council, July 6. and they write a Letter of Compliment to *Lawderdale*, thanking the King for sending him, and acknowledging the great Service he hath done.

Duke of Buccleugh leaves Edinburgh July 6.

The Proclamation of the 26 of June stood in full Force, till it was, if I may say so, a little softened by the Indemnity the King was pleased to grant some time after this. It bears Date at

King's Proclamation of Indemnity.

Windsor,



1679. *for, July 27. What was the Reason of the delaying the publishing of it to August 14. I shall not determine.*

That, as we shall hear, was the Day of the publick Execution of Mrs. King and Kid. It may be reckoned invidious to suppose that Methods were taken to delay it at London for some Weeks, and its Publication, when agreed to there, was deferred so long, that the Soldiers might have the longer Time to harass and spoil the Country. Indeed the Indemnity was so clogged, that it put no great Stop to that when it came.

App. N<sup>o</sup>. 32.

'Tis inserted App. N<sup>o</sup>. 32. and was published with a great deal of Solemnity at Edinburgh, August 14. A Scaffold was erected at the Cross, and the Magistrates came to it in the forenoon in their Robes, and were Witnesses to the Proclamation. In the Afternoon, Mrs. King and Kid were hanged, and their Heads cut off upon another Scaffold. And when that was over, there were publick Rejoycings; the Bells were tolled, and Bonfires put on through the City. That this was timed so, as it might be an Insult upon these two good Men who were put to Death, I shall not say; this was but a poor Revenge. Be this as it will, the publick Rejoycings were a little dashed by a Fire's breaking out in the City that Night, which destroyed a Lodging, and was happily stopped.

Remarks upon it.

When this Indemnity was published, it was no great Matter of Rejoycing to the People concerned in *Bothwell*. The Draught of it appears abundantly cunning and cautious, and *Lawderdale* fails not in it to notice his own Victory over Duke Hamilton. The Field-preachers, termed here *those who poisoned the Subjects with Principles inconsistent with Duty, Society and Government*, are for once put in good Company, and coupled with these worthy Patriots, of whom more hereafter, who were struggling for civil Liberty, and Ease from Oppression and Burdens, under the Name of a *numerous Faction*. After this Fling of all who appear for Liberty, Civil or Ecclesiastick, the King, by virtue of his Prerogative, 'Pardons all who have been at House or Field-conventicles, who are guilty of irregular Administration of the Sacraments, and other schismatick Disorders, those who have been at *Pentland* and *Bothwell*, under the Exceptions contained in the Proclamation. What follows points at Duke Hamilton, and the rest of the Complainers against the arbitrary and oppressive Administrations of *Lawderdale* and his Brother. 'All Authors of infamous Libels or Pasquils, all such who have misrepresented any of our Judicatories, Servants or Subjects.' What a fine Pass are Matters come to in *Scotland*, when a good many of the greatest and best of our Nobility, and others, must have an Indemnity given them, and be ranked among the Rebels and Traitors, as the People at *Bothwell* were esteemed to be, merely for representing Matter of Fact to the King! And if *Lawderdale*, or others his Creatures, needed an Indemnity for any Thing complained of, they are cast in under the Extent of the King's Grace, as follows: *Or advised any Thing contrary to Law, or malversed in any publick Station.*

The Exceptions are many and large, and very much darken this Act of Grace. With one Dash, *Heritors and Ministers, who were in the Rebellion, or contributed thereto*, are scored off. Tenants and the meaner Sort were pardoned before, and, it seems, the King goes no further than the General; yea, such are excepted *as came not out to assist the King's Host*, that is, who would not actively concur to shed the Blood of these People who were essaying to retrieve their Religion and Liberty: We shall find a great many harassed upon this score. Further, the Condition, upon which the Pardon is suspended, rendred it almost of no Value to such who are not directly excepted, That they enact themselves, before such whom the Council shall nominate, *never to carry Arms against the King or his Authority, and never to be at any Field-conventicle*. Very few concerned disowned the King's Authority, and the most Part by far had not the least View of resisting the King; yet so general an Expression, excluding *Resistance in all Cases* to any authorized by the King, was choking to most of them; neither would they bind up themselves from hearing the Gospel in the open Fields.

This goodly Indemnity is closed up with a Command to the Council, and other Judicatories, to punish, with all the Severity Law will allow, not the Keepers of Conventicles, which may be wondered at, but *such as murmur against Judicatories*, that is, the Actings of *Lawderdale* and his Brother in Council, or our Officers, or make or disperse Libels or Pasquils, that is, Representations of Grievances, Complaints against Maladministration, and the like, *those being the Forerunners of all Rebelions*. Thus they endeavour to crush all after Attempts for informing the King, or relieving the Country from Tyranny and Oppression; and the Blame of *Bothwell* is tacitely, though plainly enough, charged upon Duke Hamilton and his Party.

'Tis scarce worth while to observe, that the Bishops and Clergy are not required to intimate this Indemnity from their Pulpits, as they were to intimate the former Proclamation. One would think, there was as much Reason for the one as for the other, and certainly this seems as agreeable to their Function: But, it may be, this scrimp and scanty Proclamation of Pardon was not so pleasing to them as the former, and their Friends spare them. Any Thing further remarkable in the Council's Procedure, this Year, will fall in upon the following Sections.

When



When we have thus seen the Procedure of the Council and Government, we need be the less surpris'd at the military Execution, Ravagings of the Soldiers, and Procedure of the Army up and down the Country after *Bothwell*. The Door was cast open to them by the Proclamation June 26. and I can scarce say it was shut by the Indemnity, and they fall frankly to Work, in which they frequently exceed the severe Laws of this Period. Particularly, we shall find *Claverhouse* raging in the West and South, this and several following Years, and committing many grievous Oppressions. He could never forgive the Baffle he met with at *Drumclog*, and resolved to be avenged for it; and yet we shall meet with some others more bloody and barbarous than he.

1679.

The Ravages committed by the Soldiers at this Time. ■

Every Body must see, that 'tis now almost impossible to give any tolerable View to the Reader, of the Spulies, Depredations, and Violences committed by the Soldiers, under such Officers as at this Time they had. Multitudes of Instances, once flagrant, are now at this Distance lost; not a few of them were never distinctly known, being committed in such Circumstances as upon the Matter buried them: And it would swell this *Section* too much, should I even insert all the Instances I have met with, therefore I shall only narrate a few I find well vouched and certain.

A great many Parties of Soldiers were dispersed through all Quarters of the West and South; but I shall almost confine my self here to the Severities committed by *Claverhouse*, and the Forces under his Command, in the Circuit, shall I call it, which he made a very little after the Engagement at *Bothwell*.

In a few Days after this Defeat, I find him, and the Soldiers under his Command, harassing the Shire of *Air*; from that he goes to *Galloway*, and from thence to *Nithsdale* and *Dumfries*. As they perambulate those Places, it was their Care to inform themselves in every Parish who had been at *Bothwell*, in which the Episcopal Incumbents were very useful to them.

*Claverhouse* and his Troop go thro' *Air* Shire, *Galloway* &c. and inform themselves who were at *Bothwell*.

And, considering that the Spoil went to their own Pockets, and was never accounted for, we may safely suppose, they were well enough disposed to receive Informations, diligent to have them, and not over nice in taking of them: Thus Multitudes of Persons, who were noways concerned in *Bothwell*, now and afterwards came to much Loss and Trouble. So miserable a Thing it is, to lay a poor Country open to the covetous and cruel Lusts of a profligate Army!

Upon those Informations, such as they were, without any Probation, and when there was no Body to oppose them, they attacked the Houses of such who, they pretended, had been in the Rising. Few or none of the Persons themselves found it convenient to wait for their Coming, but made the best Shifts they could. Their Families, in their Absence, were fallen upon, and suffered very much, their Relations, yea, every Family near by, where the Soldiers were pleased to alledge the Rebels might be; and every Thing they inclined to have, was taken away, and great Sums extorted for such Things as they carried not with them.

And attack their Houses.

All this was the harder upon the West Country, especially the Shire of *Air* and adjacent Places, that they had been but last Year sufficiently pillaged by the barbarous *Highland* Host. The Reader will easily perceive, this will make the Depredations this Year doubly heavy to the Country, and like the ripping up of a Wound, when but lately, and indeed scarce skinned over.

It deserves our Notice further, before I come to Particulars, That, for Two Years after *Bothwell*, the Soldiers never paid any Thing for their Quarters, but lived at Discretion upon the West and South. This, if calculate, would come to a vast Sum levied from the Country, especially considering the Manner of their living upon the Substance of others: They were sure to take the best Things that were to be had in the Place, and, generally speaking, they destroyed as much to the People upon whom they quartered, as they did eat up, if not more.

For two Years after this the Soldiers were upon free Quarters wherever they came.

Yea, till the Revolution, they never paid any Thing for transient Quarters, *that is*, when upon their Road, and when not directly allotted for so many Days upon such and such Houses. This fell very fore upon many Places in the West Country: I could instance in the Town of *Kilmarnock*, where, for some Years after *Bothwell*, there scarce ever passed a Week, but there were some Companies or Troops lay there, for a Night or two, in their Coming or Going, and that as much upon free Quarter, as they had been in an Enemy's Country. And the little Village of *Dalmellington*, which is the Key into *Galloway* and the South from the West Country, suffered this way a great deal more than can be computed.

To come to some particular Instances; when *Claverhouse* came to the Shire of *Air*, in his Road southward, there were very few Parishes which lay near his Rout that escaped him and the Parties he sent about. I have Two Instances from the Parish of *Bar*, well vouched, which shall serve in room of many might be named.

*William M'lewey* and in *Merkland*, in that Parish, had been at *Bothwell*, and was a Prisoner at present in the *Gray-friars* Church-yard in *Edinburgh*. His Wife, who yet lives, having Notice of her Husband's Circumstances, went in to *Edinburgh*, and, by a Gentleman's Interest with some of the Managers, got him liberate by the Council. While they were coming home, *Claverhouse* and his Troop came to this Man's House, upon Information he had been at *Bothwell*.

Severities upon *William M'lewey*, a Prisoner, his Family.



1679.

wel, and perfectly rifled it: They took all the Clothes away, and Two Horses worth Six Pounds sterling. These Gentlemen never regarded whether the People, about whom they had Informations, were dead, or Prisoners: That which they looked after was their Goods and Cattle, and any Thing that made best for them. After William was come home to his empty House, and had plenished it, in a little Time Edmonstoun of Broich, having procured a Gift of the Moveables of the People in that Parish who had been at Bothwel, came and spoiled his House, tho' he had been liberate by the Council, and took away any Thing which remained, with all the Corn and Crop he had. Not long after, when the Test came about, the said William refusing it, his Master, the Laird of Girvan-mains, took from him Nine Cows and Oxen, a Horse, and Twenty five Sheep, with all the Crop and Growing of that Year, and any Thing that was portable of Household-plenishing. Yea, so cruel were they, that he himself being fled from his House, and his Wife hearing of their coming, having removed some small Matter of her Clothes, and other Things in the House, to a little Hut in a Glen, at some Distance from the House, the Party employed getting Notice of it, after they had plundered the House, came back and took it all away.

I purposely call together Things done in several Years to this good Man, that the Reader may have some small View of the Chain of the Troubles and Spulies serious and religious Persons sustained about this Time, tho' indeed they be inexpressible.

Upon James  
Macjarrow.

The other Person in the same Parish is James Macjarrow. I do not find he was at Bothwel himself, but he was attacked, and forced to pay Thirty Pounds Scots by way of Fine, only because he hired a young Man to be his Servant, who had been at Bothwel, and was taken Prisoner, and liberate by the Council, upon his taking the Bond. This Person is yet alive; and I have this and some other Severities which may come in afterwards, under his own Hand.

Several other Instances might be given from this one Parish. Many poor Families were spoiled, under Pretext of having been at Bothwel. One Man who was not there, had Thirty Pounds forced from him, and another a greater Sum. But, by those Hints, we may some way guess at the Ravages committed upon the neighbouring Parishes; and indeed particular Instances would be endless.

Severities in  
Galloway.

If we follow Claverhouse into Galloway, we shall find some Things yet worse. He carried in with him some English Dragoons, several Troops of Horse, and some Companies of Foot. The Damages those committed are beyond reckoning. We have heard somewhat of their Method with such as were alledged to be at Bothwel: But I find in Galloway they scarce made any Distinction betwixt those and others. In that Country they seized all the Horses they could find, and either carried them off, or made their Owners pay near their full Price; and spoiled all the Houses in their Way, without putting themselves to the Trouble to ask Questions; and carried away every Thing they pleased.

In the Parish of Carsphairn Claverhouse took abundance of Horses, and such as were of any Use he carried with him. From one Man in Craigengillen were taken Three, worth Eleven Nobles apiece. In the same Parish they took fifty Pounds from a poor widow Woman, because, as they alledged, a Servant which was in her House, had been at Bothwel.

The neighbouring Parish of Balmaclellan was in the like Manner sadly harassed, and many others near by. In one House, one of the ruffian Soldiers forced the Woman before her Husband's Eyes, and then spoiled the House, and carried off what made for them.

In the Parish of Glencairn, the Soldiers under Claverhouse made terrible Havock; beside the ordinary Practices in other Places whithersoever they came, the seizing Horses, pillaging Houses, and the like: Two Passages of their Barbarity I have well vouched, cannot well be passed.

Torture used  
to make Per-  
sons discover  
what were at  
Bothwel.

They apprehended a poor harmless Youth at his Work, and pressed him to declare who of his Neighbours were said to be at Bothwel. The young Man either could not, or would not inform them. And when he had stood out their Threatnings, they came to put him to the Torture. Boots and Thumbkins were not at Hand, and the Way they fell on was this. A small Cord was tied about his Head, and both Ends of it were wreathed about the But of one of their Pistols, then they twisted it about the upper Part of his Head with the Pistol so hard, that the Flesh was cut round in to the Skull. The Pain was inexpressible, and his Cries were heard at a great Distance.

\* Roof.

They caught a young Herd Boy in the same Parish, and would have him to discover where his Master was, whom they alledged to have been at Bothwel. The Boy very probably could tell them nothing about his Master: However they took him, and fastened Two small Cords to his Thumbs, and by these hung him up to the \* Balk of the House. The Torment he endured was very great, yet they got nothing out of him. But the other Youth, last spoken of, died within a little after he came out of their Hands.

A vast Number more of their Cruelties might easily be added in Air-shire, Galloway, Dumfriess, and Nithsdale: But I have only selected one or Two of the different Kinds of their Severities from a good many Instances in my Hands; and there are Instances in other Shires as well as these.

Francis



*Francis Park* in *Croftfoot*, in the Parish of *Carmonock*, in *Lanerk-shire*, was, some little Time after *Bothwel*, questioned for lending his Plough to a Neighbour of his, who was by the Soldiers said to have been at *Bothwel*, to plow one Acre of Land. When he could not deny the Matter of Fact, that he lent his Plough to such a Man, straightway Fourteen Soldiers were quartered upon him for some Days: And they took up an Inventar of all his Goods and Plevnishing. The poor Man was forced to compound, and give the Soldiers Fifty Pounds to save his House from being plundred. *George Park* in *Muir-side*, in the same Parish, was forced to pay 200 Merks, for no other Cause, but his harbouring his own Son for a little in his House, after he had been at *Bothwel*.

1679.

*Francis Park* haraished for lending his Plough to one who had been at *Bothwel*.

I shall shut up these particular Instances with one which I have well vouched from Persons yet alive, who were present. Some Time after *Bothwel*, *George Forbes*, a Trooper in Captain *Stuart's* Troop, then lying at *Glasgow*, came out one Morning with a Party of Soldiers to the Village of *Langside*, in the Parish of *Cathcart*, not Two Miles from that City, and by Force broke open the Doors of *John Mitchell* Tenant there his House, who, they alledged, had been at *Bothwel*. *John* was that Morning happily out of the Way, whereupon they seized *Anna Park* his Wife, a singularly religious and sensible Country Woman, whose Memory is yet savoury in that Place; and pressed her to tell where her Husband was. The good Woman peremptorily refusing, they bound her, and put kindled Matches 'twixt her Fingers, to extort a Discovery from her. Her Torment was great; but her GOD strengthened her, and she endured for some few Hours all they could do, with admirable Patience; and both her Hands were disabled for some Time. When they found they could not prevail, they spoiled the House, and abused every Thing in it. The Milk they could not drink, was poured out on the Ground: The Groats she had for the Sustenance of her Family, they gave to their Horses; and what of them, and the Meal in the Chests, they could not consume, was cast out to the Dung-hill.

Lighted Matches put betwixt a Woman's Fingers, to make her discover where her Husband was.

These Hints may serve to let us in to some Knowledge of the Barbarity of this Period. In short, Multitudes were so haraished and oppressed, that, seeing no Door of Relief, they chused to take upon them a voluntary Banishment, and went off, some with, and others without their Families, to foreign Countries; such was the Rage of the Soldiers, and so lamentable were the Circumstances of the poor Country at this Time.

## S E C T. II.

### *Of the Treatment of the Prisoners taken at and after Bothwel.*

**H**AVING given some Idea of the Hardships put upon the Country in general, 'tis Time to look after the Prisoners taken at *Hamiltoun Muir*, and some others catched up and down after the Defeat; and it will be proper to put all that is come to my Hand, relative to them, in this Section, tho' it passed in different Months this Year.

About Twelve or Thirteen Hundred were carried in from the Place of Action to *Edinburgh*, among whom was Mr. *John Kid*; and Mr. *John King* was afterwards taken: I leave them both to the next Section. Afterwards about Two Hundred more were brought in to *Edinburgh* from *Stirling*; some whereof were apprehended as coming from the North and *Fife*, to joyn the Army at *Bothwel*; others of them were taken at and about *Glasgow*, several of whom had never been in Arms, but had spoken kindly to the wounded Men and Prisoners, and endeavoured to supply their Necessities: And others of them were pickt up here and there by some of the less cruel of the Soldiers.

Numbers of the Prisoners

We have already noticed, That those who surrendered themselves were presently stripped, not only of their Arms, but of their Clothes also, and they were carried in to *Edinburgh* almost naked. Such who, from Compassion, brought any Refreshment to them by the Way, were for the most part abused and beaten, and the Vessels wherein they brought Provision broken, and the Meat and Drink scattered, spilt, and trode upon. None but Women durst appear in shewing any Compassion towards them: The Men who ventured upon this were caught, and sent Prisoners with them.

Cruelty exercised in their Way to *Edinburgh*.

At *Linlithgow*, a good many of them stayed one Night in their Way to *Edinburgh*, and the above named Inhumanities were remarkably practised there to any who noticed them. In their Journey they were generally tied Two and Two. When they were come to *Castorphone*, within Two Miles of *Edinburgh*, great Multitudes came out of the Town to stare and gaze upon them. Both Sides of the Road were lined with People, and some of them were most bitter and malicious in their jesting and reproaching the Prisoners as they went by. Too many



1679.

Council's Order to the Magistrates of Edinburgh, June 24.

They are put into the Grayfriars Church-yard.

Their Hardships there.

ny of that profane Mob followed the Pattern of the old Mockers literally, and said, *Where is your God? take him up now, and Mr. Welsh, who said you should win the Day?* That good Man had no such Expression, and was under very melancholy Views of the Issue from the Temper of some among them. Thus, for Two Miles, to crown the Hardships they had been and were under, they endured the Reproaches, Mockings, and sharp Tongues of the Proud and those who were at Ease: Their Souls indeed were among fierce Lions, but many of them were perfectly serene and easy under all this.

They came to *Edinburgh*, June 24. when I find the Council "give Orders to the Magistrates of *Edinburgh*, to receive the Prisoners taken at the late Fight, from the commanding Officer, and recommend them to their Custody; and that for that end they put them into the inner *Grayfriars Church-yard*, with convenient Guards to wait upon them, who are to have at least Twenty four Centries in the Night Time, and Eight in the Day Time; of which Centries the Officers shall keep a particular List, that if any of the Prisoners escape, the Centries may assure themselves to cast the Dice, and answer Body for Body for the Fugitives, without any Exception; and the Officers are to answer for the Centries, and the Town of *Edinburgh* for the Officers. And if any of the Prisoners escape, the Council will require a particular Account, and make them answerable for them." And next Day, the Council order a Bank to be beat through the Town, discharging any of the Inhabitants to come near the Place where the Prisoners are, save such who come with Meat and Drink, which is to be delivered at the Gate, to be distributed equally by Persons appointed for that effect.

When they came in to *Edinburgh*, they were, agreeably to the Council's Orders, carried to the *Grayfriars Church-yard*, except some few who were taken to Prison. In that Inclosure they continued near Five Months, for the most part in the open Air; and the Two hundred who came from *Stirling*, were quartered with them. A good many, as we shall hear, were liberated upon their taking the Bond, and some few now and then were taken up to the Tol-booth.

In this open Prison their Case was lamentable enough: In the Day Time the Soldiers kept Guard in an Angle of the Church-yard; and all Night the Prisoners were made to lie down, without any Accommodation almost, upon the cold Ground, where they stood all Day; and if any of them in the Night Time had raised their Head to ease themselves a little, the cruel Soldiers were sure to shoot at them.

When sleeping in the Night, many of them were robbed of any little Money their Friends sent them; yea, their very Shoes and Clothes were stolen away from such of them who had Beds and Couches brought in to them by well disposed People.

Their Allowance which the Duke of *Monmouth* caused give them before he left *Edinburgh*, otherwise, 'tis probable, they had not been favoured with this small Matter, was a Barrel of Ale to be distributed among them all, and a Loaf of coarse Bread to each of them, and that for every Day. The Ale they should have had was, after his Departure, very seldom given them; and this was some way made up by the Water from the common Fountain, which was let in to them by a Conduit. Their Bread by Weight was to be but Four Ounces, which frequently was not given them in full Tale. And this, small as it is, was the only Allowance I can find that ever the Government gave to Prisoners during all the Time of the Persecution I am describing.

Indeed the good People of *Edinburgh* were not wanting in supplying them both in Meat, Money and other Necessaries; but so ill natured were the Soldiers at the Gate, that sometimes they would not permit the Women (for no Men were suffered to get in to them) to enter, but would have obliged them to stand at the Entry from Morning till Night, without getting Access; so that some of the Prisoners would have been famished, had it not been for the daily Allowance given them, which yet was very inconsiderable.

Great were the Difficulties their Friends met with before they could get in any Food or Rayment to them, and the Guards still exacted somewhat for either Meat or Drink as it came in to them. And to observe it by the by, this was not only their Case, but common to other Prisoners in common Prisons: People were still obliged to gratify the Keepers for any Access they had to visit or minister to their Friends, or even their nearest Relations. And altho' this be not much noticed, yet it was a most heavy Tax upon suffering People, and their Relations, to be thus imposed upon, when, mean while, they were not overstocked with Money.

They were perfectly open to the Weather, and had not the least Shelter from the Rains, Wind, or Cold, for some Months: Indeed towards Winter, a few Weeks before they were brought out of this Place, some Huts made of Deals were set up for them, which was mightily boasted of as a great Favour.

Several other Circumstances might be added, relative to their Difficulties in the Church-yard: The Soldiers, except some few, who were better natured, were extremely rude to them, beating and maltreating them upon the most frivolous Occasions. The People who got in to them from the Town, pitying their Circumstances, pressed them hard to take the Bond,



Bond, and when they did comply, the merciless Soldiers mocked and reproached them, and violently upbraided them with deserting the Cause they had owned at *Bothwell*, and seemed to delight in making them uneasy. 1679.

And which was yet worse, the Russians were most rude and indiscreet to the Women, Relations of the Prisoners, yea, sometimes offered to abuse them, and when the Prisoners resisted and hindered them, the Soldiers were sure to get them hardly used as mutinying, and resisting them. In the Night Time, when the Soldiers came among the Prisoners, and stole away their Clothes, and the Prisoners happened to awake, and endeavoured to hold what was their own, to Morrow they were complained of, and hardly dealt with. Many other Hardships were they under, too long here to be narrated.

After the Prisoners were thus lodged in the *Grayfriars* Church-yard, the Council met several Times while the Duke of *Monmouth* was in the City, and then moderate Measures were pursued. After several Meetings, it was agreed upon, that a Bond should be offered to all the Prisoners in the Church-yard, upon the signing of which they were to be set at Liberty. Yet I find it noticed, that a good many of them had not the Offer of it at first, the Managers resolving that some Hundreds of them should be sent to the Plantations, as they gave out, to satisfy the King in this Matter. But I have Reason to think the King would have been very easy in this; and the Reserve was rather to satisfy themselves, and the cruel Disposition of too many of the Clergy. We have seen that Transportation was first proposed by the Council.

What I meet with in the Council Register as to this Bond, is, *July 4.* before the Duke went off: "The Lords of his Majesty's Privy Council, in obedience to his Majesty's Letter, of the Date *June 29.* (inserted before *App. N<sup>o</sup>. 31.*) ordain such of the Prisoners as were taken in the Rebellion, (except the Ministers, Heritors and Ringleaders, who are to be prosecuted by the Justices and others, to be sent to the Plantations, to the Number of Three or four hundred, conform to the List brought in by the Committee, and to be approved by the Council) to be set at Liberty upon their enacting themselves, not to take Arms against his Majesty or his Authority; and appoint the Clerks of Council to see the said Prisoners enact themselves, and to intimate to them, that if they, or any of them shall hereafter be in Arms at Field-conventicles, the Persons so taken shall forfeit the Benefit of his Majesty's Indemnity, and thereupon to dismiss them; and appoint one of the Bailies of *Edinburgh* to attend."

Bond offered to them.

Council's Act about the Bond *July 4.*

Thus this Matter stood as it was first ordered. This Bond was extended and put in Form: And I have seen two Copies of a Bond pressed after *Bothwell*; the one hath a plain Relation to the Indemnity, and I suppose was what was made use of up and down the Country; and the other I take to be that which was offered to the Prisoners. It may not be unfit to insert them both here being but short. The first runs thus.

Two Shapes of it, one for the Country, and another for the Prisoners.

"I being satisfied with his Majesty's Act of Indemnity, dated the 27 of *July* last, and enacting my self to the Effect underwritten; therefore I bind, oblige, and enact my self, that I shall not hereafter take up Arms against his Majesty, or his Authority. As witness my Hand, &c."

The other Bond, which, I suppose, was offered to the Prisoners at *Edinburgh*, was to the same Purpose; but a little adapted to their Circumstances, and follows.

"I being apprehended for being at the late Rebellion; and whereas the Lords of his Majesty's Privy Council, in pursuance of his Majesty's Command, have ordained me to be set at Liberty, I enacting my self to the Effect underwritten: Therefore I bind, oblige, and enact my self in the Books of the Privy Council, that hereafter I shall not take up Arms, without or against his Majesty, or his Authority. As witness my Hand, &c."

The exact Numbers of such who took this Bond, and of those who refused it, I cannot pretend to give; 'tis certain the most Part by far fell in with it: And I find it said, that many of these who signed the Bond did it under the Thoughts, that their Rising was not against his Majesty's Authority, and consequently that it did not bind them up from any such Appearance, when Occasion offered again. I find about Four hundred continued in the Church-yard, as Refusers, tho', as hath been hinted, many of them had not the Bond in their Offer at first. The rest, it seems, either subscribed the Bond, or were silent when Notars signed it for them, which was reckoned enough where they could not write; and so they were dismissed.

About 400 continued in the Church-yard, as Refusers, tho' many of them had not the Bond in their Offer at first.



Remarks upon  
them.

But then as to the Persons thus liberate by the Council's Order, we must not think their Sufferings were at an End; some Instances to the contrary have been already given. The most Part of them were toll'd and haras'd upon their Return to their Houses, for no other Reason than their being at *Bothwel*, as likewise their Friends and Relations upon their account; yea, their Neighbours, and such as dealt with them, were distress'd for Converse and Communing with them. They had no Pass given them; and tho' the Council had done with them, the Army had not; and those made little or no Distinction 'twixt such as had been taken, and were liberate, and those who had not been taken.

And it deserves our Remark further, That both the Prisoners now dismissed, and many others who had escaped from *Bothwell*, after the first Brush was over this Year, returned to their Houses and Possessions, and, there being no Sentence against them, they resorted openly to Kirk and Market, Fairs, and other publick Places; yea, some of them were put into publick Employments, as Procurators, Fiscals, and Sheriff-clerks in Courts. This could not but make the most prudent and cautious satisfied, that either they were not at *Bothwell*, or, if they were, the Government was fully reconciled to them. Yet, in the Year 1682. and afterwards, when the Matter of *Refet and Converse* was pushed as criminal, not only with *intercommuned Persons* and *Fugitives*, but such as were *held and repute to have been in the Rebellion*, tho' no Sentence had ever past upon them, Multitudes were brought to Trouble, and every Body was open to it; and some, as we may hear, were condemned precisely upon *Refet and Converse*.

Of these four hundred who remained in this Inclosure, it was reckoned about a Hundred got out, some one way, some another, without any direct Compliance. Divers had Interest made for them by their Friends among the Counsellors. Some, by climbing over the Walls of the Church-yard with the Hazard of their Lives, and others by changing their Clothes in the Night-time, and, especially after their Huts were put up, got out in Womens Clothes. A great deal of Ruin was taken upon such who remained, by those at *Edinburgh*, who

A great deal of Pains was taken upon such who remained, by those at *Edinburgh*, who were of Opinion the Bond might be subscribed without Sin; but very little Ground was gained. They began now to be inured to their Hardships, and, by their mutual Conversation, they strengthened and heightened one another's Scruples anent the Bond, and their Spirits became more and more sowed by the Severities they were under; and many turned peremptory against all Terms with their Persecutors. The Bond was once and again offered to them, now, I believe, without Exception, when the Offerers were pretty much allured few of them would take it; yea, they had frequent Alarms, every Week, that the Council would put them all to Death. But as their Troubles grew, so did their Firmness and Resolution.

While the Prisoners continue thus at *Edinburgh*, the Managers send Directions through the West and South to the Persons underwritten, to offer the Bond to such as had been in the Rising, and were not Heritors or Ministers, and a Power to enquire after others. The Persons thus empowered were, the Lord *Collingtoun* for the Shire of *Edinburgh*, the Earl of *Wintoun* for *Haddingtoun*, the Earl of *Linlithgow* for *Linlithgow*, the Marquis of *Montrose* for *Perth*, the Earl of *Roxburgh* for *Roxburgh*, the Laird of *Hayning* for *Selkirk*, the Earl of *Carnwath* for *Lanerk*, the Earl of *Queensberry* for *Dumfries*, the Earl of *Glencairn* for *Air*, the Earl of *Wigtoun* for *Dumbartoun*, the Earl of *Nithsdale* for *Kirkcudbright*, Sir *William Murray* of *Stenhope* for *Peebles*, Earl of *Mar* for *Stirling*, Lord *Ross* for *Renfrew*, the Earl of *Hume* for *Berwick*. Those Persons, in a Letter from the Council, *July 17.* have the following Directions and Powers given them. 'That whereas his Majesty, by his Letter *June 29.* hath ordered, &c. as above, the Council impowers them to call before them such who were in the Rebellion, and are not Heritors, Ministers, or Ringleaders, whether it be those who were not apprehended, or, being apprehended, have escaped, and have not taken the Bond, and to offer it to them, and upon their signing it to dismiss them, certifying them, that if they shall hereafter be in Arms, or at Field-conventicles, they shall forfeit the Benefit of the King's Indemnity; that, in case of Refusal to sign the Bond, their Persons be secured in Prison. Further, they are impowered to inform themselves what Heritors, Ringleaders, and Ministers within their Shire, were in the Rebellion, or did contribute to the sending out of Persons thereunto, and to seize and imprison them, and with all Diligence report their Names to the Council.' When the Indemnity is published, the same Persons generally are impowered to administrate it, in Terms of the Proclamation we have seen.

Many Remarks might be made upon these Persons named by the Council: Most of them were violent Enemies to Presbyterians, and much engaged in the Persecution, and many of them had, or had the Prospect of having, the Gift of the Moveables and Forfeitures in the Places wherein they had Interest; and that would make them not a whit the less careful in their Business, when their Pockets were to be concerned.

There are in this List not a few Papists notwithstanding all the Laws that they be not employed in Places of Trust. The Family of *Wintoun*, generally speaking, hath been Popish; *Nithsdale*, I know, was, and Sir *William Murray* of *Stenhope*, in several Papers I have seen, is



is said to be Popish; he had much of their Spirit, and was most violent in the Persecution.

A Letter from the King, dated *July 26.* to the Council, bears 'his Detestation of the Murder of the late Archbishop of *St. Andrews*; and being desirous to vindicate that innocent Blood, and shew his Detestation of the Murder, he commands them to cause process criminally Nine of these who were in the late Rebellion, with this additional Consideration, of having owned these Murderers, who are hereby excepted from any Indemnity, and that, besides the Persons who are to be excepted therein, those Nine being to be executed merely upon that account. They, being convicted, are to be hanged in Chains upon the Place where the horrid Murder was committed.' No Reflections are necessary upon this; it probably was a Proposal sent up from *Edinburgh*. At the same Time, *Lawderdale*, in his Letter, signifies to the Council, 'That the King wonders he hath no Account of the Trial of the Prisoners who were eminently Ringleaders, and active in the Rebellion; and that 'tis his express Pleasure that the Justice Court proceed immediately to the Trial of them.' The Council, in answer to both, acquaint the King, 'That the Judiciary hath already sentenced Mrs. King and Kid; and they have appointed a Committee to consider the most proper Methods for proceeding against others who have been Ringleaders in the Rebellion.'

1679.

King's Letter,  
July 26. for executing Nine  
Persons.

A Committee  
appointed to  
consider the  
Case of the  
Prisoners.

Their Report;  
August 6.

The Report of this Committee comes in *August 6.* and is as follows. 'The King, by his Letter *July 26.* having ordered Nine of these who were in the late Rebellion to be prosecuted, with this additional Aggravation of having owned the Murder of the late Archbishop of *St. Andrews*, by your Lordships Order, we thought fit to examine the Prisoners in the *Grayfriars* Church-yard, and to take notice of such as should refuse to call the late Rising in Arms Rebellion, or Killing the Archbishop Murder, or those who refused the Bond not to rise in Arms hereafter; and, amongst those Prisoners, there is a List of Thirty Persons given in here: And whereas there are some other Prisoners in the Tolbooth, of *Edinburgh* and *Canongate*, of the same Guilt and Persuasion, and who did not come to the Places in *Fife*, to vindicate themselves of the Murder, 'tis our Opinion, that the King's Advocate or Depute be appointed to examine all those forenamed, and process Nine of the most guilty of them before the Justices.'

'That a Committee of Council for Secrecy, not exceeding Three or Four, be appointed to give in Lists of such Heritors, Ringleaders, and Preachers, as are not yet in Custody, to General *Dalziel*, with Warrant to them to give Orders for securing their Persons, till they be brought to Justice.'

'That the Advocate or Depute be appointed to process before the Justices such Heritors, Ministers and Ringleaders, as are in Custody, and not yet processed according to the King's Letter.' They move also, that the Prisoners for Conventicles be liberate; and that *William Page* fined in a Thousand Pounds, and *Robert Blair* in Two thousand Merks, for Conventicles, be remitted to the Treasury for Modification. The Council approves of all, and ordains Acts and Orders to be extended according thereunto; and that the Earl of *Murray*, Bishop of *Edinburgh*, Lord *Collingtoun*, Mr. *Maitland*, and General *Dalziel*, or any Three of them, be a Committee for that effect.

I find, by a Letter from the King, dated *August 15.* with the List of Prisoners, and their Examination, which I have annexed *App. N<sup>o</sup> 33.* they are ordered to be processed before the Criminal Court; which was done, as we shall see on the next Section, and a good many executed.

King's Letter,  
Aug 15. ordering the Prisoners in the List to be criminally prosecuted.  
App. N<sup>o</sup> 33.

This is all the Account I meet with, in the Registers, of the Treatment of the Prisoners. From other Narratives come to my Hand, the Reader may take the following Hints.

In *August* the Council pitched upon Fifteen of them in the *Grayfriars*, whom they looked upon as Ringleaders to the rest, and brought them up to the Tolbooth of *Edinburgh*, and gave them an Indictment to die. The Day after they were brought up (as Papers before me bear) Mr. *Edward Jamison*, a very worthy Presbyterian Minister, came in to them, being sent by the Meeting of Presbyterian Ministers at this Time in *Edinburgh*, I shall afterwards speak of. I find no Evidence that Mr. *Jamison* was sent by them: However, it is certain, he did reason with the Prisoners at great length, endeavouring to persuade them to subscribe the Bond; he urged the Lawfulness of this Mean to save their Lives, and essayed to make them sensible their Refusal to do this would be a Reflection upon Religion, and the Cause they had appeared for, and likewise a throwing away their Lives, in which their Friends would not be able to vindicate them.

Accounts of  
the Prisoners  
from other  
Papers.

Through this Pains taken, Thirteen of them condescended to subscribe the Bond, and were liberate. Those who did not subscribe, in their Papers, alledge, That some of those who did subscribe came to visit the two Refusers, one of which was *John Clyde*, afterward executed, and regreted their Signing very much, which strengthened their Hands.

After this, the Counsellors gave it out that they would allow no more of them to subscribe: Mean time the most Part of the Prisoners seemed as little desirous of the Bond, as the Managers were to give it them, until some, by the daily Solicitations of Friends and Wellwishers who visited them, others by their beginning to sag under so much bad Treatment, as we have

About 200 of  
them sign a  
Petition for Liberty  
to take the  
Bond.



1679.

have heard, near Two hundred signed a Petition to have Liberty to take it. It is said, a Letter writ to the Prisoners by Mr. *George Johnstoun*, of whom before, had a great deal of Influence upon divers of them: Some Papers bear, that it came from the Meeting of Ministers; but this is not probable, and I see no Proof advanced for it; the Letter is before me, but too long here to be insert.

Robert Garnock, and many others, protest against them.

When this Petition is a signing among the Prisoners, *Robert Garnock*, and about Two and thirty more, joyned in a verbal Protestation against such who were for supplicating the Council. *Robert*, whom we shall afterward meet with, in the Name of the rest signified to as many as would hear him, that he protested against what they were doing, and they resolved no longer to joyn with them in Worship, since, as they conceived, they had denied the Cause they had been appearing for, and materially had acknowledged their Rising at *Bothwell* to be sinful.

He is laid in Irons.

As soon as the Accounts of this came to the Managers, *Robert Garnock* was immediately carried from the *Grayfriars* to the Iron-house, and put under great Hardships, yea, it was resolved he should die. Several in the Prisons of *Edinburgh* and *Canongate* joyned in this Protestation of his; and the Confusion the Prisoners were in, in the *Grayfriars*, from the Hazard *Robert* was represented to be in, whereto they reckoned they had been some kind of Occasion, with some other concurring Things, wrought so upon them, as more than a Hundred refused from the Supplication, and sided with the Dissenters.

Some Counsellors examine the Prisoners, and afterwards 50 of them are brought before the Council,

These Things coming to be known to the Counsellors, some were sent down to take up the Numbers of the SupPLICANTS and Subscribers. The Accounts were but confused which now could be got, and the Council could make nothing of them: Whereupon they came to a Resolution to call them all one by one before them, and examine them; and the Justice-clerk came in to them, before the Diet of the Council in the Afternoon, and told them, in a very threatening Manner, this was the last Offer they were to have; and such as, when before the Council, were willing to subscribe, should have the Favour of Banishment, and those who refused the Bond were to be condemned to die.

Who banish the Whole to Barbadoes.

The Council sat late, and examined about Fifty of them: It so fell out, that not one of the Dissenters were called in before them; and the Council finding none who were examined dissenting from the designed Supplication, and being weary, resolved to put an End to their Trouble about them, and to give them all one Cast, and passed an Act of Banishment upon them all to *Barbadoes*. The Persons who were processed before the Justiciary, as we shall afterwards hear, were not among this Number, but mostly made up of those who were in the Prisons of *Edinburgh* and *Canongate*. This is the most distinct Account I can gather of the Treatment of those Prisoners, from several Papers writ at this Time.

Prisoners are ordered to be delivered to *William Paterson*, on

*August 14.* the Council write to *Lawderdale*, 'That the keeping the Prisoners in the *Grayfriars* Church-yard is chargeable, and will be more inconvenient when the Season turns cold and tempestuous; they propose a Frigate may be sent down to transport them.' In a Letter, dated *September 5.* the King acquaints them, 'That *William Paterson* Merchant in *Edinburgh* had undertaken the Transportation of the Prisoners, and authorizes them to deliver them to him, he giving Security, under a reasonable Penalty, to land and dispose of them in the Plantations, Sea-hazard, Mortality, and Force of Arms excepted.' Upon the reading of this, the Council appoint a Committee to consider the State of the Prisoners, in order to their Transportation. It seems, Mr. *Paterson* delayed giving Caution for some Time; for, *November 8.* I find him called before the Council, and interrogate, Why he had not found sufficient Caution. He answers, That he found Difficulty to provide it, and, by reason of the Storms, he could not get Provisions sent aboard, but once upon *Tuesday* next he undertook to have all done.

Nov. 15. 257 of them are taken out of the *Grayfriars* Church-yard,

Accordingly, I suppose, he did: And, upon the 15 of *November*, Two hundred and fifty seven of the Prisoners were taken out of the *Grayfriars* Church-yard, early in the Morning, before any of their Friends knew of it; and, for any Thing I can find, they had no previous Intimation given to themselves: Yea, such was the Cruelty now used, that Thirty of them, who were dangerously ill of a Flux and other Distempers contracted by their hard Usage, were hurried away with the rest, and no Pity shewed them.

And put aboard a Ship at *Leith*, where great Barbarity was used toward them.

They were carried down under a Guard to *Leith*, and there put aboard a Ship lying in the Road; they continued Twelve Days in *Leith* Road before they sailed. The Barbarity exercised upon them in the Ship cannot be expressed. They were stowed under Deck in so little Room, that the most Part of them behaved still to stand, to give Room to such who were sickly, and seemingly a dying: They were pinned so close, they almost never got themselves moved, and were almost stifled for want of Air. Two hundred and fifty seven of them being pent up in the Room which could scarce have contained a Hundred, many of them frequently fainted, being almost suffocated.

The Seamen's Rudeness and Inhumanity to them was singular: When lying in the Road, not only did they hinder their Friends to see them, or minister to their Necessities, but they narrowed them very much in their Bread they ought to have had; and allowed them little or no Drink, though the Master had contracted to give both: To that Pitch were they brought,



brought, that divers of them were forced to drink their own Urine, to quench the Extremity of their Thirst. And it may be nauseous to remark, That, when they were about to throw their Excrements over Board, the Seamen were so malicious as to cast them back upon them.

'Tis with much Truth then, that I find one of themselves, *James Corsan*, a pious serious Person, in some Letter of his dated from *Leith Road*, complaining to his Wife and friends, That all the Trouble they met with since *Bothwell*, was not to be compared to one Day in their present Circumstances; that their Uneasiness was beyond Words: Yet he owns, in very pathetic Terms, That the Consolations of GOD overbalanced all, and expresses his Hopes that they are near their Port, and Heaven is opening for them.

I am told, there was Fourteen thousand Merks collected for their Use by honest People at *Edinburgh*, and put in the Hands of some, to buy Clothes and other Things for them, and somewhat was to be given to each of them, that might relieve their Necessities when in *America*: But I don't hear it was so well employed for their Behoof as it might have been, and not much of it was ever suffered to come to them by the Master and Seamen; the most Part of them never came to need it.

Upon the 27 of *November* the Ship sailed from *Leith*, and met with very great Storms. Upon the 10 of *December* they found themselves off *Orkney*, in as dangerous a Sea as perhaps in the World. They came pretty near the Shore, and cast Anchor: The Prisoners, fearing what came to pass, intreated to be set ashore, and sent to what Prison the Master pleased; but that could not be granted. Instead of this, the Captain, who, by the way, I am told, was a Papist, caused chain and lock all the Hatches under which the Prisoners were.

About 10 at Night, the Ship was forced from Anchor by a most violent Tempest, and driven upon a Rock, and broke in the Middle. The Seamen quickly got down the Mast, and, laying it 'twixt the broken ship and the Rock, got ashore; yet so barbarous were they, that, upon the Cries of the poor Men, they would not open the Hatches, tho' 'tis probable, had this been done, most Part would have got ashore. But so far from this was the Popish Master, and his Men, that I have many concurring Informations, some of them from Persons present, that they hindered them from getting up upon the Rock, and struck at them. And yet this Villain and his Men were never called to an Account by the Council, tho' the Matter was notoriously known; and this was as directly Murder, as if their Throats had been cut. However, about Forty, some say Fifty, got hold on Boards of the Ship, and came ashore, and so about 200 were lost, or rather murdered.

I conclude this tragical Story, by remarking from the Proclamation of Indemnity, of the Date *July 27*. That the King, by his Letter of the 29 of *June*, orders the Lives of the Prisoners, who refused the Bond, to be secured, when he appoints them to be transported; and, by the Indemnity itself, their Lives are a second Time secured them: Hence I must infer, That, not only by the Law of GOD, the Villains, who were guilty of this Barbarity to these good Men, ought to have been prosecuted, but the Council, as Executors of the King's Laws and Letters, had they shewn the same Regard to the King's Will and Engagements in this Case, as in other pretended Infractions by the Presbyterians, ought to have pursued these People for murdering so many whose Lives the King had ordered to be preserved. But 'tis Time now to come to the Managers own publick Murders, as in some Respects they may be termed, or Executions under Colour of Law.

1679.

A large Collection made for them, but very little ever came to their Hands.

They fell from *Leith*, Nov. 27. and upon Dec. 10. came to the Coast of *Orkney*.

Where the Ship was cast away, and the Prisoners were hindered to escape, as all perished save a few.

Remark upon the Council's not prosecuting the Captain for murdering the Prisoners.

### S E C T. III.

*Of the Trial and Execution of Mrs. John King and Kid, August 14. 1679. and the Trial and Death of the Five who suffered, November 18. at Magusmuir.*

I Have reserved the Sufferers unto Death, immediately after *Bothwell*, unto this Section. The Managers were resolved to make some publick Examples of their Severity; and they pitched upon the Two Ministers, the only Ministers taken; it may be, had there more fallen into their Hands, they would have taken the same Methods with them. I cannot indeed say whether Mr. *Kid* was ordained; if he was, it seems to have been but a little before *Bothwell*. With them in a little Time they joyn Five others, under the Pretext of their being concerned in the Primate's Death: But, 'tis certain, they were absolutely free of that Attempt.

The two Ministers taken, pitched upon for Execution, with five others.



1679.

In the after  
Years several  
suffer merely  
upon the Score  
of Bothwell.

Mr. John King  
taken after the  
Engagement.

A remarkable  
Judgment up-  
on one of the  
profane Sol-  
diers guarding  
him into Edin-  
burgh.

Mr. Kid taken  
at Bothwell, and  
is brought in  
to Edinburgh  
Tolbooth June  
24. and fre-  
quently exam-  
ined.

Put to the Tor-  
ture July 14.

Mr. King is be-  
fore the Justi-  
ciary July 15.  
and Mr. Kid  
July 17.

They get their  
Indictment Ju-  
ly 22.

Many others indeed were executed in the following Years, for no other Reason, but that they had been at *Bothwell*, or would not expressly declare that Rising to be *Rebellion* and unlawful, as shall be afterwards noticed: But those Seven were all who died publicly at this Time; and by the Process it will appear that they are found guilty, rather because some must be made guilty, than for any Thing worthy of Death in them, especially Mrs. King and Kid, with whose Trial I begin.

When Mr. John King was taken Prisoner, I know not. 'Tis plain enough it was some time after the Engagement, since his Name is in the Proclamation June 26. I find him afterward at *Glasgow*, where he was either taken, or brought thither when taken. A very remarkable Providence fell out that Day he was carried East to *Edinburgh*, which I should not notice, were I not well informed of it.

Upon the Lord's Day Orders were given to a Party of Soldiers immediately to march East, and carry Mr. John King with them to *Edinburgh*; and we will find it was their ordinary to march, and especially to transport Prisoners from Place to Place on the Sabbath. My Accounts of them are, that they were *English* Dragoons: One of them, a profane and profligate Wretch, after they were upon the Street, and on Horseback, ready to ride off with their Prisoner, called for some Ale, and drunk a Health to the *Confusion of the Covenants*, and another to the *Destruction of the People of God*, and some more very horrid, and rode off. He met with one of his Comrades at the *Stab-green-port*, who, knowing nothing of the Matter, asked him where he was going; he answered, *To convoy King to Hell*, and galloped up to the rest a little before him, whistling and singing. The Judgment of God did not linger as to this Wretch; he was not many Paces forward in the *Lochow-path*, a little from the Port, till his Horse tumbled, and somewhat or other touching his Piece, which was primed and cock'd, it seems, the Carabine went off, and shot him dead in the Spot. The Party went on, and carried Mr. King to *Edinburgh*, where we shall find him just now.

Mr. Kid was among the Prisoners taken at *Bothwell*, and with some few others, from whom Discoveries were expected, imprisoned in the Tolbooth of *Edinburgh*, June 24. There he was frequently examined by some Counsellors. He had been represented as a Jesuit Popish Priest, and what not; but he gave abundant Discoveries of his being a firm Protestant, and good Man. He was narrowly examined as to the Occasion and Beginnings of the Rising, and the Persons concerned in it. The Managers were very willing to find a great Plot in this, and to involve as many as they could, that they might enrich themselves, and a good many who were gaping after new forfeitures. Mr. Kid could tell no more but what is above narrated, that it was begun by *Claverhouse* his attacking a Field-meeting; and the People who defeat him, found it necessary to keep together in their own Defence, and others joyned them, until Matters came the Height we have heard. And when in his Process, as we shall hear, he was put to Torture, he had no more to say; and indeed there was nothing further in the Matter.

All I meet with concerning him in the Council-registers, is July 14. "Mr. John Kid being this Day called before the Council, and interrogate upon several Heads for the Discovery of the rebellious Correspondence, &c. (It runs thus *verbatim* in the Register) and by very of the rebellious Correspondence, &c. (It runs thus *verbatim* in the Register) and by his Answers giving pregnant Presumptions of his Disingenuity, the Council order him to be questioned by Torture; and these same Interrogatories being proposed in Torture, he continued in his Denial." I need not vindicate this good Man from the Charge of Disingenuity; 'tis the common Pretext at this Time for this barbarous way of proceeding. He had ingenuously told all he knew in this Matter before. Some Papers say he was oftner than once in the Boots. He carried under the Torture most christianly and meekly, like a Follower of the blessed Jesus.

By the Justiciary Registers, I find upon July 16. Mr. John King appearing before them, and when examined judicially anent his Accession to the Rebellion, his Confession was put in Writ, and he signed it. The Lords order it to be insert in the Books of Adjournal, to be adduced as Probation against him. I shall give it just now in the Process. He had been examined July 9. before the Council, and repeats his Confession frankly before the Justiciary, that he might escape the Boots, and not die two Deaths. And July 17. the Lords of Justiciary called before them Mr. John Kid Preacher, and having judicially examined him anent his Accession to the Rebellion, his Confession was put in Writ, and ordered to be insert in the Books of Adjournal, and he required to sign it, which he refused to do, and the Lords subscribe it.

The same Day the Lords of Justiciary receive a Letter from the King, to encourage them in their Procedure against the Sufferers, which I shall notice further upon the last Section. Indeed they were abundantly frank, where there was any Shadow of Law to go upon. Mr. King and Mr. Kid upon the 22 of July, receive their Indictment from the Advocate; and upon the 24. they petition the Council, that they may be allowed Advocates to plead for them upon Munday 28. when they were to be tried for their Life; and Mr. David Thoms and Mr. William Monnipeny are allowed them.

At



At the Direction of those Lawyers, a Petition is presented to the Lords of the Justiciary, which containing several Matters of Fact, relative to them, and shewing the hard Measure those two good Men met with, I shall insert it here from the Registers.

1679.

Their Petition  
to the Justiciary.

*PETITION Mrs. John King and Kid Prisoners,*

*Humbly sheweth,*

That the Petitioners having upon *Tuesday* last the 22 Instant, late at Night, received a Citation, at the Instance of his Majesty's Advocate, to appear before the Lords of Justiciary, upon *Munday* next, to underly the Law, for several Crimes and Points of Treason contained in the Indictment then delivered to them. True it is that the Petitioners have several Grounds of Exculpation, which might tend to the Clearing of their Innocence; as,

*1mo.* The said Mr. *John King*, his being in Company with the Rebels did proceed from no rebellious Principle; but being taken Prisoner by *Claverhouse*, he ordered him to be bound in Cords, and, after that *Claverhouse* and his Party had retired from *Lowdonhill*, he was found by the Rebels in that Posture, and detained almost still by them a Prisoner until the Defeat, and not suffered to go from them: So that, in effect, he was always in the Quality of a Prisoner.

*2do.* During the Time he was with them, he not only refused to preach, but he was so far from encouraging them to Rebellion, that he made it his Work to perswade them to return to their former Loyalty and Obedience, and *de facto*, perswaded several to go from and desert them.

*3tio.* Albeit he had sometime a Sword about him, yet he never offered to make use of the same directly or indirectly, or to make any Resistance to Authority; and he only carried a Sword to disguise himself, that he might not be taken for a Preacher; and he did make his Escape before the Engagement. And the said Mr. *John Kid*,

*1mo.* Did not only retire from them how soon he heard of his Majesty's Proclamation, but, when some of them came to his House to perswade him to return, he absolutely refused.

*2do.* He continued at his own House, and always exhorted such of the Rebels as came to him, to lay down their Arms, and supplicate for Pardon.

*3tio.* At the Desire of them that were most peaceable, he went, in the Simplicity of his Heart, to *Hamiltoun*, to perswade them to Obedience, and for no other end or account whatsoever.

*4to.* When *Robert Hamilton*, and some other of the Ringleaders, became enraged with the Petitioner's peaceable Advice, he came on his Journey homeward, and was pursued by a Party of the Rebels, who threatned to kill him if he would not return, neither had he any Arms, but a short Sword, to disguise himself from being known as a Preacher.

*5to.* When taken, and since he got Quarters and Assurance of his Life from my Lord General, who was empowered by his Majesty to pardon and remit, and both the Prisoners, with others, had so far prevailed with the most Part of the Rebels, that if his Majesty's Forces had forbore to assault for two Hours longer, they had all, or most Part of them, submitted and yielded.

And as for being present at Field-conventicles, if the Defenders shall purge themselves of the Rebellion, as, no doubt, they will, they are secured for this by his Majesty's late Proclamation. Likens they have several relevant Objections against some of the Inquest: And seeing the Petitioners are able to prove the haill of the Premises by Witnesses above all Exception, in case they had an Exculpation allowed them for that Effect, and which by the Law of the Kingdom, and Custom of the Court, cannot be refused them; and seeing by the said Practice and Laws, no Person can be indicted for capital Crimes, upon less than Fifteen free Days, whereas the Petitioners are indicted upon Five at most; therefore humbly crave,

That the Lords will allow them an Exculpation and Diligence, for summoning of Witnesses for proving the Premises, and several other Defences which they have to eik and alledge; and to allow them a competent Time to execute the same, seeing their Witnesses live at Distance in the West Country; and to pro-  
rogate and continue the Diet until that Time.

We have no Ground to question the Matters of Fact in this Petition, since so peremptorily they undertake to prove them. The Stile is evidently that of their Lawyers, and when People are under their Management, it must be expected their Petitions will run in their Phrases, as a Patient must follow a Physician's Prescription. This Petition was probably

Observe upon  
it.



1679.

presented by their Advocates to the Justiciary. Their dying Speeches and known Sentiments make it evident, they of themselves would never have termed this Rising a *Rebellion*.

The Lords peremptorily refuse them an Exculpation, but allow Diligence for citing of Witnesses against the appointed Diet, to prove their Objections against the Affiziers contained in the List given them. This was certainly hard Measure; and, if the Reasoning in the Petition hold, contrary to Law, and, I am sure, to Equity, since the Probation of these Facts which they undertake, would have cleared them of the *Rebellion* libelled. But the Design was formed, that these two innocent Persons should die.

Upon the 28 of *July* Mr. King and Mr. Kid are brought before the Justiciary. Their Indictment was first read, which I shall give but in Abstract. It bears, "That they had been in the *Rebellion*, and in Company with Rebels, who in *May* last burnt the King's Laws; that they had preached at several Field-conventicles, where Persons were in Arms; that they did preach, pray, and exercise to Rebels, and continued with them till their Defeat, and had been taken Prisoners."

The King's Advocate adduced for Probation their Confessions before the Council and Justiciary, which now they adhered to, and they are as follow.

Edinburgh, *July* 9.

Mr. King's Confession *July* 9.

Mr. John King confesses that he was in the *Rebellion*, with Arms. Being interrogate what Gentlemen he saw there, declares, He remembers *Earlstoun* younger was there. That the Night of the Fight, he declares, he was in a Place near *Strathaven*, called *Peilhill*, next Night at *Muirkirk*; denies he was at *Glasgow* that *Munday*, when the King's Forces were assaulted by the Rebels; denies that ever he heard of a Rising before the same was; denies he ever was on any Council with the Rebels at any Time. Says, he thinks the Rebels were never better than Five or Six thousand Men; that he knew not any Person chosen General, but that *Robert Hamilton* took on him the Command. Declares, that upon the *Sunday* after he was rescued from *Claverhouse*, he went westward towards *Newmills*, and did not joyn with the Rebels till the *Wednesday* thereafter; that he knew *John Balfour* of *Kinloch* and *Rathcliet* were among them, but not that they were Murderers of the Archbishop. Confesses, he was in the Bishop's Clofs in *Glasgow*, but not within the House, nor drank there. That when taken, he had two Pistols on him.

JO. KING.

Mr. John Kid's Confessions before the Council and Justiciary, adduced against him, follow.

Edinburgh *July* 9.

Mr. Kid's Confession before the Council *July* 9.

Mr. John Kid confesses before the Council, that he preached at Field-conventicles in *Stirling-shire*, and *Clydesdale*, but never at any, where there were Men in Arms, except two; one of which was at the Moss, which lies on the west End of *Livingstone* Parish 'twixt and the Shots in the dead of Winter, but cannot remember the other.

JO. KID.

Edinburgh *July* 17.

Before the Justiciary Mr. John Kid confesseth he preached at several Field-conventicles, and at some of them there were armed Men, particularly at *Monkland*, who dismissed after Sermon. That since, he did not preach in any where but in *Andrew Thomson's* Barn in *Monkland*. That Twelve Days before the Defeat, he went to the Rebels, and that Night went out of their Camp to a Country Man's House more than a Mile distant, which House is beside the *Moderell*, but hath forgot its Name, and that of the Man. He stayed there Three Days, and returned to the Camp the second Time, and that same Night went from the Rebels to *Robert Marshall's* House in *Monkland*; and Four Days after that, being the *Thursday* before the Defeat, he again went to the Ligger, and went to quarter in a Gentleman's House, at some more than a Mile's Distance, and came back towards the Camp on *Saturday* before the Rout; and was with them upon *Sunday*, when he and some of his Friends came along to hear what was the Effect of the Parley at the Bridge. Declares, he had a Shable with him, which he brought the second Time he came to the Rebels, and got from *Robert Thomson*, and was about him when taken. Declares, he was taken two or three Miles from the Field where the Rebels were defeat, his Horse having bogged with him. This he declares to be Truth, but refuses to subscribe. *Edinburgh July* 28. judicially confesseth the Truth of the above Declaration, and abides at the same, and craves Pardon for not subscribing it, and throws himself on the King's Mercy, and the Lords Favour.

JO. KID.

There



There were no Reasonings, nor was there Room for any. With those Confessions the Advocate declared he closed the Probation. The Lords remit the Matter to an Assize, and the Assize unanimously bring them in as guilty by their own Confession of preaching at Field-conventicles, and being in Arms with the Rebels.

The Lords appoint them "to be taken to the Market-cross of *Edinburgh*, upon *Thursday August 14*, betwixt Two and Four of the Clock in the Afternoon, and to be hanged on a Gibbet; and when dead, that their Heads and right Arms be cut off, and disposed of as the Council think fit; and that all their Land be forfeited, as being guilty of the treasonable Crimes foresaid; which was pronounced for *Doom*."

After what hath been narrated, the Severity of this Sentence does fully enough appear. They had no Evidence against them, but their own Confession, which was partly gained by Promises, and extorted by the Boots. The Rebellion they offer to purge themselves from, and have an Exculpation refused to them; and tho' the Law did make preaching at Field-conventicles Death, yet there is no Probation of this against Mr. King, and the King's Proclamation secured them both; and the Indemnity proclaimed a little before their Death pardons that in others.

The Day after their Sentence, I find Mr. *Stevenson*, Brother to Doctor *Stevenson*, rides up Post to *London*, to procure a Remission; and I question not, but the Duke of *Monmouth*, who, it seems, had pardoned Mr. *Kid*, if Access had been got to him, would have used his Interest; but the Death of these Two being resolved on at *Edinburgh*, nothing was got done.

Accordingly upon the 14 of *August*, after the King's Indemnity had been proclaimed with a great deal of Pomp in the Forenoon, the Sentence was executed upon these two successful Preachers of the Gospel, in all its Points. They died in full Peace, Serenity and Joy, and their Speeches being already more than once published in *Nephthali*, I do not insert them here. Their Heads were cut off, and their right Hands, and affixed upon the *Netherbow-port* of *Edinburgh*, beside that of Mr. *James Guthrie*, as new Monuments of the Injustice of this Period.

Were it worth while, I could at a great Length refute the silly and groundless Aspersions cast upon these two good Men by that scandalous Paper before mentioned, *The Spirit of Popery speaking out of the Mouths of phanatical Protestants*, and expose the Weakness and Virulence of that foul-mouthed Author; but I am unwilling to rake into so vile a Heap of Slander and Lies. The Writer pretends to be a *Scots* Man, and asserts, "The *Latin* Tongue is as common among the Men in *Scotland*, as their Mother Tongue; that the Highlanders who came down upon the West Country, were a very civil, generous, and governable People; that the worthy and excellent Persons who suffered after *Pentland*, were drunk like Beasts with Ale and Brandy, the Day on which they were executed;" which are known, foolish and abominable Untruths, with a vast deal of such senseless Stuff. His Proofs that the Presbyterian Ministers were all Jesuits, and maintained Jesuitical Principles, are such as make me jealous the Author of a Design to recommend Jesuitism. He calls together some Jesuitical Tenets which were never maintained by Presbyterians, and mixes in with them a great many others maintained by no Jesuit that I know of; such as, "Condemning the *English* Liturgy; that Prelacy is an antichristian Constitution; that 'tis Popery to observe Festivals; that there is a mutual reciprocal Obligation betwixt Kings and Subjects; that Magistrates in Church-matters have only a cumulative, not a privative Power." If this be Jesuitism and Popery, let the Reader judge. In short, this passively obedient Author endeavours to bespatter our Reformation and Reformers, and hath nothing I can see but a Hotchpotch of Lies and Slander gathered up from Papers and Books many a Time answered, such as *Lyfismachus*, *Nicanor*, *Balkanquell's large Declaration*, *Presbytery displayed*, and *Ravillac redivivus*; to which he adds a new Legend of most groundless Stories upon Presbyterian Ministers and others, furnished by the Prelatical Clergy in the West about this Time, which are known to be abominable Lies, some of them destroying themselves, and all of them frequently exposed and answered; so that they are neither worth repeating or refuting.

I come now forward to give some Account of the other Five Men who were executed in *November* at *Magus-muir*. Thither the Council sent them to die, to declare their Detestation of the Murder of the Primate in that Place: But 'tis merely for *Bothwell* they were condemned; and there was no Probation of their having any Share in that Attempt; and they to their last declared their Freedom from it. It was a new Instance of the Righteousness of our Managers, to brand them with this, and put them to Death there, as if they had been guilty. I shall likewise give their Trial from the Justiciary Registers. We have already seen the King's Letter, of the Date *July 26*, ordering this Trial.

Upon the 25 of *August*, *William Richardson* in *Stonehouse*, *Thomas Brown* Shoemaker in *Edinburgh*, *John Balfour* in *Gilstoun*, *Alexander Balfour* there, *Thomas Williamson* in *Over Waristoun*, *Robert McGill* in *Gallasbiels*, *Robert Miller* in *Waterfoot*, *James Paton* in *Inverkeithing*, *Andrew Thomson* in *Sauchy*, are indicted for Treason in joining with the Rebels in

1679.

The Assize bring them in guilty.

Sentence.

Remarks on it.

Interest used for a Remission to them, but in vain.

They are executed, August 14.

Remarks upon the Spirit of Popery speaking out of phanatical Preachers.

Of the five Men executed at *Magus-muir*.

Nine Persons indicted before the Justiciary, August 26. They are delayed till the last Day of September.



1679.

About Thirty  
are indicted  
before the Ju-  
sticiary, Nov.  
10.

June last. The Lords continue them till the last Day of September, and allow them for Advocates Mr. Walter Pringle, Mr. David Thoires, Mr. William Monypeny, Mr. Patrick Hume, Mr. William Mcalm.

I find no more about these Nine in the Justiciary Registers, till November 10. when some of them, with a good many others, are before the Justices. But November 8. "The Council remit to the Advocate to pursue before the Criminal Court the Prisoners in the Tolbooth of Edinburgh, to the Number of Thirty, who have refused the Bond, or such of them as he thinks fit." Accordingly, November 10. I find James Finlay, Thomas Brown, James Wood in Newmills, Andrew Sword Weaver in the Stewartry of Kircudbright, John Waddel in new Monkland, John Clyde in Kilbride, with a great many others, pannelled before the Justiciary. Their Indictment being the ordinary Form used against most Part who suffer, for some Years, I insert from the Registers.

Their Indict-  
ment.

"Whereas, by Act 1. Parl. 1. James I. Act 14. Parl. 6. James II. Act 6. Parl. 7. James II. and many other Laws, Perduellion and Rising in Arms are declared treasonable Crimes, and are to be punished with the Pain of Death. Nevertheless it is of Verity, that albeit the King's Majesty, their gracious Sovereign and natural Prince, had, by Indemnities and Remissions, covered and concealed from the Eyes of Strangers, all those Extravagancies, which they and those of their Profession had for a long Series of Years owned openly, to the great Contempt as well as Ruin of his Majesty's Authority, protecting their Persons, as it were, against his own Laws, and preferring their Safety to his own Security: Yet the said Persons, shaking off all Fear of GOD, and Respect, not only to his Majesty's Laws, but to human Society, did enter into a deep Combination to overturn the fundamental Laws both of Church and State, professing openly, that they would have a Parliament of their own Constitution, wherein there should be neither Bishop nor Nobleman. And in order whereunto, upon the 29 of May last, and because that Day was set apart for Thanksgiving to the eternal GOD, in Commemoration of his Majesty's happy Restoration, did burn at the Cross of the royal Burgh of Rutherglen, those Acts whereby his Majesty's Royal Prerogatives were established; and did, by a publick Proclamation, declare his Majesty an Usurper, and that he had robbed Jesus Christ of his Crown, because (forsooth) he would not acknowledge them and their Ministers to be Christ's infallible Vicegerents, and to be Superiors to him in his own Kingdom. And after they had thus entred into open Hostility against his Majesty and their native Country, they, at Loudon-hill, on the first of June thereafter, engaged with his Majesty's Forces under the Command of the Laird of Claverhouse, Captain of one of his Majesty's Troops of Horse, and gave for a Word to their Soldiers, No Quarter. And albeit they got Quarter, they refused it universally to all who fought for his Majesty, hewing to Pieces in the most barbarous Way that ever was known, any whom they could kill. And having joyned with the bloody and barbarous Murderers of the Archbishop of St. Andrews, who, as their Eminaries, killed his Grace, and whom they rose in Arms to protect as such, they immediately did convocate the whole Country, to the Number of Ten or Twelve Thousand, and assaulted his Majesty's Burgh of Glasgow, and having entred the same, did rob and spoil his Majesty's good Subjects, did open the Prison Doors, and throw out of the Graves the dead Bodies of such Children as belonged to the orthodox Clergy, commanding, by a most insolent Act of their Supremacy and mock Judicatory, all the orthodox Clergy, to remove themselves, their Wives, and Families from the Western Shires, under Pain of Death. And having threatned with Fire and Sword all such of his Majesty's good Subjects as would not joyn them, and to plunder and ravage their Houses, and rob their Horses and Arms, did, to the Number of Ten or Twelve Thousand, elect and nominate Robert Hamilton their General, because he had burnt his Majesty's Laws and Acts of Parliament, and John Balfour, alias Burglie, David Hackstoun of Rathkillet, and their chief Officers, because they had declared in an open Assembly, (lifting up their Hands) that these were the Hands which murdered the Archbishop of St. Andrews. And did by these Officers condemn and execute these who had served his Majesty, particularly a Butcher in Glasgow. And upon the Day of June last, under the Conduct and Command of these Officers, they marched to the Town of Hamilton, where, upon the Day of the said Month, they refused to lay down their Arms, being specially invited and required thereunto by his Grace the Duke of Buccleugh and Monmouth, Captain General of his Majesty's Forces, who promised to take them into his special Protection, and to intercede for his Majesty's Mercy and Clemency to them all, which they refused, sending most insolent and rebellious Propositions to his Grace, wherein they required, in expresse Terms, the overturning of the present Government of the Church, and several other Things destructive to his Majesty's Government; and because these were refused, they did, after they were drawn up, and divided in Regiments and Companies, march towards his Majesty's Army, and fire at them: But GOD having, by a remarkable Judgment, defeat them by their own Consciences, his Majesty did, by another unparalleled Instance of his unwearied Goodness, issue out an Act of Indemnity, dated the "Day



“ Day of securing to them their Lives, providing they should oblige themselves, not  
 “ to take up Arms against his Majesty or his Authority: In pursuance of which, they should  
 “ have made Application for getting Benefit of the said Indemnity, by offering to subscribe a  
 “ Bond never to rise in Arms against his Majesty or his Authority, ’twixt and the 18 Day of  
 “ September last. Notwithstanding they failed therein, yet the said Bond was several Times  
 “ tendred to them; and particularly, upon the Day of October last, the same was  
 “ offered to them by the Lord Justice-general, and Mr. Richard Maitland of Gogar, with Cer-  
 “ tification as effeired: And tho’ they contemptuously refused the same, yet it was again of-  
 “ fered unto them upon the last Day of October last, and the 3d Day of November instant re-  
 “ spective, which they again refused, tho’ in Duty they were tied to the Obligation therein,  
 “ albeit the same had not been offered benignly to them, as the Ransom of their Lives which  
 “ they had justly forfeited. And by declining whereof, and refusing to call the late Rebel-  
 “ lion a Rebellion, they discovered fully their traiterous Inclinations to continue in their for-  
 “ mer rebellious Principles. Of the which Crimes, the forenamed Persons, and ilk one of  
 “ them, are Actors, and art and part. Which being found by an Assize, they ought to be pu-  
 “ nished with Forfeiture of Life, Land and Goods, to the Terror and Example of all o-  
 “ thers to commit the like hereafter.”

1679.

This odious and false Representation of Matters of Fact, with a very little Change, as Cir-  
 cumstances required, I find used in the Processes of this Nature in the Justiciary Books,  
 therefore, and because I take these and the like black Aspersions in the publick Papers of this  
 Time, which were never proven, nor designed to be proven, but patched up from the Lies  
 the Army and Clergy brought in to *Edinburgh*, are the Fund out of which the viperous and  
 Party Writers in Defence of this Time, with lying Additions of their own, make up their  
 Pamphlets and Books, whereby Presbyterians are blackned, and the Cause of Tyranny and ar-  
 bitrary Government supported. It may not be out of the Road to make a few Reflections  
 upon this Indictment.

These and the  
 like Misrepre-  
 sentations of  
 Fact the Fund  
 of many Re-  
 preaches cast  
 upon Presbye-  
 rians by T<sup>o</sup>ry  
 Writers.

And they fall into Two Sorts as to Matter of Fact, and as to its Relation to the Persons in  
 the Pannel. The candid Representations of Things in the former Part of this History will  
 take off the most Part of the Allegations and Aspersions heaped together here by the Advocate.  
 How far it may be ordinary in these Cases to aggravate and calumniate, that at least the  
 Criminal may be hit by somewhat or other, I do not know: But this I am perswaded of,  
 that scarce one of the Facts here charged, in the manner here represented, is true.

Remarks upon  
 them.

There was no Combination entred into for overturning fundamental Laws, by the People  
 at *Bothwell*, or before it, as appears by their own Declaration, and their professed and known  
 Purpose to have the Government, and the Exercise of it, brought from an arbitrary despotick  
 Management, to an Administration according to Law. That they craved a Parliament in its  
 Freedom, is certain; that it might sit without Prelates was their Wish, tho’ not sought; but  
 that it should be without the Nobility, was never in their Thought.

What was done at *Rutherglen*, was the Act but of a few, and never approved by others,  
 and here misrepresented: And it was never their Opinion, nor that of any Presbyterian,  
 That their Ministers were *Christ’s* infallible Vicegerents, and superior to the King in his King-  
 dom. These are *Innuendo’s* equally wicked and groundless.

I never heard of any Word given at *Drumclog*; neither can I believe it was that named.  
 The Alarm was sudden, and the Circumstances such as did not need any Word; and that  
 Quarters were given, is certain enough.

’Tis inconsistent with the Circumstances of Time and Matter of Fact, to add, That the  
 Murderers of the Archbishop were Emiffaries of these People, and that they rose in Arms  
 to protect them. It was unworthy of the Advocate to produce such Self-contradictions  
 before a grave Court, and to add so notour an Untruth, that with Ten or Twelve Thousand  
 they attacked the City of *Glasgow*: What Allowances must we make to Writers at Distance  
 in our Affairs, when our own People blunder so grossly, and I fear designedly! Every Bo-  
 dy knows, that Gathering at its greatest was not half that Number; and when *Glasgow* was  
 attacked, they were far from so many Hundreds, I had almost said Scores.

The spoiling of *Glasgow*, opening Prisons to let out any Malefactors, and far more their  
 opening of Graves, are malicious Untruths, and of the same Kidney with the senseless Procla-  
 mation, and pretended Judicatory upon the Butcher, which follows. Of the same Sort is their  
 electing Robert Hamilton, and Balfour, and Rathillet, because they had owned themselves Mur-  
 derers of the P<sup>r</sup>imate. These are all idle and false Stories, as appears abundantly from what  
 is above.

I am ashamed to insist so long upon such Stuff, which I doubt much if the Advocate believ-  
 ed when he put it into the Indictment. The Reasons of any Thing that is true in what fol-  
 lows, have been already given.

As to the Relation those Things bear to the Persons in the Pannel, at least the Five executed,  
 we may notice, That the Archbishop’s Death is not so much as charged upon them; though,  
 from their being executed at *Magus-muir*, ’tis too generally thought, and printed likewise, that  
 these



1679.

these Persons had a Share in this Fact. Further, 'tis more than probable none of them were concerned in most of the Facts charged, some of them only being at *Bothwel*, and one without Arms too. Such a Charge as this, had it been Matter of Fact, would have answered Mr. *Hamilton*, and some few others of them; but it bears no Relation to the poor common Soldiers, such as these Five were, whose Lives the King had spared by his express Letter; and it seems to have been a bloody Freak, to have some People executed in the Place where the Bishop had been killed. And indeed no other Account of it offers to me; for those Five were perfectly in the same Circumstances with the rest of the Prisoners who refused the Bond.

The Indictment sustained, the Assize brings Four of them in guilty.

Their Sentence.

James Wood without Arms at *Bothwel*, and yet condemned with the rest.

They are executed at *Magus-muir*, Nov. 18.

However the Indictment is read, and sustained. All the rest, except the Five who were determined to be put to Death, are continued to another Diet, and at length dropt, at least I find no more about them in the Registers. *Thomas Brown*, *John Waddel*, *Andrew Seward*, *John Clyde*, confess judicially they were taken in Arms: And the Bond is offered to them judicially, which they peremptorily refused, as a condemning of *Bothwel* Rising, and their own Practice; neither would they acknowledge *Bothwel* Rising to be a Rebellion. The Assize find them, by their own Confession, guilty of being in Arms at *Bothwel*; and the Lords Sentence is, "That they be carried to the Muir of *Magus*, in the Sherifdom of *Fife*, the Place where his Grace the Archbishop of *St. Andrews* was murdered, upon the 18 of *November* instant, and there to be hanged till they be dead, and their Bodies to be hung in Chains until they rot, and all their Lands, Goods and Gear to fall to his Majesty's Use."

*James Wood's* Case was a little different from the other Four: The Probation against him is some Oaths of Soldiers, That he was taken at *Bothwel*; and the Assize are so just as to bring him in, as being taken at *Bothwel* without Arms; and yet the Judges throw him in with the rest, and pass the same Doom upon him. This is another Instance of the illegal and severe Procedure of this Period, to hang a Man, and put him up in Chains, as a Murderer of the Primate, who was only present at the Gathering at *Bothwel*, without Arms.

Accordingly they were all executed in *Magus-muir*, upon the Day abovenamed. Their Speeches in *Nephthali* bear the Date of *November 25*. whether this be a Mistake in the Printing, or the Council, for some Reasons, prorogate the Day, I know not, 'tis not material. Their joyned Testimony, general and particular, with their Speeches, and dying Words upon the Ladder, are all printed in *Nephthali*, and I do not swell this Work with them. I have before me some of their Letters to their Friends, full of a Strain of Piety and Seriousness, wherein, as in their printed Papers, they give the Reasons why they could not save their Lives by taking a Bond which they judged unlawful, and declare their being entirely free of the Death of the Primate, with their Hopes of the Pardon of their Sins, and everlasting Happiness, in a very humble and Christian Manner.

Thus I have given as fair and full an Account of such who were put to Death this Year, for their Accession to *Bothwel*, as I could. It was the Care of the Managers, and a Pleasure to the Clergy, that the only Two Preachers taken should be cut off, and they suffer properly for preaching of the Gospel in the Fields, and are both very full in owning the King's Authority; and the Five Country People are made a Sacrifice, as it were, to the Place of the Primate's Death.

## S E C T. IV.

*Of the Circuit Courts held, and the Gentlemen who were forfeited, after Bothwel, this Year.*

The Appointment of Circuit Courts makes the Persecution more extensive.

THE Council, as we have heard, were not idle in the Prosecution of such who had been at *Bothwel*; but, to make the Severities upon this score the more extensive, Circuit Courts are established through all the Corners of the Country, where it could be supposed any of these People were. We shall meet with Circuit Courts almost in every succeeding Year of this Reign. Matters were now taking a new Turn at Court: *Lawderdale* had in Appearance prevailed over those who opposed him. This Juncture was too favourable to be neglected by our Prelates and Managers; and to gratify them, and supply the hungry Dependents of *Lawderdale's* Party out of the Estates and Goods of such whom they inclined to find guilty, these Circuits were appointed.

Proclamation for them, Aug. 14. App. N<sup>o</sup> 34. Remarks upon it.

The Proclamation, of the Date *August 14*. will give us the alledged Reasons for these Circuits, and therefore I insert it App. N<sup>o</sup> 34. As it was published the same Day with the Indemaity, so 'tis designed to enforce it; and such as take not the Benefit of it, are to be prosecuted



secuted before these Courts: A Proof that our Managers were willing to cramp and narrow the King's Indemnity as much as possible. All who were concerned in the Rising at *Pentland* 13 Years ago, all who had been at, or accessory to the Rising at *Bothwell*, and the Murder of the Primate, who are coupled with the *Bothwell* People, to render them more odious, are to be prosecuted with the utmost Rigour of Law. 1679.

In order to the harassing the West and South of *Scotland*, the Commissioners of the Justiciary are required to divide themselves into Two Justice-airs, or Circuit Courts, the one to sit at *Stirling* the 1 of *October*, at *Glasgow* the 8. at *Air* the 15. and at *Dumfries* the 22. the other is to meet at *Cowpar* of *Fife* the 1 of *October*, at *Edinburgh* the 8. at *Fedburgh* the 15. Citations are appointed to be timeously issued out against such as were to compare, containing a particular Description of the Murderers of the Archbishop. I question very much if they were able to give such a Description of them as they promise. All Suppliers, Inter-communers, or Corresponders with the said Rebels and Murderers, are to be prosecuted with all Rigour, as accessory to the Rebellion and Murder: Here is large Room to the Lords of the Circuit to attack Multitudes. They are expressly required to proceed in Absence, which, if it be meant to Forfeiture, was what once in a Day would have been reckoned illegal, and to burn in Effigie the principal Persons concerned.

The Heritors and Masters of the Land where the Rebels live, are impowered to apprehend, and required to present them to the Circuit, and imprison them till then. The Neglect of this was Matter of fore Persecution to many loyal and religious Gentlemen, and others, who had no Mind to be actively concerned in the Severities of this Time; and if they be latent or fugitive, they are required to remove their Wives, Bairns and Servants off their Ground. This was hard with a witness, for the alledged Rebellion of the Head to make the whole Family to suffer, and proved Matter of much fore and heavy Trouble to many poor Families. The Clerks of the Court are ordered timeously to go before, and take up *Porteous-rolls* of the Designations of the Rebels named in the Proclamation *June 26.* or that shall be delated upon Oath to have been in the Rebellion, or harboured Rebels, or murdered the Archbishop, or have been at Field-conventicles, or have threatned, robbed, or abused the orthodox Clergy: These are good large Subjects for their Rolls.

All those are to be cited, and Informations taken upon Oath of the Value of their Lands, Moveables, and what Bonds they had; Accounts whereof are to be laid before the Council, *September 18.* A Reward of Ten thousand Merks is offered to such who bring in any of the Murderers of the Primate, dead or alive, to the Council: And even the Persons expressly excepted in the Indemnity shall be indemnified, and have the Reward, if they can apprehend *John Balfour* of *Kinloch*, and *David Hackstoun* of *Rathillet*, dead or alive. And, for the greater Solemnity, all Dukes, Marquisses, Archbishops, Earls, Lords Spiritual and Temporal, Barons and Freeholders, are charged to attend, and give Respect and Concurrence, as Law requires, and Assizes and Witnesses are to be got ready.

I should now give a View of their Procedure in those Circuits, but their Minutes and Registers are not preserved, as far as I can find. A great deal of the Severities of this Period, that were committed at these Circuits, are quite buried, tho' indeed a great Branch of the Persecution lay here. Whether they kept Registers, I cannot say; but the Circuit up and down the Country, appointed by the Council, reckoned themselves accountable only to the Council, and there are none of their Proceedings noticed in the Justiciary-books; and if they made any Report to the Council, I don't meet with it in any of their Registers. And I have from other Papers very little of their Procedure this Year: Probably the western Circuit had most Business, since the People concerned in *Bothwell* were, generally speaking, in that Precinct.

According to the Proclamation, the Clerks came before the Meeting of the Circuits; and they, or Persons deputed by them, went through every Parish in the Precinct of the Court, and took up Informations. The Sheriffs and Justices of the Peace had been at great Pains to prepare Matters for these Clerks and their Assistants, by finding out Persons proper to be Witnesses against such who had been in the Rising in each Parish, and procuring Informations where they dwelt, what Lands, Heritages, Goods and Gear they had; yea, so great was the Pains taken in every Parish, that, in most Places, it was observed, they missed few or none, dead or living, who had been there; and a great many were insert, who had not been there. The Curates, in such Places where they were, laid out themselves to the utmost to get Informations, and were very diligent this way, and helpful to these concerned.

Some Difficulties, arising about the Clerks Procedure, being represented to the Council, I find what follows in the Registers agreed to, *August 26.* The Lords of his Majesty's Privy Council having it represented, That, by the late Proclamation for Circuits, the Clerks of the Court are appointed to take Information, upon Oath, of the Lands, Sums of Money, and Moveables belonging to those who were in the late Rebellion, and to cause arrest the Rents of their Lands belonging to them, and put their Moveables under Inventar and Bond, in the Hands of their Masters, and, in case their Masters refuse, in the Hand of some other sufficient Person, to be made forthcoming in case they shall be condemned as guilty

Distinct Accounts of the Proceedings of the Circuits, not given for want of Records.

The Clerks come close home, and take up Informations.

Council's Act, Aug. 26. about the Clerks securing the Moveables of such who were in the Rising.



1679.

' guilty of the said Rebellion ; and, desiring to know what Course shall be taken, in case the Persons, to whom the Custody and Sequestration of those Goods shall be offered, refuse to take them, the Lords, in the Case foresaid, do order the Sheriff-principal to secure these Goods to be forthcoming, and give Receipts to the Clerk.'

From the Clerks Informations the Porteous rolls were formed.

From these Informations the *Porteous-rolls* were framed. These Rolls were filled with Persons of all Sorts who had any Substance, without much regard to their being at *Bothwell* or not. Any envious Neighbour, base Prodigal, or Bankrupt, in or out of the Army, or the ill-natured Clergy, would inform against the most innocent, as, upon some Pretence or other, accessory to the Rising; and that was Ground enough to put him into the *Porteous-rolls*: And when once in, the covetous Donators obliged them to compound with them for their Moveables, or seized them, even before any Indictment or Sentence. It was but few at that Time who were willing to have their Names brought in open Court, if they could by any means help it; for People, who found themselves falsely informed against, feared, that, if they appeared and pleaded their Innocence, they would likewise be falsely sworn against, by idle fellows who stuck at nothing, and unjustly condemned, or somewhat or other vexatious propounds to them. It would indeed be endless here to give Instances of Malversations and Oppressions, contrary even to their own Law, at this Time; nor is it possible to give Account of the vast Sums of Money paid, by Bribes to Clerks, to prevent being put into the Rolls, or to get themselves dashed out of them, at and before this and the following Circuits.

Methods used in every Parish before the Circuit.

I find, by some Papers relative to this Year, that, generally speaking, the Witnesses were Sixteen in every Landward Parish, and Twenty four in every Parish where there was a Burgh Royal or of Barony. These Witnesses, prepared in every Parish, were cited in before the Clerks and their Assistants, to *Glasgow, Air, Wigtoun* and *Dumfries*, under the Pain of Forty Pounds *Scots*. When the Witnesses came in, they were put to declare who in their Parish had been at *Bothwell*, or had been Harbourers of any who were there; and all they named were put into the Rolls. I see it remarked at *Wigtoun*, that those Declarations were not made upon Oath, but were only simple Informations that they had heard so and so; and I jealousy it was so in other Places. And tho' the Proclamation does indeed require Information to be given upon Oath, yet the Nature of the Thing makes it plain, the Witnesses could for most part only declare upon Hearsay; and upon this did the Persecutions run, and great Numbers of Innocents were informed against.

Next, the Clerks with their Assistants formed their Indictments, with the Lists of Two or Three of the Witnesses they depended most upon, and issued Summons to Forty five Assistants. The Reader will easily observe, without my Help, what a vast Trouble and Expence these Circuits were to the Country, already harassed with the Army.

Heads of the Indictment given to the Persons prosecuted.

The Pannels were indicted of being accessory to the Murder of the Archbishop of *St. Andrews*, or being at *Drumclog*, resisting the King's Forces, or being at the Rebellion at *Bothwell-bridge* and *Hamiltoun-muir*, June 22. or being at Field-conventicles, &c. The Witnesses and Assistants were summoned to compare before the Lords of the Circuit, at the Days and Places respective, named in the Proclamation, under the Penalty of One hundred Pounds *Scots*, and the Persons indicted, were by their Indictment charged to compare under the Pain of Rebellion, and clear themselves of those Things laid to their Charge, or hear themselves condemned, as Law accords.

At the Days named in the Proclamation, the Justiciars, or Lords of the Circuit, came to the Places respectively mentioned; a mighty Parade was made in meeting them upon the Borders of every Shire, accompanying them to the Place of Meeting, and conveying them after the Court was over to the next Shire, and the Country put to a great deal of Charges this way.

Procedure of the Circuits with such as were not Heritors.

I have very few Accounts of particular Persons processed before these Circuits this Year, but what will come in afterwards, when what was now begun against Gentlemen and others was carried a greater Length. Therefore I shall only in the general take Notice, that at *Glasgow, Air*, and *Dumfries*, the Lords had great Numbers before them. Such who compared, not being Heritors, and confessed their being at *Bothwell*, had the Bond offered to them.

Letter, King to the Council, empowering the Justices to offer the Bond.

I find the Council, September 19. write up to *Lawderdale* for Liberty to the Justices to offer the Bond; which, by a Letter from the King November 1. is granted, when legal Excuses are advanced for their not appearing formerly when the Bond was in their Offer. In the same Letter his Majesty declares himself satisfied with the Prudence and Moderation the Earl of *Argyle* has shewn in his Procedure with the *Macleans*; and that he hath kept himself within the Bounds of his Commission. Such who signed this Bond were liberate, but I do not hear that many took it.

Few Heritors appear.

Those who compared and denied their Indictment, were imprisoned until they found Security to appear at *Edinburgh*, and answer to the Things laid to their Charge: This some did, and were put to a great deal of Trouble thereby; however at present they were dismissed and allowed to go home. And all who did not compare, were declared Fugitives, and denounced Rebels. Very few Heritors ventured to appear.

The



The absent Heritors were denounced, and a good many of them within a little forfeited. Noblemen, Gentlemen, Soldiers, and such who were most active in the arbitrary Measures of this Time, very soon procured Gifts of the Lands of the Heritors, and most of them possessed them until the Revolution. They or others got a Right to the Moveables of Tenants, and those who had no Heritage; and the Soldiers came and spoiled their Houses, Goods and Gear, and made a terrible Havock, seizing the Goods and Possessions of their Friends and Relations, as being alledged Intromitters with what belonged to the Rebels. Thus during the following Years, there was a general Devastation of all that belonged to any who complied not in every Point with the Course of the Times.

I promised in the next room, to give some Account of the Forfeitures passed upon Persons who had been, or were alledged to have been at this Rising at *Bothwell*. It was but a few who had this Sentence passed against them that Year; and therefore I shall much delay my Accounts of this to the following Years. The Reason why their Trials in order to Forfeiture were delayed, was not want of Inclination in the Managers to be fingering the Estates; for we see Heritors are directly excepted out of the Indemnity, and were in the Eye of a good many very early; but either they for some Time wanted full Information of Persons concerned in the Rising, or the Court was not fully determined as to the utmost of those severe Courses, till towards the End of this Year, or the Managers could not agree among themselves about the dividing the Spoil.

I shall, ere I end this Work, insert the List of forfeited Persons in this Period, from the Act of Parliament after the Revolution rescinding them. This Year July 18. the Council grant Commission to prosecute a Forfeiture against *Alexander Hamilton of Kinkel*; and the same Day being informed, that *John Cunningham of Bedland*, formerly forfeited for Accession to *Pentland*, was at *Bothwell*, they order him and his Cautioners to be cited. We shall meet with him afterwards.

I know not a more proper Place to bring in an Abstract of *Kinkel's* Sufferings than here, when he is seized after *Bothwell*, from an attested Narrative sent me by his worthy Relations. He underwent a continued Tract of Trouble, almost since the Restoration. When Presbyterian Ministers were forced from their Charges, his House was a Shelter to many of them in their Wandrings. There they preached, and none were excluded who came to hear them. This being almost under the Primate's Eye, it drew down his Indignation upon *Kinkel*, who was cited to appear at his Courts, but he declined. The Bishop went the length to cause cite him out of Pulpit, in order to Excommunication. The People of *St. Andrews*, when they heard a Person of *Kinkel's* Piety and Character, cited out of Pulpit, merely for his conscientious Nonconformity, to evidence their Detestation of such Methods, generally went out of the Church. When the Bishop saw his Excommunication would be despised, he procured him to be intercommuned, which forced him to quit his House, and undergo innumerable Hardships; and in a little Time a Garison was sent to the House of *Kinkel*, who turned out his Lady and Family, when the Lady *Kinkel* was very near to be delivered, and scarce could she find a House that would receive her, her Husband being denounced. The Garison continued in the House several Weeks, and destroyed most of the Plenishing, damaged the House, and eat up the Provision in it. Captain *Carstairs*, of whom before, had particular Orders about *Kinkel*, and, after frequent Searches for him, one Day attacked him, and killed his Horse under him. All this Time his Family was in great Difficulties. After *Bothwell*, he was taken, and the Soldiers were very rude to him, bound him with Cords, and carried him to *Edinburgh*, where he continued in Prison about Eighteen Months. His Family was then obliged to come and live at *Edinburgh*, where they were at vast Charges, and a great deal of Money was given to keep off what was daily almost threatned upon him in order to draw Money from them. It stood yet more Money to obtain some Favour to him at *London*. Upon this he was liberate, upon condition that he should appear at the Circuit, or where called, under the Pain of Twenty thousand Merks. He was frequently called upon to extort Money from him, and gave vast Sums to the Advocate and others. Thus, tho' he escaped Forfeiture, his Estate was ruined. At the Liberty he came back to his House of *Kinkel*, after Thirteen Years Banishment from it, and set up a Meeting-house. This soon brought him to new Trouble; and by the then Primate *Ross* his Procurement, a Party of Soldiers came and carried him and Mr. *Orrock*, who preached with him, to *Edinburgh*, contrary to the King's Declaration of Liberty. In a little Time they were both liberate. Great were the Hardships he underwent in this long Course of Sufferings, too long here to be insert.

There are no other Processes before the Justiciary this Year, of a publick Nature, save one relative to the Primate's Murderers, which is deserted. November 10. " *John Brown* of *Drumfarhan*, *James Clow* in *Ballock*, *John Stevenson* in *Waterside*, indicted for harbouring, " assisting and supplying *John Balfour* of *Kinloch*, *David Hackstoun* of *Rathillet*, *George Bal-* " four in *Gilstoun*, *James Russel* in *Kettle*, *Robert Dingwall* a Tenant in *Caddam*, *Andrew* " *Guillan Webster* in *Balmerinloch*, *Andrew* and *Alexander Hendersons*, Sons to *John Hender-* " son in *Kilbrachmont*, and *George Fleming*, Son to *George Fleming* in *Balbuthie*, Murderers " of

1679.

Absent Heritors denounced, and in a little forfeited.

The Forfeitures of Heritors at *Bothwell* more general in the succeeding Years Reasons of this Delay.

Alexander Hamilton of Kinkel and Cunningham of Bedland to be prosecuted.

An Abstract of Kinkel's Sufferings.

Persons indicted to harbouring the Murderers of the Primate.



1679.

“ of James Archbishop of St. Andrews, upon one of the Days of May last, in manner contained in the Indictment, given at the Justice-ayr lately holden at Stirling in October last. The Lords desert the Diet for several Causes.” Eight other Persons are pannelled upon the same score, and no Probation being offered, they are dismissed.

Moveables of such as were at Bothwell given to Donators who committed great Outrages upon the Country.

Instances in the Parish of Monkland,

And Straitoun.

Few Parishes in the West and South, escape thus.

I shall end this Section with a short Hint at another Method taken at this Time, which was yet more afflictive to the Country, because it was more general. The King and Council gave Gifts of the Moveables of such who had been at Bothwell, to whom they pleased; and in the uplifting of them, these Donators extended their Spulies to all such as they pretended were any way concerned in, connived at, or had harboured and reset those who had been at Bothwell. Under the Notion of uplifting Moveables, fearful and general Ravages were made upon Parishes, and prodigious Sums were exacted generally by military Force.

The Earl of Glencairn had the Gift of the Moveables of the Parish of East Monkland in the Shire of Lanerk; and a Party of Soldiers came there with Powers, as they said, from him, and robbed and spoiled all who were not exactly Conformists to Prelacy, whether they were concerned in Bothwell or not. Great were the Insolencies exercised in that Parish: To that Height came they, that Duke Hamilton interposed, and procured an Order from Council to withdraw those Forces.

Edmonstoun of Broich had the Parish of Straitoun, in the Shire of Air, given him, to uplift the Moveables of such there who were concerned in Bothwell. Through the most Parts of the Parish, the Soldiers in their March southward, as we heard, had perfectly spoiled the Houses of such as they alledged were guilty; yet this new Commission is granted for their Moveables. Thus double, and sometimes oftner, Punishment is inflicted for one Fault. From that one Parish Broich at this Time exacted upwards of Two hundred Pounds Sterling, besides much rare Loss which cannot now be computed.

Few Parishes in the West and South escaped this violent Oppression; and one Person would have had several Parishes in Gift; as the Two just now named, and many others had. And if the Persons who had these Gifts could not narrowly enough look to them by themselves, they ordinarily assigned them to others, who carefully looked after them. In short, the Donators and their Assignies were, generally speaking, the most severe Persons in the Country, and squeezed poor Persons and Families most unaccountably.

Thus I have given as distinct an Account as my Materials allow me, of the Consequents of this Rising at Bothwell. Sorer Troubles are yet before us. But I come to end this Chapter and Year with,

## S E C T. V.

*Of the State of Presbyterians who had not been concerned in Bothwell, their third Indulgence, the Debates 'twixt Duke Hamilton and Lawderdale, and some other Things this Year.*

**H**itherto, in giving the History of this remarkable Year, I have all along kept mine Eye entirely almost upon the Business of Bothwell, and passed by some very considerable Matters, which, had it not been to prevent the Breaking of that Story, should have come in above at their proper Dates. These I come now to take in all together in this Section.

State of Presbyterians not directly concerned in Bothwell this Year.

I begin with the State of Presbyterian Ministers and others this Year, not directly concerned in the Rising. Upon the first Chapter we heard of their meeting with no small Trouble about Conventicles in the Beginning of the Year; and how much it was their Endeavour to get the Heights of some concerned in Bothwell Rising, moderated.

Their Encouragement to address the Duke of Monmouth.

When the Duke of Monmouth came down, the Presbyterian Ministers in and about Edinburgh had Notice from London, that he would not refuse an Application from them. This I gather from a Letter just now before me, from a Person of Quality at London, to a Minister at Edinburgh, which I here insert.

London, June 18. 1679.

Letter from a Person of Quality to a Presbyterian Minister at Edinburgh.

Sir,  
“ I have given *W.* a short Hint of my Expectations here. I told the Duke of Monmouth I would write to you, that some of your Perswasion should come and wait upon him, and give him an Account of your peaceable Inclinations. I have Encouragement from him to invite



"invite you and some of your Number from all Places to address your selves to him, he will take it kindly; and by it I am confident you will much engage him to be your Friend: Wherefore, let me intreat you, and all your Brethren, not to omit so great an Occasion of Advantage to your Affairs. My Brother will be with him, and he will introduce you to him: Or, if you miss my Brother, the Lord Melvil will be always with him, who is very friendly to your Interest. There shall be nothing left undone here that may advance the Interest of all honest peaceable Men."

*Farewel.*

1679.

When the Duke returned from the west Country to *Edinburgh*, he staid but a few Days: And I can give no particular Account of the Application made to him by Presbyterians. Only in the general, I know he was once and again waited upon by some Presbyterian Gentlemen and Ministers, and earnestly dealt with to use his Interest with his Majesty, that a full and unclogged Liberty might be granted to Presbyterians.

Some Ministers and Gentlemen wait on the Duke at *Edinburgh*.

A Copy of a Petition to him I have before me, which, for any Thing I know, is a Draught of that which was delivered to him at *Edinburgh*, by several Ministers and others there; and I insert it *App. N<sup>o</sup>. 35.*

Their Petition to him.

*App. N<sup>o</sup>. 35.*

It appears to me, to be a rude and unfinished Draught, and I do not question but some Expressions in it, which seem to bear hard upon the Rising at *Bothwell*, would be reformed before it was gone into by the Bulk of Presbyterians in and about *Edinburgh*, who reckoned, according to their Bible and Principles, bating the Heats and Heights run into, they could justify that Appearance. But having seen no other Draught, I have set this down as containing probably the Materials gone into.

Observe upon it.

I find the Duke received these who waited upon him very graciously, and was most civil and discreet in his Answer, signifying nothing should be wanting which was proper on his Part. And when he went to Court, he carried a Petition with him to the King. All I know about it is from some Passages in an original Letter before me writ by a good Hand to Mr. *John Fife*, Preacher of the Gospel, now Prisoner in the Tolbooth of *Edinburgh*, dated *July 9. 1679.* "This Day my Lord Duke went away. I saw a Petition he had got, and was to carry to *London* with him: He was pleased to express himself thus a little before his Departure, *I think, if any Place get Favour, it should be Scotland; for a gallanter Gentry, and more loving People I never saw: I am hopeful, if you manage well what you have, it will be made larger.* I can assure you, continues the Writer, he is a great Favourer and Lover of *Scotland*, and there is no question but he will employ his Power for it: And if *Lawderdale* be discouraged, to whom the Duke is no Friend, this will come the sooner." Upon all these Accounts the Writer of the Letter presseth the Prisoners, "to carry very soberly, and wishes the persecuted Party would leave Field-conventicles, at least for a little, till the Duke came down again; and adds, he, GOD willing, would not stay long. And assures them, some in the Council are gaping for Field-conventicles, in order to get Things marred."

The Duke's answer to the petition to the King, and his favour to the petitioners.

The Effects of the Duke's going up, seem to be the short-lived third Indulgence, which had the Proclamation published *June 29.* when the Duke was here, for a kind of Preface to it, the Consideration of which I of design left to this Place.

Proclamation for suspending the Laws against I. Conventicles. Rite of it. *App. N<sup>o</sup>. 36.*

This Proclamation, dated at *Whitehall June 29.* I have insert *App. N<sup>o</sup>. 36.* It was probably procured by the Duke's Letters, wherein he would readily give his Thoughts upon the Proposals made to him, and the Expedients which offered to him for the settling of the Country; the Result of which seems to be this Proclamation, which, with the Letter we shall just now hear of, was the Foundation of what was called the *Third Indulgence.*

Reflections upon this Proclamation are much needless after what hath been given upon former publick Papers. The Narrative alledges, that Field-conventicles have exposed People to Jesuits. Doubtless the *Papists* took hold of all Occasions to make Proselytes, and debauch Peoples Consciences; and failed not clostly to improve the Steps at present taken in *Scotland* and *England* for weakening the Protestant Interest. The only Ground I can find for the Cry of Jesuits mixing in with Field-conventicles in *Scotland*, is some Passages in Doctor *Oats's* Narrative, printed by Authority at *London* this Year. *Article 1.* 'tis narrated, "That *Wright*, *Morgan*, and *Freeland* were sent over to *Scotland*, to preach under the Notion of *Scots* Presbyterians." Whether this be true or not, depends upon the Faith of Jesuits, who write this News to *Madrid.* *Article 43.* goes further, and says, "The Deponents saw Fathers *Moor* and *Sanders*, alias *Brown*, dispatched to preach among *Scots* Presbyterians." *Article 73.* says, "That Letters from the Fathers met at *Edinburgh*, dated *August 10. 1678.* bear, that they had Eight thousand Catholics ready to rise when the Business grew hot, and to joyn the disaffected *Scots* under the Direction of the *Scots* Jesuits." And, *Article 74.* bears, "That Twelve *Scots* Jesuits were sent with Instructions to keep up the Commotions in *Scotland*, and to carry themselves like nonconformist Ministers among the Presbyterian *Scots.*" This is all I see relative to this Charge in *Oats's* Narrative, and what does it amount to? but that the Jesuits had this in their View, or pretended to have it: And I shall not doubt but they

Remarks upon it.

Whether any Jesuits preached at Field-conventicles.

Presbyterians at the time when the Duke was here.



1679. they did all in their Power to provoke honest People to Extremities, to serve the Duke of York's Interest, to keep the *Highlands* under their Power, and ready to appear against the Bill of Exclusion in case of need, and to sow the Tares of antimagistratical Principles. But what is all this to Presbyterians? Are not Jesuits Designs as open and plain in the Church of *England* by the very same Narrative, and their Success evident? and yet that Church is not charged upon this score. Can one Instance be given of a Jesuit hitherto preaching at Field-conventicles, and getting Presbyterians to hear him? The greatest Enemies of Field-meetings have never been able to produce one Instance, or to give the least Documents of any Correspondence 'twixt the one and the other. Indeed it hath once and again been made evident, That the Jesuit *Coutzen's* Instructions for ruining Protestants were fallen in with exactly by our *Scots* Managers of the Duke of York's Faction, and some of our Prelates: But I am bold to say, not one Party of Men in *Scotland* were more free from the Influence of Jesuits than *Scots* Presbyterians at this Juncture; and whatever Efforts these Jesuits made, they had no Success. What Hand they might have after this, by their secret Influence, to run some to Heights, I cannot say; but, after my utmost Search, I cannot find the least footsteps of a Correspondence 'twixt such as even cast off the Authority of the King, and came to Heights wherein other Presbyterians would not vindicate them and the Jesuits. This much I thought proper to say here, once for all, upon this Head.

'Tis added in the Proclamation, that *Bothwell* Rising was founded upon Extravagancies inconsistent with the Protestant Religion and Monarchy. Had they been condemned upon, I should have considered them: But this general Calumny is more than taken off by the former Accounts of their Declarations and Requisitions when in Arms.

Next, the Proclamation comes to statute Death upon all Ministers who preach at Field-conventicles, and such as are in Arms are adjudged to be Traitors. Masters, by an old antiquated Law, are made liable for all that live on their Lands, and the utmost Prosecution of these accedory to the Primate's Death, is appointed.

Then the King, by the Power placed in him by *Act 5. Sess. 2. Parl. 2.* suspends the Execution of the Laws against House-conventicles on the South-side of *Tay*. The Parliament does fully impower the King thus to do; and from this 'tis evident this Indulgence was no Exercise of a dispensing Power, but agreeable to the Laws then in being. How far this Act of Parliament is applicable to the Indulgence granted to Presbyterians in the Year 1687. shall be considered. 'Tis most plain in this Case.

Exceptions are made of *Edinburgh, Glasgow, Stirling*, and some other Places; and Diligences upon Finings, Intercommuning, and such other Sentences, are stopped. Only one Preacher is allowed to one Parish; their Names are to be given to the Privy Council, with Surety for their peaceable Behaviour. This was a Handle to the Council in a few Weeks to render this Liberty precarious. This Indulgence is only during Pleasure; and all Ministers who were at *Bothwell*, and after this shall be admitted, are excluded from any Benefit by it.

It is plain, this was one of the least clogged Favours which had been granted to Presbyterians since the Restoration: It was much owing to the present Struggle for Liberty in *England*, and the just Information the Duke of *Monmouth* gave the King of the good Inclinations and Intentions of the Body of Presbyterians in *Scotland* to his Person and Government. It was a short breathing Time to Presbyterian Ministers and others, and relieved Multitudes who were fugitive and intercommuned, and upon their Hiding for many Years.

This Proclamation came to *Edinburgh*, July 4. and that Day, in prosecution of it, 'The Council grant Order to the Magistrates of *Edinburgh* to set at Liberty the Ministers underwritten, Prisoners for Conventicles, Mrs. *John Mosman, Archibald Maclean, James Forthie, William Kyle, Robert Fleming, Francis Irvine, and Thomas Wilkie*, they enacting themselves in the Books of Privy Council, for their peaceable Behaviour, and that they shall not preach at Field-conventicles under the Pains contained in his Majesty's Proclamation; and ordain such Ministers as are in the *Bass* to be sent for, that they may be set at Liberty upon their enacting themselves as aforesaid.'

A Letter is before me, writ by a good Hand upon this Proclamation, too long to be insert: I shall only set down a few Passages from it, which may give some Light to the Circumstances of Presbyterians at this Time. The Writer observes, 'That this Proclamation is so favourable, as ought to oblige all the well affected to accept of it with all Thankfulness, and use it with Temperance and Prudence; and what may be a Foundation for more, if skilfully used. Whereupon the Writer takes Occasion to give his Opinion, to be communicated to some Gentlemen and Ministers in the West. He thinks, that by the Return of the outed Ministers, every one to their own Parishes, the Benefit of this Indulgence will be much lost, and one Part of the Country, and that which needs least, will be supplied, and the far greater Part left destitute. He reckons the Church's present Case to be but a building, and therefore the Ministers are to prefer the general Interest of the Church to the Ties to particular Places: And that Consideration should be had of the Bounds and Shires enjoying Favour, and these ought to be compared with the Presbyterian Ministers yet remaining, and the Ministers so scattered up and down, as all may be watered as much as may be; that thus some

The suspending of the Laws against Conventicles and this Indulgence, no Exercise of dispensing Power, but founded on an Act of Parliament.

July 4. Presbyterian Ministers in Prison, and in the *Bass*, to be liberated.

Extract from a Letter writ at this Time upon this Proclamation.



some that halt 'twixt Two Opinions may be fixed, and those who are in Hazard of wandering, and going to Extremities, may be preserved. He moves, that one Minister may be fixed so as to answer most conveniently the Exigencies of Three or Four Parishes; and conceives it may be as proper to dispose of Ministers by way of *Mission*, into Places where 'tis well known they will be welcome, as to wait for Calls: He is earnest to have Ministers set to their Work in all Quarters without Delay. He is against building of Houses to meet in at present, but would have large Barns and Houses taken; and hopes the general Bent of this Part of the Nation will soon make it appear to the Government, that this Liberty ought to be enlarged.

1679.

We shall quickly find there was little Use for these Proposals, for this Liberty was soon cramped. As soon as the Duke of *Monmouth* had regulated Matters he thought most necessary here, he went for Court, where he was very graciously received by his Father. Upon his Arrival he procured a Letter from the King, yet further enlarging this Favour, which July 14. came down express from *London* by one of the Duke's Footmen. I here insert it.

CHARLES R.

“Right trusty, &c. We greet you well. Having resolved to make the Favours designed by Our late Proclamation effectual, We hereby declare, that We designed therein, that such as are allowed to preach thereby, are also allowed by the same Proclamation to administer the Sacraments, the one including the other.”  
 “As also, that no Fine imposed for any schismatical Disorders, (except Treason) before inferior Judicatories, and not yet transacted or compounded for, shall be uplifted, unless the Parties so fined shall fall back into their old Transgressions, by Rebellion or Field-conventicles; the Suspension mentioned in our Proclamation being a sufficient Discharge only in those Cases.”  
 “Ministers also now imprisoned, who were not in this Rebellion, are to be set at Liberty, without any other Engagement, but that they shall live peaceably, and not take up Arms against Us or Our Authority, or find Caution to answer when called by Us or you: And so We bid you heartily farewell. Given at Our Court at *Windsoor-castle*, the 11 of *July*, 1679.  
 “and of Our Reign the 31 Year.”

The King's Letter, July 11. to the Council, enlarging his Favours to Ministers.

By His Majesty's Command,

LAWDERDALE.

This Letter, when it came down, was very unsatisfying to our Managers, and, I am told, it was some Time before they would enter upon the Consideration of it; and they then essayed so to lay Measures as the Ends of it might be broken. Yea, so much frightened were the Prelates with the former Proclamation and this Letter, that the Archbishop of *Glasgow* is dispatched up to Court at this Time: I have no Accounts of what he did; but, no doubt, he fell in heartily with the Duke of *Tork's* Party, and in a few Weeks there was a Change above, and piece by piece this Favour was curtailed by the Council, and, towards the End of the Year, perfectly removed, as we shall hear.

This Letter displeasing to the Managers. The Archbishop of *Glasgow* goes up to Court.

Two Days before this Letter came to *Edinburgh*, the Council, now when they are delivered from the Duke of *Monmouth*, begin to propose their Difficulties in relation to the Proclamation *June 29*. In a Letter to *Lawderdale*, dated *July 12*. they signify, ‘That there being some Doubt as to the Sense of that Clause in the Proclamation *June 29*. suspending all Letters of Intercommuning, and all other Executions, if these Words, *all other Executions*, do import, that all Persons, whether Preachers at Field-conventicles, or other Persons, who being Ringleaders of these rebellious Rendezvous, and have been seized according to former Proclamations, promising Sums of Money to the Apprehenders, and imprisoned, should be set at Liberty, or not. And if such as have been imprisoned till they pay the Fines imposed upon them by Sentence of Council, or other Judges, shall also be enlarged and set at Liberty; and if these Field-preachers, and other Persons qualified as aforesaid, are to be liberate, they crave his Majesty may declare his Pleasure upon what Terms and Conditions they are to be liberate.’

The Council propose some Difficulties as to the Meaning of the Proclamation *June 29*.

This was a modest way of asking a kind of Repeal of the Proclamation; at least, they would still be Judges whom to liberate, and whom not, and have all the iniquitous Sentences, formerly passed, standing in full Vigour. I observe no Return to this Proposal in the Registers. *July 19*. they acquaint *Lawderdale*, That, in obedience to his Majesty's Letter of the 11. they have called the Preachers, Prisoners in *Edinburgh* (as I understand it, 'tis Preachers for Field-conventicles, for the others were liberate upon the 4.) and offered them a Bond, which Two of them subscribed, and the rest refused; and they have sent for the Prisoners in the *Basin*, that

Remarks upon this Procedure with Ministers, Prisoners for Field-conventicles.



1679.

that they may offer it to them. And, *August 14.* when, it seems, they despair of Liberty to continue their Severities upon the Ministers, according to the Inclination they shew in their Letter *July 12.* they order, 'That the Minuters, Prisoners in the Tolbooth of *Edinburgh* (viz. such as refused their Bond) be liberate on finding sufficient Caution, under Pain of Ten thousand Merks each, to appear before the Council when called; and that the Lord *Collington, Abbotshall, Register,* or any one of them, receive Caution, and liberate them.' In a little Time, as we shall hear, a good many of them were called, and brought to new Trouble. *August 26.* Mr. *Andrew Donaldson* is liberate from the Prison of *Linlithgow*, and Mr. *Erskine* from that of *Stirling*, upon Caution as above; it seems they had been forgot, and *John Henderson* in *Cleish*, in Prison for Conventicles.

Ministers brought from the Bass to Edinburgh, *July 19.*

According to these Resolutions, the Ministers who had been in the *Bass*, Mr. *Patrick Anderson*, Mr. *James Frazer* of *Braes*, Mr. *Thomas Hog*, Mr. *John Macgilligen*, Mr. *John Macdaway*, Mr. *Robert Ross*, Mr. *John Law*, Mr. *William Bell*, are brought from the *Bass* to *Edinburgh Tolbooth*, where some other Ministers were, particularly the Reverend Mr. *Robert Fleming* Minister at *Cambuslang*, and after this to the *Scots Congregation* at *Rotterdam*, and several others abovenamed.

They compare before the Council, and relate the Petition, and are remanded to Prison.

That same Day they appear before the Council, and are required to enact themselves in the Council-books to live peaceably, and not to rise in Arms against the King, or any authorized by him. The Ministers knowing the Terms of the King's Letter *July 11.* did oblige them only to an Alternative, this, or to find Caution to present themselves when called, chused the last Branch, and refused the first, and therefore were remanded to Prison, directly contrary to the King's Letter, except Mr. *William Kyle* and Mr. *Francis Irvine*, who signed the first Part, and were liberate.

Hamilton of Airdry, and many others Prisoners liberate.

*July 22.* *Robert Hamilton* of *Airdry*, his Servant, and about Fifteen more Prisoners, are liberate upon the same Terms; and, *July 24.* about Twenty more Prisoners for Conventicles are liberate; and, *July* last, *John Dalmerino*, *Andrew Snodgrass* in *Bridgend* of *Glasgow*, and about Twenty others, were liberate, upon signing an Obligation not to rise in Arms. This is all I meet with as to particular Persons.

The Ministers in a little liberate, upon Caution to compare.

The Case of the rest of the Ministers was debated some Time: The Laird of *Lundie*, and some others of the Counsellors, affirmed they ought to be liberate on Bond; Sir *Anacrew Ramsay*, and others on that side, were as peremptory for their signing the Bond not to rise. In some Time they were liberate, upon Bond to appear when called, under Penalty of Five hundred Pounds *sterling* per piece.

A Meeting of Presbyterian Ministers at Edinburgh, *Aug. 8.*

Let us now take a View how the Presbyterian Ministers improved this breathing Time; it was almost over, at least Measures falling into for retrenching it, before ever some of them knew of it. Such to whom the Notice first came, being willing that all, as far as might be, should take the same Course, advertised as many of their Brethren as they could, to come in and meet at *Edinburgh*.

Conclusions and Rules agreed to by them.

Accordingly I find, that, upon the 8 of *August*, there was a very large Meeting, perhaps more numerous than any that hath been since their Judicatories were discharged by Law; and, after Consultation and Reasoning, they came to agree upon those following Conclusions and Rules.

- 'That all Ministers should, in the first Place, visit their own Congregations where they were formerly settled, and try what Access they can have to preach the Gospel unto them.'
- 'That they associate themselves into Meetings, as their Numbers in particular Bounds, and their Circumstances will best allow, and take care to provide Preaching to the People, in the Bounds of their respective Meetings, who are desirous of it.'
- 'That every Minister shall be a Member of the Meeting within whose Bounds he resides.'
- 'That indulged Ministers, not indulged to the Congregations they were in when laid aside, if their People, or whom they formerly had the Charge, call them, return to them, and quit the Places they are at present in.'
- 'That all who are licensed to preach, be particularly taken obliged unto Subjection to the Meeting which licensed them, and to submit themselves to their Direction.'

Observations on them.

We see how much these Ministers had the Principles of Presbyterian Government at Heart, and the Preservation of the Church from any Hazard from Persons who should afterwards be licensed and ordained; and, had they not been stopt by the new Turn of Affairs at Court, 'tis very probable, this Indulgence would have been so managed, as to have cured our Divisions, tended to a comfortable Change in *Scotland*, and might have proved of great Use, not only to the Church, but even to the State.

A great Turn at Court by the Duke of York's Accusation, *Sept. 2.*

But very soon the Popish Party prevailed at Court: *Lawderdale* once more seemed to prevail over his Accusers, as we shall hear; and by his means, as some say, the Duke of *Monmouth*, however well received at first, fell under a Cloud, and all the Expectations of doing some



Some more in favours of the suffering Presbyterians fell to the Ground. The Duke of York returned from *Holland*, and his Influence with the King was presently so great, that all moderate Measures were perfectly crushed; for 'tis almost next to impossible that a Papist should not drive hard in a Protestant Country, and Presbyterians must expect no Favour when Papists manage at Court. In short, this Calm issued in a most severe and long Storm.

Thus I find in the Registers, *September 18.* a Letter from the King to the Council, acquainting them, That he had recalled his Commission to the Duke of *Buccleugh* and *Monmouth* to be General. This was very acceptable to a good many at *Edinburgh*. The Account given by the *English* Historians, of this Turn of Affairs, is in short. When the Duke of *Monmouth* was at his Height, the King fell sick at *Windſor*, and had Three Fits of a Fever and Ague towards the End of *August*. Upon *September 2.* the Duke of *York* came to *London*, to the Surprize of every Body, and rode Post to *Windſor*. In a few Days *Monmouth* was disgraced, and an entire Change of Affairs brought about. The secret Spring of this sudden Arrival was this. *Effex* and *Halifax* being about the King, and taking him to be in Danger, they thought themselves so too. They reckoned the Duke of *Monmouth*, under *Shaftsbury's* Management, who hated them, would be at the Head of Affairs against the Duke of *York*, and that *Sunderland*, by his Relation and Friendship with *Shaftsbury*, would be safe, but had nothing to hope for themselves; therefore, upon the King's first Fit, without ever waiting for what might follow upon a second, they proposed to him the calling over his Brother, which was done with all Secrecy and Speed. The King recovering, it was agreed upon all Hands that the Duke should be received with seeming Surprize. When the Duke returned, *Shaftsbury* and *Monmouth* were so enraged, that nothing was left for *Effex* and *Halifax*, but to joyn the Duke wholly, and throw the other Two out of the King's Affairs. Accordingly *Monmouth* was ordered over to *Holland*, *September 24.* and *Shaftsbury* turned out of Council. *Sir William Temple*, not being entirely theirs, was left out, and resolved to ly aside from publick Affairs. To cover Matters, the Duke of *York* went over to *Flanders*, soon to return again, and *Effex* and *Halifax* left their Posts in Discontent; and Mr. *Hyde*, after Earl of *Rochester*, and Mr. *Godolphine*, afterwards Earl of *Godolphine*, came in, joyned *Sunderland*, and made up the *Juncto*. This vast Change in *England* soon brought the third Indulgence to Presbyterians here to be cramped, and then taken away.

The Effects of it appeared the very next Council-day, *September 19.* A Warrant is granted to General *Dalziel*, Lieutenant General of His Majesty's Forces, to give Order to seize the Murderers of the Archbishop (this is cast in in common Form, but the great Design was) to apprehend any Ministers or Heritors guilty of the late Rebellion, or others of the Rebels who had not taken the Bond, or any who harboured or resetted them; and to give Orders to the Officers and Soldiers under his Command, to secure them in Prison till they be brought to Justice; with Power also to dissipate Field-conventicles, and to seize the Preachers and others present at them. And the Council indemnify all Slaughter or Mutilation, in case of Resistance. And, *September 20.* they ordain the Rents of Lands, Sums of Money, and Moveables belonging to the Murderers of the Archbishop, and Heritors engaged in the Rebellion, to be sequestrated and secured, that the same be not imbezilled; and grant Power to the Earls of *Murray* and *Linlithgow*, Treasurer-depute, Justice-general, *Collington*, and General *Dalziel*, to nominate fit Persons in the several Shires to be Sequestrators. This was a new and very sore Trouble to the Country.

That same Day the Advocate is ordered 'to raise a Process against Mr. *George Johnston*, or any other Ministers who have been guilty of Field-conventicles since *June 29* last, upon the Information given in, or that shall be given, notwithstanding any Allowance given, or that shall be given to them to preach. And, at the same Time, full Power and Authority is granted to Major *Robert Johnston*, to search for any Conventicles suspect to be kept in the Town of *Edinburgh*, or Suburbs thereof, and to apprehend and imprison the Ministers and most substantial Hearers; to search for the Murderers of the Archbishop, as also any Ministers or Heritors in the late Rebellion, or others who have not signed the Bond, and imprison them, and to report his Diligence from Time to Time. He and his Assistants are indemnified, as above, and this Commission is to continue till recalled.' Thus, we see, the former Methods are beginning again.

To return to the Indulgence, the Council, *September 19.* agree upon a Draught of the Licence given to Ministers, who are allowed to preach, by his Majesty's Proclamation *June 29.* and his Letter *July 11.* which I insert from the Registers.

" The Lords of his Majesty's Privy Council having considered the Petition of  
" representing that they have chosen to preach, and administrate the  
" Sacraments, in the Parish of conform to his Majesty's Proclamation, *June*  
" 29. and his Letter *July 11.* and therefore desiring that Caution may be received for the  
" said conform to the said Proclamation: The Lords grant the Sup-  
" plicants Desire, who have accordingly found sufficient Caution, acted in the Books of  
" Privy Council for the said that he shall live peaceably; and in order

1679:

Sept. 18. Duke of Monmouth turned out of his Post. The Springs of this Turn.

New Powers granted to the Army against Conventicles, and such as were at Boscobel.

Ministers have been in the since be prosecuted.

Form of the Licence given to Ministers, who are allowed to preach, by his Majesty's Proclamation *June 29.* and his Letter *July 11.*



1679.

“ der thereto, that the said  
 “ the said Cautioners shall be called to produce him, under the Penalty of Six thousand  
 “ Merks, in case of Failie.”

shall appear before the Council, when

Tenor of the  
 Bond given for  
 the said Mini-  
 sters.

At the same Time they agree upon, and record the Tenor of the Bond to be given for  
 them, as follows. “ Be it kend to all Men by these Presents, me  
 “ much as, upon a humble Supplication given in to his Majesty’s Privy Council, they have  
 “ ordained Caution to be received for  
 “ and administrate Sacraments in the Parish of  
 “ my self, my Heirs, and Successors, that the said  
 “ and in order thereunto, that I the said  
 “ present him before his Majesty’s Privy Council, when I am called so to do ; and in case of  
 “ my Failie in not presenting him, I shall be liable in the Payment of the Sum of Six thou-  
 “ sand Merks Scots Money. Consenting, &c. in common Form.”

Remarks upon  
 this Bond.

This Bond was reckoned to be framed with a Design to discourage Parishes from giving  
 it, and to be illegal. The Proclamation indeed requires Surety for peaceable Behaviour,  
 but does not require an Obligation to present the Minister’s Person upon demand, under  
 such an exorbitant Sum, as many Parishes, or such in them as were inclinable to give Bond,  
 were not in case to give ; and Care was taken to signifie to Persons concerned, that Presby-  
 terian Ministers would find themselves obliged to do several Things which might be con-  
 structed, or soon made unpeaceable Behaviour ; and ’tis plain, many would be unwilling in  
 this Case actually to present their Minister to be persecuted ; and tho’ he should be present-  
 ed, the Fine might be exacted upon his being found unpeaceable in his Behaviour, by the  
 Tenor of the Bond.

All this would not have discouraged Multitudes of Parishes in the West and South,  
 from calling Presbyterian Ministers, if it had not been by this Time pretty evident both to  
 Ministers and People, that now the Court was changed ; and it was fully resolved, carry as  
 they would, as soon as possible to turn this *Indulgence* to nothing, or at least so to manacle it,  
 as it should rent Presbyterians more and more ; and so they had no great Heart to make any  
 great Efforts this way. It was not altogether so much for the King’s Honour instantly to re-  
 scind this Favour ; but they resolved gradually to clog it, until it should be perfectly ule-  
 less.

Another Meet-  
 ing of Ministers  
 at Edinburgh to-  
 wards the End  
 of September.  
 Their Scati-  
 ments on the  
 Bonds.

Nevertheless Presbyterian Ministers counted it their Duty to meet together and consider  
 what was most fit to be done in this Case ; and so, I think, toward the End of September, a  
 good many of them met together at *Edinburgh*, mostly to consider how far it was lawful and  
 expedient for Parishes to give in such Bonds as the Council required. Those occasional  
 Meetings, in this persecuted state of the Church, did not assume any determining Power.  
 The Matter was reasoned, and the most Part agreed it was lawful and expedient, if Matters  
 turned not worse, to give in Bonds. Some few had some Difficulties about this, but did not  
 insist upon them, since all expected this would be a short-lived Favour. The Sense of the  
 Meeting going abroad, several Parishes came in with their Petitions, and offered their Bond  
 to the Council for the Ministers peaceable Behaviour. Thus Mr. *William Row*, Mr. *James  
 Walkinshaw*, Mr. *Robert Law*, and some others had Bonds given in for them, and preached  
 in their respective Parishes, but for a short while.

The Parishes  
 which gave  
 Bonds, and  
 had Ministers  
 allowed them  
 this Year.  
*Newcastle.*

*Langtoun.*

*Elphinstown.*

*Badnock.*

*Ceres.*

*West-kirk in Esk-  
 dale, Owell, La-  
 gie, Dalgety,  
 Prestonhaugh,  
 Tarow, Ashkirk,  
 Campsey, Dum-  
 ferming, Car-  
 drofs.*

Proclamation  
 against Con-  
 venticles, No-  
 vember 13.  
 App. N<sup>o</sup>. 37.

I shall give here what I meet with in the Registers this Year concerning the Parishes who  
 gave Bonds, and had Presbyterian Ministers allowed them. September 19. upon a Petiti-  
 on from Sir *James Dundas* of *Arncliffe*, *James Eliot* of *Southside*, *Alexander Pringle*, *John  
 Watson*, *William Turnbull*, and other Heritors and Feuars in *Newbottle*, the Council allow  
 “ Mr. *George Johnston* to preach in the Terms of the foresaid Act, in regard he hath found  
 “ sufficient Caution in the Books of Council. September 20. upon a Petition of *James Cock-  
 burn* of *Langtoun*, for himself, and the remanent Heritors and Parishoners of the Parish of  
 “ *Langtoun*, Mr. *Luke Ogle* is allowed to preach there, he having given sufficient Caution, as a-  
 “ bove, and that he shall not preach or dispense Sacraments save in that Parish. That same Day,  
 “ upon the Petition of *Andrew Colquhoun* of *Carscadden*, and *Hugh Crawford* of *Cloberhill*, in  
 “ Name of the People of *Easter-kilpatrick*, Mr. *Robert Law* is allowed to preach there. And  
 “ Mr. *James Walkinshaw*, in the Parish of *Badernock*, and Mr. *William Row* in the Parish of  
 “ *Ceres*. And December 18. upon the Petition of the Heritors and Parishoners of the under-  
 “ written Parishes, the Ministers named are allowed to preach in them. *West-kirk* in *Esk-  
 dale*, Mr. *James Pringle*, *Orwell*, Mr. *Robert Gray*, *Logie*, Mr. *Richard Honyson*, *Dalgety*,  
 “ Mr. *Andrew Donaldson*, *Prestonhaugh*, Mr. *Gilbert Rule*, *Tarrow*, Mr. *William Eliot*, *Ash-  
 kirk*, Mr. *Robert Cunningham*, *Campsey*, Mr. *John Law*, *Dumfermling*, Mr. *John Wardlaw*,  
 “ *Cardrofs*, Mr. *Neil Gillies*.

Upon the 13 of November, the Council publish a new Proclamation against Conventicles,  
 which I have annexed App. N<sup>o</sup>. 37. By it all are discharged to preach, or to hear any preach  
 in any Parish who have not given Bond to the Council, under the Pains of being reputed  
 dif-



disaffected to his Majesty's Authority, and Contemners of his Grace and Clemency, and being proceeded against with the utmost Severity. 1679.

The same Day, by another Proclamation, the Council fall foul upon the poor Commons who had been at *Bothwell*, for not taking the Bond, and give them until the First of January next to take it, providing they come in and satisfy the Lords of Justiciary between and then, of the Reasonableness of their Excuse for delaying to take it hitherto, and after that shut all Doors of Mercy against Refusers. I have annexed it *App. No. 38.* 'Tis a very ill natured and fiery Paper, unworthy of the Gravity of the King, in whose Name it runs, and makes him scold and speak against those poor Country People, in the Stile of *Fishmarket* and *Billingsgate*. They are termed *an insolent and vitious Crew*, their Preachers are made *vain and giddy, and disowned by all the rest of the Protestant Churches*; and such as continue to refuse after the Day, are declared *Enemies to human Society*; and all who harbour and reset them, are to be proceeded against as *Enemies to King and Country*. Some observe, that the Advocate was now come down, and his Partness runs through this Paper. This is what offers to me as to the State of Presbyterians, and this third and short Indulgence. Some Hints as to Favours done to some particular Presbyterian Gentlemen, and about the Prisoners, will come in ere I end this Section.

Another Matter of Importance this Year, which I have left to this Section, is the Debates 'twixt some of our Noblemen at London, and the Attacks made upon the Administration of the Duke of *Lawderdale*, with some Consequences of those. I have once and again touched at those, and would incline to have left this intirely to our civil Historians, were there not some Things in the opening of that Debate, which confirm the preceeding Part of this History, and give Light to the State of Presbyterians.

We have already heard somewhat of the Struggle in the Parliament of *England* for Liberty, and the Protestant Religion, which they took to be in Hazard; and of the strong Current there against the Dukes of *York* and *Lawderdale*. The first, by his Pretences to the Succession, brought all valuable to Men and Christians in *England*, to the utmost Hazard; and the other as not a little subservient to the same Design, by his arbitrary and oppressive Methods in the *Scots* Administration.

Things ripened against *Lawderdale* gradually, until the House of Commons upon the 29 of May, presented the following Address to the King. House of Commons Address against *Lawderdale*, May 29.

WE your Majesty's most loyal and dutiful Subjects, the Commons in this present Parliament assembled, finding your Majesty's Kingdoms involved in imminent Dangers and great Difficulties, by the evil Designs and pernicious Counsels of some who have been, and still are in high Places of Trust and Authority about your Royal Person, who, contrary to the Duty of their Places, by their arbitrary and destructive Counsels, tending to the Subversion of the Rights, Liberties, and Properties of your Subjects, and the Alteration of the Protestant Religion established, have endeavoured to alienate the Hearts of your good Subjects from your Majesty, and your Government, which we by our Duty are bound to preserve. We have just Reason to accuse *John Duke of Lawderdale*, for a chief Promoter of such Counsels, and more particularly for contriving and endeavouring to raise Jealousies and Misunderstandings between this your Majesty's Kingdom and *Scotland*, whereby Hostilities might have ensued and arisen between both Nations, if not prevented: Wherefore, we your Majesty's most loyal Subjects, cannot but be sensibly troubled and affected, to see such a Person, notwithstanding of the repeated Addresses of your late Parliament, continued in your Council at this Time, when the Affairs of your Kingdom require none to be set in such Employments, but such as are of known Abilities, Interest, and Esteem in the Nation, without all Suspicion of either mistaking or betraying the true Interest of the Kingdoms, and consequently of advising your Majesty ill. We do therefore beseech your Majesty, for the taking away of the great Jealousies and Dissatisfactions amongst your good Subjects, who are oppressed with great Grief and Sorrow, that your Majesty will be graciously pleased to remove the Duke of *Lawderdale* from your Majesty's Councils in your Majesty's Kingdoms of *England* and *Scotland*, and from all Offices, Employments and Places of Trust, and from your Majesty's Presence for ever.

The King would not be shaken from his Brother's Succession, and kept *Lawderdale* still about him, and, rather than part with so good Friends, he dismissed his Parliament, and so ended the designed Exclusion and Prosecution of *Lawderdale* this Session. The King to save the Dukes, dissolved the English Parliament.

Our Nobility in *Scotland* who were more nearly concerned in the Oppressions of the Duke of *Lawderdale* and his Party, were waiting a favourable Opportunity to table their Grievances before the King, though in their former Attempt they had not succeeded. Accordingly, this Spring, Duke *Hamilton* went up again to Court. The Marquis of *Athole*, and Sir *John Cochran*, and some others I find there in June, and Sir *George Lockhart*, and Sir *John Cunningham*, Two of our most noted Lawyers, came up; and the King's Advocate upon the other Side. Duke *Hamilton* and others to have Grievances from *Lawderdale* removed.



1679.

They are put  
in the King's  
Hands, and are  
contained in a  
Paper termed  
Particular Mat-  
ters of Fact.

When Duke *Hamilton* and the rest got Access to the King, they laid before him their Com-  
plaints and Grievances. They were printed at this Time under the Title of *Matters of Fact*,  
&c. The printed Copy is a little incorrect; and I have set it right by Two or Three Co-  
pies I have of it in Manuscript. This is a Paper of such Importance as deserves a Room in  
the Body of this History, tho' pretty long: And I insert it here.

*Some particular Matters of Fact relating to the Administration of Affairs in Scotland,  
under the Duke of Lawderdale, humbly offered to your Majesty's Consideration, in  
obedience to your royal Commands.*

Grievances as  
to the High-land  
Host.

**T**HE Duke of *Lawderdale* did grossly misrepresent to your Majesty the Condition of the  
western Counties, as if they had been in a State of Rebellion, tho' there had been never any  
Opposition made to your Majesty's Authority, nor any Resistance offered to your Forces,  
nor to the Execution of the Law. But he purposing to abuse your Majesty, that so he  
might carry on his finistrous Designs by your Authority, advised your Majesty to raise an  
Army against your peaceable Subjects; at least, did frame a Letter, which was sent to your  
Majesty, to be signed by your Royal Hand, to that effect: Which being sent down to the  
Council, Orders were thereupon given out for raising an Army of Eight or Nine thousand  
Men; the greatest Part whereof were *Highlanders*.

And notwithstanding, to avert this Threatning, the Nobility and Gentry of that Country  
did send to *Edinburgh*, and for the Security of the Peace, did offer to engage, that who-  
soever should be sent to put the Laws in Execution, should meet with no Affront; and that  
they would become Hostages for their Safety: Yet this Army was marched and led into a  
peaceable Country, and did take free Quarters, according to their Commissions; and in  
most Places levied great Sums of Money under the Notion of *dry Quarters*; and did  
plunder and rob your Subjects, of which no Redress could be obtained, though Com-  
plaints were frequently made: All which was exprelly contrary to the Laws of the Kingdom.

In these Quarterings, it was apparent, that Regard was only had to that Duke's private  
Animosities; for the greatest Part of those Places that were most quartered in, and destroy-  
ed, had been guilty of none of the Field-conventicles complained of; and many of the Pla-  
ces that were most guilty, were spared upon private Considerations.

The Subjects were at that Time required to subscribe an exorbitant and illegal Bond,  
which was impossible to be performed by them, *That their Wives, Children and Servants,*  
*their Tenants and their Wives, Children and Servants, should live orderly, according to Law,*  
*not go to Conventicles, nor entertain vagrant Preachers,* with several other Particulars; by  
which Bond those who signed it, were made liable for every Man's Fault that lived upon  
their Ground.

Your Majesty's Subjects were charged with Lawborrows, denounced Rebels; and Cap-  
tions were issued out for seizing their Persons, upon their refusing to sign the foresaid Bond;  
and the Nobility and Gentry there who had ever been faithful to your Majesty, and had ap-  
peared in Arms for suppressing the last Rebellion, were disarmed upon Oath; a Proclama-  
tion was also issued forth, forbidding them, under great Penalties, to keep any Horse above  
Four Pounds Ten Groats Price.

The Nobility and Gentry in the Shire of *Air* were also indicted at the Instance of your Ma-  
jesty's Advocate, of very high Crimes and Misdemeanors, whereof some did import Treas-  
on. Their Indictments were delivered them in the Evening, to be answered by them next  
Morning upon Oath: And when they did demand Two or Three Days Time to consider  
their Indictments, and craved the Benefit of Lawyers to advise with in Matters of so high  
Concernment, and also excepted against their being put to swear against themselves in  
Matters that were capital, which was contrary to Law and Justice; all those their Desires  
were rejected, tho' the like had never been done to the greatest Malefactors in the King-  
dom: And it was told them, they must either swear instantly, or they would repute them  
guilty, and proceed accordingly.

The Noblemen and Gentlemen knowing themselves innocent of all that had been surmi-  
sed against them, did purge themselves by Oath of all the Particulars that were objected to  
them, and were thereupon acquitted: And tho' the Committee of Council used the severest  
way of Enquiry to discover any Sedition or treasonable Designs which were pretended as  
the Grounds of leading in that Army to those Countries, yet nothing could ever be pro-  
ved: So false was that Suggestion, concerning the Rebellion then designed, that was offer-  
ed to your Majesty, and prevailed with you for sending the forementioned Letter.

The Oppression and Quartering still continuing, the Noblemen and Gentlemen of those  
Countries went to *Edinburgh*, to represent to your Council the heavy Pressures that they  
and their People lay under; and were ready to offer to them all that Law and Reason could  
require of them for securing the Peace. The Council did immediately, upon their Appear-  
ance there, set forth a Proclamation, requiring them to depart the Town in Three Days;  
upon



upon the highest Pains. And when the Duke of *Hamilton* did petition to stay Two or Three Days longer upon urgent Affairs, it was refused.  
 When some Persons of Quality had declared to the Duke of *Lawderdale*, that they would go and represent their Condition to your Majesty, if they could not have Justice from your Ministers; for preventing that, a Proclamation was set out, forbidding all the Subjects to depart the Kingdom without Licence, that so your Majesty might not be acquainted with the sad Condition of your Subjects: A Thing without all Precedent and Law, to cut off your Subjects from making Application to your Majesty; nor less contrary to your Majesty's true Interest (who must be always the Refuge of your People) than to the natural Right of the Subject.

1679.

The former Particulars relate to the Invasion of the Rights of great Numbers of your Subjects all at once; what follow, have immediately fallen upon some single Persons, yet are such as your whole People apprehend they may all be upon the slightest Occasions, brought under the like Mischiefs.

The Council hath, upon many Occasions, proceeded to a new kind of Punishment, of declaring Men incapable of all publick Trust; concerning which, your Majesty may remember what Complaints the Duke of *Lawderdale* made, when during the Earl of *Middleton's* Administration, he himself was put under an Incapacity by an Act of Parliament. The Words of his Paper against the Earl of *Middleton* are, *Incapacitating was to whip with Scorpions, a Punishment intended to rob Men of their Honour, and to lay a lasting Stain upon them and their Posterity, &c.* And if this was so complained of, when done by the high Court of Parliament, your Majesty may easily conclude it cannot be done in any lower Court: But notwithstanding it is become of late Years an ordinary Sentence of Council, when the least Complaints are brought in against any with whom the Duke of *Lawderdale* or his Brother are offended.

Incapacitating Persons for publick Trust.

Instances of this are.

The declaring of Twelve honest and worthy Citizens of *Edinburgh* incapable of publick Trust, against whom no Complaint was ever made to this Day, as your Majesty will perceive by another Paper to be offered to you concerning that Affair: The true Cause of it was, That these Men being in the Magistracy, the Duke of *Lawderdale* and his Brother could not get a vast Bribe from them out of the Town's Money, which was afterward obtained when they were removed.

Instances in 12 Citizens of Edinburgh.

The Provosts of *Glasgow, Aberdeen* and *Jedburgh* were put under the same Sentence for signing a Letter to your Majesty, in the Convention of Burrows, with the rest of that Body: Which Letter was advised by him who is now your Majesty's Advocate, as that which had nothing in it which could bring them under any Guilt; and yet these Three were singled out of the whole Number, and incapacitated, beside a high Fine and a long Imprisonment; as your Majesty will more fully perceive by another Paper to be offered to you.

The Provosts of Glasgow, Aberdeen and Jedburgh.

*Sir Patrick Hume* of *Polwarth*, being sent by the Shire of *Berwick*, to complain of some illegal Proceedings, and to obtain a legal Remedy to them, which he did only in the common Form of Law, was also declared incapable of publick Trust, besides many Months Imprisonment.

*Sir Patrick Hume* of *Polwarth*.

The Provost of *Linlithgow*, being complained of, for not furnishing some of your Forces with Baggage-horses, was called before the Council; and, because he said, *They were not bound by Law* to furnish Horses in such manner, he was immediately declared incapable of publick Trust, and was both fined and imprisoned.

Provost of Linlithgow.

There are also about Fifty in the Town of *St. Johnstoun* incapacitate, upon a very illegal Pretence; so that it is almost impossible for them to find a sufficient Number of Citizens for the publick Magistracy of that Town.

Fifty Persons in the Town of Perth.

Your Subjects are, sometimes upon slight, and sometimes upon no Ground, imprisoned, and are often kept Prisoners many Months and Years, nothing being objected to them, and are required to enter themselves Prisoners, which is contrary to Law. It was in the former Article expressed, That many of the Persons declared incapable of publick Trust, did also suffer Imprisonment.

Illegal Imprisonments.

And, besides these Instances,

Lieutenant General *Drummond*, whose eminent Loyalty and great Services are well known to your Majesty, was required to enter himself Prisoner in the Castle of *Dumbarton*, where he was kept a Year and a half, and was made close Prisoner for Three Months.

L.G. Drummond.



1679.

Lord Cardross.

Sir Patrick Hume.

Warrants to  
Officers for ap-  
prehending  
Persons.Capt. Carstairs  
and Mr. James  
Kirkcoun's Case.Method of  
using Prisoners.Unreasonable  
Fines.Garisons in  
Gentlemen's  
Houses.

Months of that Time, and yet nothing was ever objected against him to this Day, to justify that Usage.

My Lord Cardross was, upon his Lady's keeping Two Conventicles in her own House, at which he was not present, fined in 1111 Pounds Sterling (the Print Copy bears 11000 Pounds) and hath been kept now Four Years Prisoner in the Castle of Edinburgh, where he still remains, tho' he has often petitioned,

And Sir Patrick Hume hath been now almost a Year imprisoned a second Time, and nothing is yet laid to his Charge.

Besides these illegal Imprisonments, the Officers of your Majesty's Forces carry frequently Warrants with them, for apprehending of Persons that are under no legal Censure, nor have been so much as cited to appear; which puts many of your Subjects under great Fears, especially upon what was done in Council about Three Years ago.

Captain Carstairs, a Person now well enough known to your Majesty, did intrap one Mr. Kirkcoun, an outed Minister, into a Chamber of Edinburgh, and did violently abuse him, upon design to have extorted some Money from him: The Noise of this coming to Mr. Bailie of Jerviswood, Brother in Law to the said Mr. Kirkcoun, he came to the House, and hearing him cry Murder, Murder, forced open the Chamber-door, where he found the Captain and his Brother in Law grangling. The Captain pretended he had a Warrant against Mr. Kirkcoun, and Mr. Bailie desired him to shew it, and promised that all Obedience should be given it, and that he himself would assist him in executing of it. But the Captain refusing to do it, Mr. Kirkcoun was rescued; which was only the delivering a Man out of the Hands of a Robber, which Nature obliges all Men to do, especially being joyned with so near a Relation. The Captain complained of that to the Council, and my Lord Hailton with others were appointed to examine Witnesses. When it was brought before the Council, the Duke of Hamilton, the Earls of Morton, Dumfries and Kincardin, my Lord Cochran and Sir Archibald Primrose Register, desired that the Report of the Examination might be read; but that, not serving their Ends, was denied; and these Lords delivered their Opinion, That, since Carstairs did not shew any Warrant, nor was clothed with any publick Character, it was no opposing of publick Authority in Mr. Bailie to rescue his Brother in Law. Yet Mr. Bailie was for this fined in Six Thousand Merks, or Three hundred and eighteen Pounds Sterling, and kept long Prisoner; and these Lords were upon that so represented to your Majesty, that, by the Duke of Lauderdale's Procurement, they were turned out of the Council, and out of all Command in the Militia. And it can be made appear, that the Captain at that Time had no Warrant against Mr. Kirkcoun, but procured it after the Violence was committed, and it was antedated to serve the Turn at that Time. This Manner of proceeding hath ever since put your Subjects under sad Apprehensions.

There is one other Particular offered to your Majesty's Consideration, concerning their Way of using Prisoners. There were Fourteen Men taken at a Field-conventicle, who, without being legally convicted of that or any other Crime, were secretly, and in the Night, taken out of Prison, by a Warrant signed by the Earl of Linlithgow, Lords Hailton and Colington, and were delivered to Captain Maitland, who had been Page to the Duke of Lauderdale, but was then a French Officer, and was making his Levies in Scotland, and were carried over to the Service of the French King, in the Year 1676.

The Council hath, upon many Occasions, proceeded to most unreasonable and arbitrary Fines, either for slight Offences, or for Offences, where the Fine is regulated by Law, which they have never considered when the Persons were not acceptable to them. So the Lord Cardross was fined in Twenty thousand Merks, that is, 1111 Pounds Sterling, for his Lady's keeping Two Conventicles in her House, and Christning his Child by an outed Minister, without his Knowledge. The Provost formerly mentioned, Bailie of Jerviswood, with many more, were also fined without any regard of Law.

The Council has at several Times proceeded to the taking of Gentlemen's dwelling-houses from them, and putting Garisons in them, in Time of Peace, contrary to Law. In the Year 1675. it was designed against Twelve of your Majesty's Subjects, and was put in Execution in the House of the Earl of Callendar, Lord Cardross and Lady Lumisdan, and was again attempted in the Year 1678. And Houses belonging to the Laids of Cessnock, Balquhan, and Rowallan, were possessed by Soldiers, and declared to be Garisons: Nor did it rest there, but Orders were sent from the Council-board, requiring the Counties about these Houses to furnish them for the Soldiers Use, and to supply them with many Necessaries, manifestly contrary to Law. It was against this that Sir Patrick Hume came to desire a Remedy; and common Justice being denied him, he used a legal Protestation in the ordinary Form



Form of Law, and was thereupon kept many Months a Prisoner, and declared incapable of all *publick Trust*, as was formerly mentioned. 1679.

There is another Particular, which, because it is so odious, is unwillingly touched; yet it is necessary to inform your Majesty about it, for thereby it will appear, that the Duke of *Lawderdale* and his Brother have in a most solemn Manner broken the publick Faith that was given in your Majesty's Name. Breach of publick Faith.

One *Mitchel* being put in Prison, on great Suspicion of his having attempted to murder the late Archbishop of *St. Andrews*, and there being no Evidence against him, Warrant was given by the Duke of *Lawderdale*, then your Majesty's Commissioner, and your Council, to promise him his Life if he would confess, whereupon he did confess: And yet, some Years after, that Person (who indeed did deserve many Deaths, if there had been Evidence against him) was upon that Confession convicted of his Crime; and the Duke of *Lawderdale* and his Brother being put to it by him, did swear, that they neither gave nor knew of any Assurance of Life given him. And when it was objected, that the Promise was upon Record in the Council-books, the Duke of *Lawderdale* did in open Court, when he was present only as a Witness, and ought to have been silent, threaten them, if they should proceed to the Examination of that Act of Council, which, as he then said, might infer Perjury in them who had sworn; and so did cut off the Proof of that Defence, which had been admitted by the Court as good in Law, and sufficient to save the Prisoner if proved. This Man was hanged upon the Evidence of that Confession only, tho' the Promise that drew it from him appears upon Record, and can be proved by many Witnesses, and other clear Evidences. And from this your Majesty may judge what Credit can be given to such Men. In Mr. James Mitchell's Case.

We do not at present enlarge upon other Particulars, tho' of great Importance, such as Monopolies, selling Places and Honours, turning Men of known Integrity out of their Employments and Offices, to which they had a just and good Right during their Lives, the Profits of one of the most considerable of these being sequestered for some Time, and applied for the Dutches of *Lawderdale's* Use; the treating about, and receiving of great Bribes by the Duke and Dutches of *Lawderdale*, and the Lord *Haltoun*, and particularly from the Towns of *Edinburgh*, *Aberdeen*, *Linlithgow*, and many others, for procuring from your Majesty Warrants for illegal Impositions within these Towns; the manifest and publick perverting of Justice in the Session, beside the most signal Abuses in the Mint and Copper Coin, that are most grievous to all your Subjects: But the Number of these is so great, and they would require so many Witnesses to be brought hither for proving them, that, we fear, it would too much trouble your Majesty now to examine them all. But your Majesty shall have a full Account of them afterward. Other Particulars, Monopolies, &c.

One Thing is humbly offered to your Majesty, as the Root of those and many other Oppressions, which is, That the Method of governing the Kingdom of *Scotland* for several Years has been, That the Lord *Haltoun* and his Adherents frame any Letter that they desire from your Majesty to your Council, and send it to the Duke of *Lawderdale*, who returns it signed unto them; and this is brought unto the Council: Upon which, if a Debate at any Time arise, concerning the Matter of the Letter, as being against or without Law; and when it is proposed that a Representation of that should be made to your Majesty, then the Lord *Haltoun*, in his insolent Way, calls to have it put to the Question, as if it were a Crime to have any Warrant debated, or represented to your Majesty, which is procured by the Duke of *Lawderdale* or himself; and this is echoed by his Party, and by this Means all further debating is stopped. Root of all these Grievances, the Method of Procedure in Council.

There are some other Particulars relating to many of these Heads, that are ready to be offered to your Majesty in other Papers, which are not added here, lest your Majesty should now be troubled with too long a Paper.

This Detail of Matters of Fact, lays open so much of the Iniquity of this Period, that it deserves particularly to be noticed; it certainly contains a material Vindication of the People at *Bothwell*, who appeared in Defence of Religion and Liberty. The Paper was formed by some of the best Hands in the Kingdom, and keeps close to a bare Narrative without any Reflections. Observations upon it.

Had the Nobility and Gentlemen concerned in this Paper, landed many Things narrated at the Door of the Prelates, as well as *Lawderdale's*, I conceive the Representation had been fuller, and not the less just. But *Sharp*, the prime Actor in many of them, was now removed, and this Method would not have answered their Purpose, and, it may be, would in some Measure have marred it. And so all is landed upon the Duke. The Grievances might have been landed upon the Prelates, as well as the Duke.

This one Thing I notice, That as Prelacy in *Scotland* was one great Source and Occasion of our Pressures and Evils, so there were in *England*, at this Time, who had the same Views of Prelacy there. And with their Efforts to recover their civil Liberty, were complaining of the evil Influence Prelacy had upon their civil Concerns. It must indeed be owned, Prelacy at this Time grievous in England to some who had a Sense of Liberty.



1679.

Which ap-  
pears from a  
Paper, intitu-  
ed, *An Answer out  
of the West, to a  
Question out of  
the North*  
App. N<sup>o</sup>. 39.

Letter from  
Lawderdale about the Mat-  
ters of Fact.

App. N<sup>o</sup>. 40.

The King al-  
lows a Confe-  
rence, July 8.  
on these Mat-  
ters of Com-  
plaint.

owned, that the Bishops of England, even at this Time, and much more since the Revolu-  
tion, have been far better Men, Christians, and Countrymen, than the Prelates in Scotland;  
yet many of them siding with the Court for a Popish Successor, and, as some remark,  
cutting the Balance against the *Bill of Exclusion*, very much diminished their Character;  
and it was further thought, that their Office, as established, was no small Hindrance to  
Trade and civil Liberty. And that the Reader may have some View of the Reasons ad-  
vanced for this, I have insert, App. N<sup>o</sup>. 39. a Paper printed and handed about in England  
at this Time, intituled, *An Answer out of the West to a Question out of the North*, which  
contains the largest Detail of the civil Grievances flowing from the Hierarchy there, which  
I have seen; and I suppose the Paper is rare. How just they are, I must leave to the De-  
fenders of that Constitution.

This Paper, *Particular Matters of Fact*, &c. when printed and spread, made a great  
Noise. And July 11. the Council receive a Letter from Lawderdale about it, bearing,  
“ That the King is informed of an infamous Libel, writ and dispersed at *Edinburgh*, printed  
“ and dispersed at *London*, and cried in the Streets, reflecting upon the Proceedings of the  
“ Lords of Council and Session; that the King orders a diligent Enquiry, where, and by  
“ whom, the Copies are written out, and dispersed at *Edinburgh*; the Accounts at *London*  
“ bearing, That they are written at the Chamber of *James Hay* Writer, who married a Niece  
“ of Sir *Archibald Primrose*.” The Council appoint a Committee to examine into this; and  
afterwards July 19. they send up the Examinations relative thereunto. Mean while, July  
11. they write a Letter to the King, thanking him for his Concern in them, and desiring  
Justice against such Attempts. The curious Reader will desire to see it; wherefore I have  
added it App. N<sup>o</sup>. 40.

Before any Answer could come from the Council, the King, after many Delays, at length  
was brought to allow a Conference in his own Presence upon these Matters of Complaint.  
I have upon the former Years taken Notice of what passed in his Majesty's Presence upon  
this Subject, and I have not much to add; only a Letter writ, as 'tis plain, by one of *Law-  
derdale's* Party at this Time, is before me; and tho' the Account be only as to the one  
Side, yet none other being come to my Hand, I shall here insert it, as containing what  
passed.

Windfor-castle, July 13.

Sir,

Letter from  
Lawderdale  
Narrative of  
what passed at  
this Confe-  
rence from  
on upon  
Lawderdale's  
Side.

UPON Tuesday last the 8 Instant, the Party Lords, with their two Advocates, Sir *George  
Lockhart*, and Sir *John Cunningham*, which the King did not send for, but had allowed  
them to come to plead, appeared. On the King's Side was only the Lord Advocate, who un-  
dertook the Debate against them all. The Subject Matter of the Debate run upon what  
was contained in the Libel printed by the Party Lords, which consists of the following  
Heads: 1. The Carrying in of the Forces and Highlanders the last Year into the West.  
2. The taking of free Quarter. 3. The incapacitating Persons from Office within Burghs.  
4. The Bond for Masters to be answerable for their Families, Servants and Tenants. 5.  
The Lawborrows. 6. The King's Power in imprisoning *indicta causa*.

The Lord Advocate began to debate thus. He desired to know what Part of that  
Paper they insisted upon, or what else. The Paper it self, he said, consisted of three Heads.  
1. The several Parts of the King's Prerogative therein mentioned, and whether the King  
or his Council doing these Things, was allowed by the Law of the Kingdom, and whether  
the King had Power to do so or not. The Second was, If the King's Power by Law was  
right applied in the Particulars mentioned by the printed Paper. The Third was, Accu-  
sations against private Persons, such as the Duke of *Lawderdale*, and his Brother.

As to the First, there was a long Debate, wherein sometimes the Lawyers spoke, many  
Times the Duke of *Hamilton* sometimes the Marquis of *Athole*, and oft-times Sir *John Coch-  
ran*, and at last the Laird of *Macnaughtan*, to whom the King was pleased to say, *You are  
indeed a great Lawyer, and a Highland Man*.

The King's Advocate proved the King's Prerogative controverted, by the *municipal Law*  
of the Kingdom, by printed Statutes, and constant Practiques; and at last the two Law-  
yers acknowledged, that by Law, the King might do what was done, but did much question  
the Council's Prudence in the particular Application mentioned in the printed Paper.

To this the Advocate answered, That to question Application, was to question the King,  
and his Council who acted by his Commission; that no Judicatory was to give an Account of the  
Application of Law, because the Members were sworn to act according to their Conscience;  
that they had done so; and to question this, were to overturn the Fundamentals of all Go-  
vernment; for then all Sentences of a Judicatory would be misregarded by the Subjects,  
and consequently no Delinquents punished; and by this means the Subject would lose Li-  
berty and Property.

‘This



• This Answer brought all the Matters of Fact contained in the Paper, to be debated one by one, which took up several Hours, all which Time the King heard patiently. 1679.  
 • As to the Third, viz. Accusations against particular Persons, it was urged, That no Accusation could be brought here without the Kingdom against any particular Man; for by Act of Parliament in King James II's. Time, all Accusations and Pursuits must be made first before the ordinary Judge; and the King himself declared he would hear none such here at the first Instance.  
 • The Debate lasted Eight Hours that Day, from Ten to One Forenoon, and from Four to Nine in the Evening. Upon Friday the 11. the King declared his Pleasure, as is contained in his gracious Letter to the Council, sent by this flying Packet.  
 • In the End of the Debate, the Duke of Hamilton offered a long Paper, which was an Accusation of the General of the Mint; and Alexander Monro presented his Petition, complaining that he had been turned out of the Clerkship of the Session, and this procured by the Duke of Lawderdale and his Brother. Brimball presented a Paper for the Twelve Persons in the Council of Edinburgh, who had been incapacitate, and craved they might be restored.  
 • As to the Accusation of the General of the Mint, the King declared, That all contained in the Paper were, Things already tried, examined, and determined by him and his Council, and therefore rejected it, and said, the General was not concerned therein. As to Monro his Petition, he was informed that he had received Seven thousand Merks of Composition, and thereupon had demitted his Post. As to the last, of the Twelve incapacitate Persons, his Majesty declared he is resolved to enquire into the former Practique by the Registers, and consider what his Predecessors have done in the like Cases; and, as he finds, he will determine; and, if he find Cause, they shall have a legal Trial.  
 • Upon Friday Evening the Party made an Application to the King for a further Hearing, being informed what his Majesty had resolved upon the first Hearing, alledging they had many material Things yet to say, but would not tell Particulars.  
 • To this his Majesty yielded, and appointed this Day, being July 13. at Four of the Clock Afternoon for the last Hearing, declaring, after that, he would neither hear them by Word nor Writ. Yesterday Sir George Lockhart went to London; some of the Party went after him, but he refused to return to debate, saying, He would debate no more against Persons, that, for any Thing he could see, would thereafter be his Judges. Sir John Cunningham, and the rest of the Party staid here; and when their Hour came, they sent the Earl of Kincardin to tell the King they would insist no more.  
 • Whereupon the King hath been pleased to determine graciously as in this Letter to the Council. GOD save the King. I am, &c.

It is not improbable, but the King's Resolutions, contained in the Letters just now to be insert, which came to be known on Friday 11. to the Lords who complained, discouraged them from insisting, and made Sir George Lockhart leave them. Monmouth came out to Windsor on the 10. and, it may be, the second Conference on the 13. took its Rise from him. Duke Hamilton's Party signify in some of their Letters, That by the Reasoning the King was very much convinced of great Mismanagements in Scotland, and seem to be much pleased, that they had got the Liberty to lay these Things before him. They alledge, that his Majesty being so long and much embarked with Lawderdale, he could not presently break with him, but hope Haltoun will be laid aside. And I find one Letter, writ at this Time, says, That upon Saturday Duke Hamilton got Notice, that as soon as the King's Affairs could allow it, the Earl of Middleton and Lord Tarbet were to be made joynt Secretaries in the Duke's room; upon which he declined insisting any further.

Accounts of the Effects of this Conference from Letters upon the other Side

Whatever be in these, the King's revealed Will came down by Express to Council, July 17. in Three Letters, one to the Council, another to the Lords of the Session, and a third to the Judiciary. The first, in a particular Manner was most acceptable to the Managers, and looks like a full Victory by Lawderdale. I here insert it.

King's Letter to Council upon this Conference, July 17

### CHARLES R.

• Right trusty, &c. We well remember, That in the Year 1674. We redressed the Grievances even of these who would not in Civility answer Our Letter to Our Parliament, at a Time when We were so much concerned to have a Testimony of the Kindness of that Our ancient Kingdom; and that Our Commissioner offered to redress in Our Name what further would be required, if the Complainers would first acquaint him therewith, which, tho' refused, yet did not hinder Us from satisfying every Thing that We could hear to be murmured against.  
 • Notwithstanding of all which, some of Our Nobility and Gentry have continued in a constant Course of misrepresenting Our Judicatories, and thereby lessening and weakning Our Authority, by taking upon them to be Intercessors for Our People, (an Usurpation very fa-  
 ctious,



1679.

‘ Serious and dangerous to Our Government, and which We will never endure for the future) but yet to let all Our Subjects know Our Inclinations to Justice, We did condescend for once to hear Advocates upon the Complaints given unto Us, and to allow them a full Security in debating even Points of the greatest Concern to Our Royal Government, which, after We pressed upon the Complainers, they often declined, upon Pretext they had not their Lawyers present : Whereupon We having allowed them Lawyers to come up, all was brought to a full and impartial Debate. Upon which Debates, We do now find, that it is acknowledged, even by their own Advocates, that there was Law for doing such Things as were controverted in some Cases, excepting only whether We can lay aside incapacitate Persons for Magistracy, without a Process ; as to which We are to be further cleared by the Instances whereby that Practick was maintained. And as to the Matters of Fact differed upon, We have now and formerly cleared Our Judgment upon them so fully, that We cannot now in Justice but declare, that We think Our Judicatories and Servants, and especially the Duke of *Lawderdale*, of whose Fidelity and Services We have had so long Experience, most unjustly used by the Givers in of those Complaints, there being no Council against which those Accusations may not be gleaned up.’

‘ Therefore We do not only acquit Our Judicatories, and every Person among them from all the Matter given in in a Paper to Us, and most injuriously and unwarrantably printed : But We discharge for ever any Person from giving in any of these Complaints in any Process, or Manner whatsoever, and that under all highest Pains.’

‘ And as to the Accusations against particular Persons, We declare We will not hear such Cases before Ourselves in the first Instance, We being fully resolved never to injure so far that Our ancient Kingdom, as to draw hither Processes whereby Our Subjects and Counsellors would be infinitely prejudged.’

‘ Having thus, and by Our late Proclamation, taken all possible Pains to quiet all bypast Distempers, We do, for the future Satisfaction and Security of our People, require, That all Causes be tried before Our respective Judicatories, Our Council being proper Judges as to what relates to Matters of State and the publick Peace, and the Session in Civil, and Our Justice-court in Criminal Cases. And We recommend unto you, if any Differences arise among you in Point of Law, that you take the Opinion of Our Judges therein before you determine.’

‘ We look upon the Injuries done to the Duke of *Lawderdale* in that Part of the Paper (which makes him Author of all that can be charged upon Our Council) as an high Contempt of that Our Judicatory, tending to deface your Persons and Administration, and his Integrity, he being one of your Number, and living frequently at great Distance from you. And so We bid you heartily farewell. Given at Our Court at *Windsor-castle* the 13 Day of *July*, 1679. And of Our Reign the 31 Year.’

*By His Majesty's Command,*

LAWDERDALE

Remarks on it

Many Observes might be made upon this Letter, but 'tis not worth while to lose Time upon them. The Letter is signed by *Lawderdale*, and penned by him, no doubt ; and when a Man hath his own Cause in his own Hand, he is a Fool if he make not the best of it may be.

Letter to the  
Lords of the  
Session

With this Letter to the Council, another came to the Lords of the Session, which, being but short, is likewise insert here.

CHARLES R.

‘ Right Trusty, &c. All the Complaints raised against you have no other Effect upon Us, than the clearing of Our Judgment and your Innocence, and do convince Us, the Authors only View in those, is to draw into their Hand that Authority, which upon that account only they can be angry to see in yours. Wherefore, under Proofs of their Malice and folly, We, to shew Our Kindness and Esteem for you, could not forbear at this Time to take notice, that in a Paper, most undutifully divulged by some of Our Subjects in Scotland, and printed, there is one Article which charges you in general only, because the Authors know no Particular with which to asperse you, it being undeniable that your Bench is filled with as much Learning and Integrity at least, as in any Age, and much more than your Accusers could supply it with ; and therefore We will own you with that Concern and Steadfastness your Merit deserves, and will be unkind to all your Enemies, by the same Measure as they are injurious to you, whom We consider as Our great Council in Matters of



of Law, and upon whose Fidelity We rely, as much as We have just Reason to suspect theirs who injure you. So We bid you heartily farewell. 1679.

LAWDERDALE.

Windsor, July 13.  
1679.

It concerned *Lawderdale* very much to have the Lords of Session for him, and therefore the Compliment of this Letter is given them. And for the same Reason, and that the Criminal Court had been attacked in the Complaint given in by the Lords at *London*, another Letter is directed to the Justiciary, which is likewise added here, as it stands recorded in their Registers. Remark on it

CHARLES R.

Right Trusty, &c. The Punishment of Crimes being of so great Import to Our Service, and tending so much to secure Our peaceable Subjects, and you being, in the Execution of that Employment, at so much Pains, and your Bench being, by its late Constitution, filled by Persons of extraordinary Abilities and Breeding, We have thought fit at this Time to assure you of Our firm Resolution to own you, and that Our Court, in the Administration of Justice to Our People; and that We will punish such as, by injuring you, asperse Our Authority, and poison Our People. And particularly, We thank you for your Proceedings against Mr. *James Mitchel*, that Enemy of human Society; these who lessen that Crime, or insinuate any Reproach against those interested in that Process, as Judges or Witnesses, being justly chargeable with the Blood which they encourage to spill upon such Occasions. And so We bid you heartily farewell. Letter to the Lords of Justiciary.

LAWDERDALE.

Windsor-castle, July 13.  
1679.

Returns were made to all these Letters from the King. That from the Council is before me, dated July 18. They own this the greatest Expression of his Kindness and Concern in his ancient Kingdom and them, they are capable of, and go on in the highest Strain of Acknowledgment, and Profession of Returns. I find these upon *Lawderdale's* Side took their Leave of his Majesty July 27. and by them he sends the Signification of his Pleasure about the Indemnity, and other important Matters of which we have heard. Thus we see the Issue of the Complaints at *London*, and that all concerned are vindicated as far as *Lawderdale* and Letters can do it. When this Business is over, Duke *Hamilton*, and these who joyned him, left the Court, and was but little in Favour until the Revolution, and we shall hear little more about him. Returns made to those Letters

Tho' *Lawderdale* stood his Ground, *Monmouth* was yet in Court; and as this brought some Favours to some of our oppressed Gentlemen, so those raised no small Stir among our Managers. By a Letter from the King, dated July 17. Sir *Patrick Hume* of *Polwarth* is liberated. The Letter bears, 'That he had been imprisoned for Reasons known to his Majesty, and tending to secure the publick Peace; and now, the Occasions of Suspicion and publick Jealousy being over, he is ordered to be liberated.' By a Letter of that same Date, Mr. *Stuart* is restored to his Liberty. And the King's Letter, February 1675. 'ordering him to be seized and imprisoned, is recalled, upon Information of his peaceable Behaviour since. He is indemnified from all that can be laid to his Charge, reponed to the King's Protection; and this Letter is to be recorded, and Extracts allowed him.' We heard before, that Mr. *William Veitch* was likewise liberated by a Letter of this same Date. And, July 22. the Council are allowed to set my Lord *Cardross* at Liberty, he paying his Fine. I shall give his Case more fully next Year all together. Favours shewn to some Presbyterian Gentlemen. Sir Patrick Hume lib.erate. Mr Stuart Son to Sir James Stuart. And Mr William Veitch.

These Favours were granted to soften the Clamour that was made upon the Duke of *Lawderdale's* Conduct, and in part to gratify the other Side; and 'tis probable, had not the Duke of *Tork* come over, as we heard, more of this Nature had been done. However, they alarmed the Managers at *Edinburgh*, and, upon the 25 of July, the Earl of *Linlithgow* and *Claverhouse*, by the Council's Permission, go to *London*, and the Chancellor followed in a few Days. The Talk continued as if there would be Changes in the Council, Army, and the Church. Those Favours alarmed the Managers. Leith, Edinburgh, Ch. to Court.

As to the Church, they began to say, That Mr. *Leightoun*, the Bishop, I suppose, was coming to *Edinburgh* to reside, clothed with a Commission to superintend the Clergy, and to have Two hundred Pounds Sterling a Year: So I find some private Letters at this Time bear. It was talked, that the Bishop of *Edinburgh* was to be made Archbishop of *Glasgow*, and the Bishop of *Aberdeen* to be translated to *Edinburgh*; that an Addition was to be made to the Council, Changes talked of.



1679.

App. N<sup>o</sup> 41.Incidental Mat-  
ters this Year.Queensberry a  
Privy Counsell-  
er.

Indemnity.

Prisoners.

Mr. Robert Sharp.

James Hamilton  
a Boy.Sir William Pa-  
terson.  
E. Linlithgow.Mr James Ry-  
mer.Mr William  
Erskine.Proclamation  
against the  
Murderers of  
the Arch-  
shop, September  
20.  
App. N<sup>o</sup> 42.Reception of  
the Duke of  
York in Novem-  
ber.

Council, Southesk, Kincardin, Haddingtoun, Drummond, and Sir Archibald Primrose; and that the Duke of Monmouth was to be made Captain General of all the King's Forces, with large Powers. A Copy of his Commission for this July 29. I have seen, and insert App. N<sup>o</sup> 41. But I leave these Things to Civil Historians.

I shall now conclude this Section with a few other incidental Matters, which I had not Room for upon the former Sections, and the Procedure of the Council towards the End of this Year. July 12. the Earl of Queensberry is admitted a Privy Counsellor: The Reason given is his Zeal in promoting his Majesty's service, and suppressing the Rebels. This is his first Advancement; we shall afterwards frequently meet with him in this History. August 13. at the frequent Meeting of the Council, we heard of, called this Day, the King's Indemnity is ordered to be published by the Magistrates of Edinburgh in their Formalities, and that Bells be rung, the Castle fire, and Bonfires be put on. A Committee is appointed to consider what is further to be done with the Murderers of the Archbishop, the Case of the Prisoners, and the State of the Highlands. This Committee bring in the Proposal about Circuit Courts, of which Section IV. and move that the Prisoners continue as they are, till the King's Pleasure be had; that the Sheriff of Fife apprehend the Robbers of Mr. Robert Sharp Minister at Muchbart, and endeavour to recover his Goods, and that he may be recommended to the Treasurer; that James Hamilton, a Prentice Boy in Glasgow, Prisoner in the Grayfriars, be liberated; that the Advocate raise a Process of Forfeiture against the landed Persons Murderers of the Archbishop, and against the Lord Macdonald and other Highland Fugitives. September 18. Sir William Paterson is admitted Clerk to the Council. September 19. the Earl of Linlithgow's Commission, as Major General, declared void, not from any Dissatisfaction with him, but because the Forces are few, and a General already appointed; and, September 20. the Bond of Mr. James Rymmer, late Professor of Philosophy in St. Andrews, to stay at Edinburgh, under Pain of 10000 Merks, and answer for harbouring the Murderers of the Archbishop, is ordered to be given up, the Council finding he is not guilty; and yet he is ordered to give another, under the same Pains, to appear before the Justiciary when called. And Mr. William Erskine, Prisoner in Stirling more than Three Years (some Papers before me say, he was in Prison, with a very little Intermission, full Ten Years) is ordered to be liberated.

That same Day a new Proclamation is emitted against the Murderers of the Archbishop of St. Andrews, and their Names insert. And at the Close of it, all the Magistrates of Royal Burghs are ordered to take the Declaration against Michaelmas next. I make no Reflexions upon it, but add it with the rest of the publick Papers, App. N<sup>o</sup> 42.

When the Accounts came, that the Duke of York was coming for Scotland, October 16. the Council send Letters to the absent Members to repair to Edinburgh with all Speed, the Council designing to meet his Highness at the Border, and that Noblemen and Gentlemen near by be desired to wait on them on this Occasion. Letters are writ to the Sheriffs of Edinburgh, Haddingtoun, Linlithgow, Berwick, and others, to attend. Mr. Maitland of Dudhop is sent to attend his Royal Highness in England, and to know when he will be waited on.

He came to Berwick upon Friday, November 21. to Lethingtoun upon Saturday, and to the Abbey, Munday, November 24. The Council went out and met him, and he was received into Town with the greatest Solemnity, and sumptuously entertained by the Town of Edinburgh and the Nobility. The Duke retired from the Storm that he found gathering against him from the new Parliament in England; and when that was over, by the Prorogation, the King called up his Brother in February, as we may hear, and he went up to manage all at Court: Several of our Scots Nobility went with him by Sea, and some of them were lost in their Passage homeward.

The Duke's Presence very much strengthened the violent Party in the Council, and the Bishop, in their severe Measures against Presbyterians. And, to be sure, that Party need expect no Mercy from Popery and Papists, and whatever is done under Pretext of Favour to them by that Gang, is still a Snare; and from the Duke's coming, and his being here afterwards, we may in part draw the growing Nature of Presbyterians Sufferings, during the following Years.

Mean while new Orders are given to the Army, and General Dalziel is warranted to order the Officers and Soldiers of the standing Forces to search for, and seize such as are declared Fugitives and Rebels by the Justiciary for the late Rebellion, and that conform to a Roll given him under the Justice-general's Hand, of which we shall hear more afterwards. Yea, by a Letter from the King, dated November 1. General Dalziel is declared Commander in Chief of his Majesty's Forces, with this Addition, "And that he may be enabled to act with the greater Freedom from Time to Time, in the Discharge of his Duty to us in that important Post, he may go on, without losing of Time in staying for Orders from any other Person in our Absence: Nevertheless, in Emergencies of State, the Council are allowed to give him Directions." This is a large Power indeed. At the same Time the Council go on against Conventicles, and ordain the Magistrates of Linlithgow to suppress a Meeting-house they are informed is setting up there. And November 13. Orders are sent to the Magistrates

His Presence  
heightened the  
Severities up-  
on Presbyte-  
rians.Severe Orders  
to the Army.Unlimited Com-  
mission to Dal-  
ziel.



gistrates of Linlithgow, Innerkeithing, and Kirkaldy, to suppress the Meeting-houses set up there. 1679.

When the Duke of York came down, he acted as a Counsellor, without taking the Oaths, by virtue of a Letter from his Majesty, dated November 30. which runs, 'Right Truly, &c. We have thought fit to acquaint you, That our only Brother the Duke of Albany and York, being resolved, with our Allowance, for some time to reside in Scotland, 'tis our Pleasure that he continue to act as a Privy Counsellor, in that our ancient Kingdom, without any Oath, being named in our last Commission 1676. (as he did by our former Commissions) it being the Privilege of the lawful Sons and Brothers of the King, not to be comprehended under any such general Words as these of the 11 Act of our first Parliament, tho' that Act doth comprehend all others except them alone. For which this shall be your Warrant.'

LAWDERDALE.

Upon a Letter from the King, that the Militia be regulated, the Council, December 18. approve of the Report of their Committee. This Report, because much of the Harassing of the Country was from the Officers, and Parties of the Militia, and the Subsidy for supporting them, was very heavy, I have inserted App. N<sup>o</sup>. 43. That same Day, a Report is approved about the Prisoners, "That Alexander and James Balfours, and James A'iss, in Prison for presumed Accession to the Archbishop's Murder, be further tried. That Robert Garnock Smith in Stirling, is most obstinate and malicious, and will neither enact himself not to take up Arms, nor say the Archbishop's Murder was Murder, but excommunicated such of his Neighbours as did so; and therefore he ly in Prison till further Trial.' We have seen the Ground of this ill-worded Report about this Person above. 'That John Henderson, an old Man, in Prison for Harbour of his Sons, after they had been at the Murder, which he denies, and Henry Schaw in Fife, taken when Inchdurny was killed, be liberate on Bond of a Thousand Merks, to compear when called. That Robert Blaw, now Three Years in Prison for Conventicles, be liberate on Bond of Two thousand Merks. That George Fleming, and Stirk, in Prison for suspected Accession to the Murder, be continued.'

December 23. the Chancellor writes the following Letter to General Dalziel. 'Sir, Besides the Heritors given up in the Porteous Roll, 'tis informed, that there are several other Heritors who were in the Rebellion not given up; and whereas in several Places of the Country that Defect may be supplied, the Council recommends it to you to appoint your Officers to inform themselves of such Heritors, and the Parishes where they dwell or dwelt, and of the Witnesses against them; and as soon as possible send up Accounts to the Advocate, that he may the better be able to insist against them, before the Justices. I am, &c. Rother.' We see the Pains they are at to discover Heritors, and what repeated Endeavours are used this way; and in the following Years we shall find the Managers got their Lands and Estates.

Towards the End of this Year, I find several Presbyterian Ministers in the West met at Paisly; and considering the great Hazard of Religion, and the terrible Advances Popery was making, drew up a Warning against Popery, and a short Vindication of Presbyterian Principles, which they resolved to have published, but would not let it come to the open View, until the rest of their Brethren in other Places should see and approve it. There had been a general Meeting of Ministers appointed at Edinburgh, upon the Day of February next, and the Warning was sent in thither with one of their Number: But the Times growing worse, and some Noise being made by the Managers about that Meeting, it was found convenient to drop the Meeting. This Paper I have not seen, but I hear it was pointedly drawn.

After this till the Revolution, Presbyterian Ministers had few or no Meetings; and I shall have little more to say of them, but that they remained in Retirement, few venturing to preach in the Fields, and some now and then in Houses. And through the following Years I shall have little more to narrate, but a continued Scene of Persecution of Ministers and People, and heavy Oppression of the whole Country. Thus I have given as full an Account of this remarkable Year 1679. as my Materials afforded me.

King's Letter for admitting the Duke of York Council without taking the Oath, November 30.

Report, Dec. 18. about the Militia.

App. N<sup>o</sup>. 43. Report about Prisoners.

Letter to G. Dalziel, about Heritors at Paisly, Dec. 23.

A designed Warning against Popery, and Vindication of Presbyterian Principles, formed by a Meeting of Ministers at Paisly.



1680.

## C H A P. IV.

## Of the State and Sufferings of Presbyterians, during the Year 1680.

Content of  
this Chapter.

HIS Year does not afford so much Matter as the last, with respect to publick Commotions and Stirs, but as much, if not more, with relation to what is properly the Design of this Work. The West and South of *Scotland* continue to be harried with the cruel Soldiers; and in the Entry of the Year the Justiciary fall to work effectually to prosecute Multitudes criminally for the Rising at *Bothwell*; and not a few were involved in the Prosecution, who were not concerned in the Rising.

The Months of *June* and *July* opened a new Scene of Suffering: The taking of a rude and unfinished Paper at *Queensferry*, and the first Declaration made by a few who distinguished themselves, by their peculiar Sentiments, from the rest of the suffering Presbyterians, produced a severe Proclamation; and the sending of Soldiers westward, to prosecute this, issued in the Scuffle at *Airs-moss*.

Such who ran to the Heights in the Declaration just now spoken of, shall now, and after this be accounted for by themselves, as having separated from the rest who owned Presbyterian Principles: And I shall essay to give Matter of Fact with relation to them, and the Sufferings they underwent. Several of them suffered unto Blood this Year.

After *Airs-moss*, and the Executions which followed upon it, Mr. *Cargill's* singular and unprecedented Excommunication will fall in, and some more publick Deaths for hearing him preach, and owning these Papers he was concerned in.

Those Subjects will afford Matter for several Sections. The Forfeitures and Criminal Trials I am able to give in their proper Places from the Justiciary Books: But several Accounts of Courts held up and down the Country, and the Hardships of particular Persons, I have without Dates, the Papers containing only the Year in general; and sometimes I must gather it from the Circumstances which were in this Year. The Matters of Fact are certain, and any Mistakes as to the Date, will be excused.

## S E C T. I.

## Of the Persecutions relative to Bothwell Rising, for Non-attendance on the King's Host, and the Forfeitures this Year 1680.

After the  
Rising at *Bothwell*, two Kinds  
of Prosecution  
follow as to  
Heritors.

AFTER the large Account of the Rising last Year, it will be proper to begin the History of this with the Procedure of the Managers against such as were alledged to be concerned in it. These were of two Sorts, the Heritors and Gentlemen, who did not come to the Host, and actively concur with the King's Army, and the Heritors and others who were said to be in the West Country Army. I shall give some Account of the rigorous Procedure against both, from the Records.

The Prosecution of such  
who attended  
not on the  
King's Host.

To begin with these who were prosecuted for Non-attendance on the King's Army, it may be observed, that we have several old Laws in *Scotland* made in the Time of our Feuds, and almost continual Differences among Families and Clans, and when our Kings lived in this Kingdom, which do make the not coming out when called to the King's Host, a great Crime, and *ad terrorem* severe Punishments are by these Laws knit to it; but I question, if for these Hundred, or hundred and fifty Years, they were put in Execution, till now they are advanced as an Handle against a great many Persons, who from different Reasons came not out against the West Country Army.

Procedure last  
Year as to this.

Matters were laid last Year for this Prosecution; and, of design, I left them to this Place, and so we must look back a little. After the Rising at *Pentland*, little or no Stir was made about Heritors Non-attendance upon the Army; but now our Managers resolve upon severer Courses; and when they find that what was to arise from the Estates of such as had been



been personally concerned in the Rising, would not answer their Expectations, a more general Oppression of Gentlemen and Heritors is resolved upon. It was presumed, that such who did not heartily joyn the Army, were well affected to Presbyterians, and no Opportunity of bringing such to Trouble was left, especially when it was like to bring in large Sums of Money. Thus I find by the Council-registers, November 6. 'That, at the Desire of the Lords of Justiciary, a Committee is named to meet with them, the Chancellor, Earls of Argyle, Murray, Glencairn, the President, Treasurer-depute, Register, and Advocate, and consider what shall be the Punishment of Absents from the King's Host. November 8. Their Opinion is reported, that the Heritors and Freeholders guilty, should be fined; the most guilty not above Two Years valued Rent, and the least in a fourth Part of their Rent: That those who are fined in the least Degree, be appointed to take the Oath of Allegiance and Declaration, and, if they refuse, that they be fined in the highest Rank.' The Council approve this Report. Thus no small Persecution for Conscience sake, is mixed with this civil Kind of Crime. Those Proposals are transmitted in a Letter to Lawderdale, dated,

1680.

Edinburgh, November 11. 1679.

May it please your Grace,

THE just Abhorrence we have of the last Rebellion, and the too just Fears that the same Principles may occasion the same Distempers, do oblige us to inform his Majesty by your Grace, that if these who went not to assist his Majesty against these Rebels, or deserted the King's Host, be not punished, we cannot promise his Majesty will have any proportional Force against any future Insurrections, since we find, by our great Experience, that these who were at daily Expence and Hazard in that Expedition, are much discouraged, when they see others who stayed at Home, or deserted, suffer nothing; and that such as stayed at Home, from a Principle of Unkindness to his Majesty's Government, do treat the Dutifulness of such as went there, as an officious and unregarded Forwardness: Withal, your Grace may inform his Majesty, that we are resolved to pursue so moderately these Offenders, as may shew that this Punishment should be rather a Warning; these most guilty being not to be fined above Two Years valued Rent, whilst others, who are less guilty, are to be fined at least in a fourth Part of a Year's valued Rent, and which is little more than what they behoved to have spent in the Expedition: Whereas, the Statutes against the Crimes, having left the Punishment to be proportioned according to the several Circumstances that should occur, such Offenders have been punished by Forfeitures, Confiscations, and Banishment. These our Resolutions, tho' taken and formed after much serious Debate, are subjected with all dutiful Respect to his Majesty's Royal Consideration, by

Letter, Council to Lawderdale, upon this Head, Nov. 11. 1679.

Your Grace's most humble Servant,

ROTHES Cancel. I. P. D.

The Motions for this heavy Oppression of Multitudes, we see, came from Edinburgh, and were fallen in with at London. Accordingly, I find a Letter from the King upon this Subject, recorded in the Justiciary-registers, of the Date,

King's Letter to the Justiciary about Desertion of the Host. Nov. 18.

Whitehall, November 18. 1679.

CHARLES R.

WHEREAS, albeit by express Law, the Deserters from Our Host be punishable by Death, yet We are graciously pleased hereby to allow you to proceed against them in the same Way, and to the same Pains and Punishments as you are resolved to proceed against the guiltiest of such as did not come to Our Host: For doing whereof this shall be your Warrant.

LAWDERDALE.

By the Proclamations issued out during the Rising, the Absents from the Host were to be punished as Deserters of it; but that being Death by some antiquated Laws, and it not being Blood but Money, a good many about Edinburgh were at this Time wanting. This Letter was procured with relation to Deserters, who, I suppose, were not many, in the ordinary Sense of the Word; and this was a Preface to what followed as to the Absents.

That same Day, a Letter is writ to the Council, approving the Proposal in all Points, which they make in theirs of the 11. and so it needs not be insert here. When they are thus warranted to begin their Finings upon this Head, they go roundly to Work, and Letters are writ

King's Letter to the Council about Absents.



1680.

writ to the Sheriffs in each Shire, that they send in the Books of Valuation, or attested Copies of them to *Edinburgh*; and the Officers of the Army are appointed to send in Lists of the Heritors in each Shire, who did not attend the King's Host.

In *December* and *January*, Citations are ordered to be given to some Hundreds of Gentlemen, Heritors, and Freeholders, by the Justiciary: It took some Time before the Lists could be made up, and the Witnesses condescended on, and the Managers themselves seem not to be fully agreed, and severals were for moderate Courses, Gentlemen's Excuses being found many of them highly reasonable for not attending Mutters, and coming to the Host. But the violent Party prevailed.

Feb. 23. great  
Numbers of  
Gentlemen  
stung before  
the Justiciary,  
for Absence  
from the Host.

Thus, *February* 23. a great many considerable Gentlemen, Heritors, and Fenars are pannelled before the Justiciary for Absence from the Host, and receive their Indictment. Good Numbers of the ablest Lawyers were employed by the Gentlemen, and their Defences are long, and Pleadings very large upon the Matter in general, and the particular Circumstances of the Pannels. The Advocate gives large Replies, and enforces his Reasonings with the Weight of the Letter from the King to the Council upon this Head, dated *November* 18. which was noticed just now.

Persons fined.

This Argument from a Resolution in Council, backed with Royal Approbation, no doubt was unanswerable; and so the Lords give Sentence against the Gentlemen. I cannot insert all who were fined now and afterwards; only, for a Tait at this Time, *James Young* of *Kirkcoun* is fined in 1870 Pounds Scots, *of Pitlochrie* in 700 Pounds, *Alexander Lurhan* of *Largo* in 1850 Pounds, *David Balcanquhal* of that ilk in 500 Pounds, *Alexander Nairn* of *Samford* in 294 Pounds, *George Mencrief* of *Redie* in 300 Pounds, *James Weems* in *Glen-corsoun* in 175 Pounds, and Multitudes of others.

More in March.

At other Diets of the Justiciary in *February*, I find vast Numbers of Gentlemen and Heritors in the Shires of *Lathian*, the *Merse*, and other Places, pannelled, and more than a Hundred of them fined in very considerable Sums; and, towards the End of *March*, the Lords are taken up in the same Work: Sentences are past against as many as in *February*, if not more, and Discharges are produced of the Payment of former Fines, some of them several Thousand Pounds.

This Matter is  
remitted from  
the Justiciary,  
and put in the  
Council's  
Hands  
by a Letter  
from the  
King, June 1.

Upon the 26 of *July*, this Matter of Absence from the King's Host, is taken out of the Hands of the Justiciary, and put in the Hands of the Council. This was a more arbitrary Court, and gave not themselves the Trouble of Lawyers, and legal Defences. That Day, I find the Advocate produced a Letter from the King, of the Date,

*Windsor, June 1. 1680.*

### CHARLES R.

Right Trusty, &c. We are sensible of the small Effects that have followed by the Trial of such who have been absent from Our Host, before the Justiciary; and being informed that Summons are issued out to cite many others through the Shires for that Crime, it is now Our Will and Pleasure, that they be proceeded against, not criminally, but by way of Fining, according to the Degrees of their Guilt, not admitting frivolous Excuses for Absence or Desertion, which We look upon as Preparatives of dangerous Consequence to Our Service. We desire none beneath 12ay be troubled with Trials or Citations, these only excepted who are known to be notoriously disaffected to Our Government in Church and State: For tho' We are at this Time graciously pleased to excuse them from a criminal Process, yet We will not suffer Absents and Deserters to escape without some Punishment by way of Fining, which We desire you to signify to Our Justice-court. So We bid you, &c.

How it came to pass that such a Letter as this, of the Date, *June 1.* was not intimated, till *July 26.* I shall not enquire; certainly some Body or other found their Advantage by it. This Letter is intimated and recorded in the criminal Books, and all Processes in Dependence before them are deserted, and in their Room succeed the Processes for Forfeiture of Life after *Airs-moss*.

Council's Pro-  
cedure Many  
fined.

When this Matter comes before the Council, they go closely to work, and their Registers for some Months are mostly taken up with those Processes. Many Hundreds are cited before them, the Diets of some are continued, others are deserted (not without Compositions and Money privately given.) Multitudes are fined in Absence, and some declared fugitive. To enter upon Particulars would swell this Chapter too much. Let me give only a few Instances. "*July 13.* *Dundas* of *Borthwick* is fined in a Year's Rent. *August 1.* "the *Laird* of *Riddel*'s Excuses for Absence not sustained, he is fined in two Years Rent, "which is 6000 Pounds Scots; *George Douglas* of *Bonjedburgh* fined in 6000 Pounds Scots; " *Ker* of *Cherrytrees* in 3000 Merks; *James Scot* of *Thiristane* in 2776 Pounds; *Francis Scot* of *Greenhill* in 800 Pounds. 'Tis noticed, that they all refused the Declaration, probably otherwise they might have had their Excuses sustained, or been fined vastly down " of



“ of those Sums; and so they are properly Sufferers for their Opinion in point of Pre-  
 “ lacy. August 9. the following Persons in Berwick Shire, are fined for Absence from the  
 “ Host; Patrick Wardlaw in 4000 Pounds Scots, Robert Brown of Blackburn 1200 Pounds,  
 “ Pringle of Greenknow 1500 Pounds, Alexander Hume in St. Bathans 200 Pounds, Samuel  
 “ Spence 400 Pounds, Clappertoun of Wylliecleugh 1000 Merks, George Hume of Bassenden  
 “ 1000 Merks. ” They are all ordained to pay in Six Days. But particular Instances would  
 be endless. Nov. 11. I find the Council appoint, “ That Caption be executed with Con-  
 “ currence of Parties of Soldiers, for the Fines of the Absents from the Host; that their  
 “ Estates be gifted in name of his Majesty’s Cash-keeper; that in Time coming, all found  
 “ guilty of Absence shall be kept in Custody till they pay the Fine. ” This obliged many not  
 to compare, and then the Soldiers execute the Sentence pronounced in Absence.

1680.

I come now forward to give an Account of the Forfeitures this Year, palled in great Num-  
 bers upon Presbyterian Gentlemen and others, for their alledged being at *Bothwell*. All  
 almost I can do is to insert their bare Names from the Justiciary Books, wanting Informations  
 as to the Circumstances of most of these Gentlemen. Only it may be noticed in the ge-  
 neral, that most of these Forfeitures were palled in Absence, and upon very slight and lame  
 Probation, and Multitudes of them in common Course, as it were like Bills of Suspen-  
 sion before the Ordinary; yet the Time was, when the Justice Court not long ago scrupled  
 upon such like Proceedings.

Account of  
 Forfeitures of  
 Heritors al-  
 leged to be at  
 Bothwell this  
 Year.

The *Galloway* Gentlemen, who they alledged were at *Bothwell*, were the First Sacrifices.  
 Thus I find, February 18. Patrick Macdonald of Freugh is called, having been cited before.  
 His Name is in the Proclamation excepting Persons out of the Indemnity, as likewise, that  
 of most of the rest forfeited this Month; and the Managers were well assured they would  
 not compare, and their Citation was really a Jest, after they were thus excepted and mark-  
 ed out for Ruin. In absence they have Witnesses led against them, generally speaking,  
 Soldiers and Spies, who had been hired to traffick up and down the Country. Some de-  
 pone they saw Freugh at *Sanquhar* a Commander of a Body of Four or Five hundred  
 Men in Arms, as they came to *Bothwell*. Two Witnesses depone they saw him at *Hamiltoun*  
*Muir* among the Rebels. The Sentence runs, That when taken, he shall be executed  
 and demeaned as a Traitor, and his Heritage, Goods and Gear be forfeited to his Majesty’s  
 Use.

Gentlemen in  
 Galloway  
 Macdonald of  
 Freugh.

Upon February 18. Mr. William Fergusson of Kaitloch, Alexander Gordons elder and  
 younger of *Earlstoun*, James Gordon younger of *Craichlaw*, William Gordon of *Curvennan*,  
 Patrick Dunbar of *Machrimoir*, and *Migbie* of *Larg*, are called. It hath been remar-  
 ked before, that *Earlstoun* elder was killed about the Time of the Defeat: This good Man is  
 prosecuted after his Death, of which we shall meet with more Instances. The prepared Wit-  
 nesses depone as to their Accession to the Rebellion, and they all are forfeited, as above,  
 in common Form, except *Migbie* of *Larg*, who is continued until the Second Munday of  
 June; the Reason of this I know not.

Fergusson of  
 Kaitloch, Earl-  
 stoun, Craichlaw,  
 Curvennan, Mach-  
 rimoir, Larg.

Another Process of Forfeiture is commenced in the End of June, and ended July 6.  
 against the following Persons, John Bell of *Whiteside*, John Gibson of *Auchinchyne*,  
 son younger of *Inglisfoun*, Gordon of *Dundee*, Grier of *Dalgoner*, Smith of  
*Kilroy*, McClellan of *Barmagechan*, Thomas Bogle of *Bogles-hole*, Baird younger of *Dun-*  
*geon-hill*, Gordon of *Craig*, Lennox of *Irelandtoun*, Gordon of *Bar-harrow*, John Ful-  
 lartoun of *Auchinhare*, David McCulloch Son to *Ardwel*, William Whitehead of *Milt-house*,  
 John Welsh of *Cornley*, Neilson of *Corsack*, Robert McClellan of *Barfob*, Samuel McClel-  
 lan his Brother, Fullartoun of *Nether-mill*, George McKartney of *Llaiket*, Gordon of  
*Garrerie*, Gordon of *Knock-gray*, Herron of *Little-park*, Gordon of *Holm*, Gordon  
 of *Overbar*, John Mcnaught of *Culquhad*, Murdoch, alias Laird Murdoch, and John Bin-  
 ning of *Dalvennan*.

Whiteside, Auch-  
 inchyne, Dundee,  
 Dalgoner, Smith  
 of Kilroy, Barmage-  
 chan, Dundee, Dun-  
 geon-hill, Craig,  
 Irelandtoun, Bar-  
 harrow, John Ful-  
 lartoun, Auchinhare,  
 David McCulloch,  
 William Whitehead,  
 John Welsh, Cornley,  
 Neilson, Corsack,  
 Robert McClellan,  
 Barfob, Samuel McClel-  
 lan, Nether-mill,  
 Black, Garrerie,  
 Knock-gray, Little-  
 park, Holm, Overbar,  
 Culquhad, Murdoch,  
 Dalvennan.

The Libel and Indictment against these Persons, is in the common Form, murdering the  
*Archbishop*, tho’, I dare say, none of them knew any Thing of it, burning the King’s Laws, Ac-  
 cession to the Rebellion last Year, and all of them are absent. Thomas Bogle, and Laird of  
*Dungeon-hill* are libelled as the rest, and likewise for attacking Major Johnstoun, which they  
 were intirely free of, and no Probation is adduced. None of the Witnesses almost depone  
 that they saw them in the Rebellion, nor in Arms at *Hamiltoun Muir*, and I know well fe-  
 veral of them were not in the Rebellion. Their Depositions run, that they saw them with  
 the Rebels, at *Glasgow*, *Air*, *Wigtoun*, and other Places; and severals depone they had no  
 Arms. Cannon of *Mardrogat* is Witness against most of the *Galloway* Gentlemen. None  
 of them were present, and, it seems, the Judges were not very nice as to Probation. The  
 Affize is not particular in the Verdict, but find the Pannels, in the general, guilty of the  
 Crimes libelled. And they are all forfeited, as above.

At most of these Diets of the Justiciary, I find vast Numbers of others, whom I take to  
 be smaller Feuars, upon their Absence declared Fugitives, and it would be endless to set  
 them down; the general Fugitive Roll shall be insert afterwards, when it comes by order  
 to be published. The smaller Heritors, it seems, they had not yet Leisure for; and they  
 were

Multitudes of  
 Feuars declared  
 fugitive.



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were left to the Mercy of the Sequestrators, Donators, and the Soldiers who were going up and down the Country. It is Gentlemen of some better Fortunes they begin with, and their Way was very easy, to forfeit in Absence. The Managers had some more Trouble how to divide their Estates, and to whom to make over the Gifts of their Forfeiture, there were so many putting in their Claims, and pleading Merit when so much was a dividing.

*Alexander Ross*  
sentenced to  
die, but gets a  
Remission.

July 19. I find another Process intended against one, who either had surrendered, or had been taken. *Alexander Ross*, Major in the Rebels Army last Year, is indicted in common Form, for being in the Rebellion, and at Conventicles since. I have no other Accounts of this Person, but what is in the Registers. The Advocate adduces his own signed Confession, June 10. bearing, that June 1679. he had been in Arms with the Rebels, and that he disarmed *David Cunningham* one of the King's Guards, and took his Horse and Arms from him at his own House in *Monkland*, and that he was at *Bothwell*. The Lords sentence him to be hanged at the Cross of *Edinburgh*, September 8. and forfeit his Heritage, Goods and Gear. But, it seems, he was insured of his Life; for I find, August 7. they reprieve him to a long Day, upon his casting himself upon the King's Mercy by a Petition, and declaring his Willingness to take the Oaths and Bond, and intercede for a Remission to him.

*Hunter of Col-*  
*quhassen* for-  
feited.

These are all the Forfeitures I have noticed this Year from the Registers; 'tis possible I may have overlooked some. By written Accounts from *Galloway*, I find, that the Year after *Bothwell*. *Alexander Hunter* of *Colquhassen* in the Parish of *Oldluc* in *Galloway*, who had been at *Bothwell*, was forfeited, and his Estate was given to the Countess of *Nithsdale* a profest Papist, and she and hers possessed it till the Year 1689.

*Hay of Ard-*  
*wallen*.

Another Heritor near by him, *Alexander Hay* of *Ardwallen*, was forfeited for being at *Bothwell*, and his Lands given to the Popish Family of *Nithsdale*. And which was yet a greater Severity, *Ardwallen's* Mother, a pious old Gentlewoman of about Eighty Years of Age, was imprisoned for mere Nonconformity, and not keeping the Church; and no other Crime could be laid to her Charge: Yea, she was for some time kept close Prisoner in *Dumfries* Tolbooth, to the great Danger of her Life in her extreme old Age. She likewise is forfeited, upon the Matter, of all she had; for her Annuity and Liferent out of the Estate was not reserved, but it was wholly given to the Family of *Nithsdale*.

Their Estates  
and those of  
many others  
given to  
Papists.

I find by these same Accounts, that a great many other forfeited Estates of Presbyterian Gentlemen in that Country, were gifted to that Family. It was indeed low, and Roman Catholick, and the Duke of *Tork* and his Creatures were sure to look after their Friends: But what a poor Pass was the Reformation at in *Scotland*, when religious and pious Peoples Estates were violently taken from them under Colour of Law, for their refusing to go over their Light, and the Dictates of their Conscience agreeable to Scripture, and given to Papists and bigotted Idolaters! This was one of the Steps among others, now very fast taking for the Reintroduction of Popery, by the Door of this Slavery, and those arbitrary Measures the Subjects were under.

## S E C T. II.

*Of the more general Procedure of the Council relative to Presbyterians this Year, the Repeal of the Third Indulgence, and other Hardships on them.*

HAVING gone through the Prosecutions before the Criminal Court, I come next to give a View of what I meet with in the Council Registers; what concerns particular Sufferers I shall leave to the following Section, and confine my self very much here to what they did that had a more general Influence, and give Things just in the Order they stand in the Registers.

Commission  
to discover  
Heritors who  
were at *Both-*  
*well*, in the  
Shires of *Air*,  
*Lanerk*, *Ren-*  
*frew*, and *Dum-*  
*bartoun*.

The Council, January 6. 'grant full Power and Commission to the Earl of *Glencairn*, Lord *Ross*, General *Dalziel*, or any fit Persons in the Army, or others they shall think fit to intrust, for the Shires of *Air*, *Lanerk*, *Renfrew*, and *Dumbartoun*, to use their best and exact Diligence to get exact Lists of the haill Heritors within the said Bounds, who were in the Rebellion, and Witnesses that can prove the same against them, with Proofs that they are Heritors, and to send in Lists to the Council or Advocate, with Power to call before them the Sheriffs, Stewarts, Bailies of Regalities, or their Deputes, Magistrates of Burghs, Ministers of Parishes, or any Persons whatsoever they shall be informed can make best Discovery of the said Rebels or Witnesses, with Power to examine them upon Oath, or not, as they see Cause; with Power to them, if the Witnesses delated refuse to compare, or comparing to declare, to imprison their Persons, and put them under Caution to compare before the Council under reasonable Penalties.' And all Magistrates, &c. are appointed



to concur. The like Commission is granted to the Earl of *Queensberry*, Sir *Robert Dalziel* of *Glena*, and *Claverhouse*, or any Two of them, and such as they shall appoint, for the Shires of *Dumfries* and *Wigtoun*, and the Stewartry of *Kirkcudbright*, and *Annandale*; and the same for the *Merse* and *Teviotdale*, to the Lairds of *Hayning*, *Meldrum*, and *Henry Ker* of *Gyaden*; and *March 4.* these get the Shires of *Berwick* and *Roxburgh* added.

1680.

*Dumfries and  
Galloway.  
Merse and Teviot-  
dale.*

Conventicles  
in *Monteith*.

*January 29.* upon Information of several Field-conventicles in the Shire of *Monteith*, the Council grant full Power to the Earl of *Monteith* to dissipate them, and apprehend and imprison the Preachers till they be brought to a Trial. Except Mrs. *Cargill* and *Cameron*, it was very few Presbyterian Ministers preached in the Fields, while the Third Indulgence lasted, and I take it to be them who are now in *Monteith*.

*March 6.* the Council write a Letter to *Alexander Mackenzie*, Sheriff-depute of *Ross*, to suppress Conventicles in that Shire; the Letter is of a singular Strain and Stile, and therefore I give some Passages from it. After they have taken Notice of the King's Care to suppress Conventicles, and the Favours he has granted to these Places infected with them, they observe that the Shire of *Ross* is looked upon as untainted, and add, 'Yet some bold and presumptuous Persons, setting aside all Fear of God and Respect to their Sovereign and his Laws, have adventured to intrude themselves in a pretended Ministry, and thereby to debauch weak Men and silly Women, drawing them into those rebellious Methods, particularly one Mr. *Denoon* and Mr. *Hepburn*, we cannot expect but you will use all Diligence to apprehend them or others, and dissipate their Meeting with all Severity and Diligence.' So virulent a Stile may let us in to guess how violent their Actings at this Time were. Upon the 12 of *March*, they write another Letter to the Earl of *Murray* upon the same Head, and intreat him to use all Diligence to preserve the Northern Shires from this Infection.

Letter to the  
Sheriff-depute  
of *Ross*, about  
Conventicles there.

*March 12.* the Council renew their Appointment of a Committee for publick Affairs; there had been none since *March* last Year, and nominate the Archbishop of *St. Andrews*, Marquis of *Athole*, Earl of *Murray*, Bishop of *Edinburgh*, Lord *Elphinstoun*, Treasurer-depute, Register, Viscount of *Tarbet*, *Lundin*, Mr. *Maitland*, or any Three of them to meet at such Diets as they think fit, and take effectual Courses for suppressing Field-conventicles, and other Disorders, with all the Powers former Committees had; and that they correspond with the General with Power to call the Council. That same Day being informed that Field-conventicles abound, especially betwixt the Shires of *Edinburgh*, *Berwick*, and *Peebles*, they desire the General to have a Squade of Guards ready to suppress them.

Nomination of  
a Committee  
for publick  
Affairs.

These Field-conventicles they are so much alarmed with, as far as I can observe from other Papers, were very few, and almost only by Mrs. *Cargill* and *Cameron*, in remote Parts where they were obliged to wander; yet they draw forth a very severe Letter from the Council to *Lawderdale*, *April 8.* with a Proposal for Justiciary Commissions to be granted, even to single Persons who were to be nominated by themselves. I insert it here from the Registers:

Council Letter  
*April 8.* about  
Justiciary  
Commission to  
several Per-  
sons.

*Edinburgh, April 8. 1680.*

*May it please your Grace;*

Notwithstanding of his Majesty's Indemnities and Indulgences granted to the Fanaticks here, they are running out again to Field-conventicles, in several Places of the Kingdom, which his Majesty's Laws construct to be Rendevouzes of Rebellion, and which have been found in Experience since these Acts, to be themselves actual Rebellion, those Armies which rose in the Years 1666 and 1679. being only running and continued Field-conventicles; as also we find that very many of those who were at *Bothwell-bridge*, have refused to take the Bond for living peaceably, notwithstanding of his Majesty's repeated Offers for securing their Life upon that Condition, and that those who have taken the Bond do actually run to Field-conventicles, and do thereby forfeit the Act of Indemnity, which was granted to them upon so easy a Condition, as the not going to Field-conventicles; and therefore though we be very far from all cruel Designs, yet our Respect to his Majesty's Laws, our Desire to secure the Government, and the Hopes we justly have, that just Severity against some of these Rebels will procure Peace to his Majesty's good Subjects, have prevailed with us to offer our Opinion to his Majesty, that Commissions of Justiciary may be granted for punishing of them, since his Majesty's Justice-court at *Edinburgh* sits not in Time of Vacance, and when they sit the next Session they will have no Time for such Pursuits, because of Processes already depending before them, against such Heritors and Ministers as were at the Rebellion, and such as were absent from the Host. The Vanity likewise of bearing a Testimony at *Edinburgh*, and the Numbers of these who keep them up and assist them in those foolish Humours there, do make Processes and Punishment less effectual at *Edinburgh* than elsewhere. We have therefore sent inclosed the Draught of Two several Commissions, some Articles to the General drawn forth of the Exceptions contained in his Majesty's Act of Indemnity, to be considered by his Majesty; and his Ma-



1680. ' jesty's Resolutions shall be humbly acquiesced in, and obeyed by your Grace's affectionate friends.'

Alexander Glasguensis, Charles Maitland,  
 Douglas, Thomas Murray,  
 Murray, George Mackenzie,  
 Linlithgow, Thomas Wallace,  
 Elphinstoun, James Fowles.  
 Ross,

Copy of the  
 Commissions.  
 App. N<sup>o</sup>. 44.

Articles for the  
 General anent  
 the King's  
 Enemies.

The Copy of the Commission of Justiciary, and Commission for trying of Field-conventicles and other Disorders, stand in the *Appendix*, N<sup>o</sup>. 44.  
 The Letter mentions likewise the Draught of some Articles for the General, extracted from the Exceptions in the Indemnity; these follow in the Registers, and deserve a Room here. They have this remarkable Title.

*Articles anent those Persons understood to be the King's Enemies, mentioned, &c.*

- THE Persons understood to be the King's Enemies and to be attacked by the King's Forces wherever they can be found, and imprisoned till they be brought to Justice, or to be killed in case of Resistance of the King's Forces, are,
1. All such as are forfeited by the Parliament, or Criminal Court.
  2. All Heritors and Ministers, who have been in the late Rebellion.
  3. All Heritors who have contributed by levying of Men or Money to the late Rebellion.
  4. All others who were in the Rebellion, who have not accepted of the Benefit of the King's Indemnity, by taking the Bond.
  5. All such as have been in the Rebellion, and have taken the Bond, and yet have been at Field-conventicles since the Twenty seventh of July last.
  6. All such as have been in the Rebellion, and have taken the Bond, and yet have done Violence to the orthodox Clergy.
  7. All such as are guilty of Assassinations, especially of the Murder of the late Archbishop of St. Andrews.
  8. All such as shall be found at Field-conventicles in Arms.
  9. All such as are denounced Rebels for being at the Rebellion before the Circuit Court, since the Act of Indemnity.
  10. All Refettors of Rebels, or Persons declared Fugitives for Rebellion, and such as have refet the Murderers of the Archbishop of St. Andrews.
  11. These who being found at Field-conventicles, and refusing to be taken by the King's Forces, and make Resistance.

Council's Letter  
 May 6. about  
 Garifons.

Those Proposals and severe Orders need no Commentary; they were cheerfully gone into at London, as we shall hear, if once I had taken Notice of another oppressive Proposal made by the Council, in a Letter to the King, May 6. about Garifons. The Letter it self follows.

Edinburgh, May 6.

*May it please your Sacred Majesty,*

YOUR Majesty's Forces being for the Security of your Government to march through such Places of the Kingdom as shall be thought fit, it has been proposed to us, that in order to the Defence of the western Shires, during the Absence of your Forces, some Places be garisoned to prevent the surprizing of such as are to be left behind, and to the end that the Motions of such as are to be employed for your Service in those Shires on particular Occasions, may not be known or divulged, as they ordinarily are when any of your Forces are to march out of Towns or open Quarters, the Places fit for such Garifons being Greenlaw, and Balgrogan in Galloway, Newtown near Air, Balquhan in Carrick, the House of Dean near Kilmarnock, these Three being in the Shire of Air, and the Castle of Streven or Evandale in Lanerk Shire: We thought it therefore our Duty to remit the Expedient to your Royal Majesty's Consideration, that your Pleasure may be known, and your Authority interposed, to which we shall give ready Obedience; and since several Lands have fallen in your Majesty's Hands, by the Forfeiture of those who have been in the late Rebellion, we humbly move that your Majesty may give Order, that no Gifts of any of these Forfeitures pass in your Exchequer, and that none of your Seals be appended to any such Gifts, but with exprefs Refervation to your Majesty of the Mansion-houses, Castles, Towers, or Fortalices standing upon the said Lands, to which the Donators shall be only heritable Keepers, and upon exprefs Condition that it shall be lawful to your Majesty



jeſty to make Forts or Citadels upon any of the ſaid Lands, according as you and your Royal Succedors ſhall think fit, at any Time hereafter. We are your Maſteſty's moſt humble, 1680.  
moſt faithful, and moſt obedient Subjects and Servants, &c.

June 3. the Council receive the King's Answer as to both thoſe Letters, dated May 20. King's Answer  
May 20. ap-  
proving all.  
which I need not infer, ſince 'tis juſt an Approbation of every Thing propoſed in the very Terms of their Letters. He thanks them for their Care, orders them to fill up the Blanks in the Commissions with fit Perſons, and appoints them to give timely Warning to the Owners of the Houſes where the Garriſons are to be.

The next remarkable Thing that offers, is the Overturning the ſhort-lived Third Indulgence; and when the Managers are going on ſo ſeverely againſt Presbyterians, we can expect Nothing leſs. Theſe Favours were ſtill very diſpleaſing to the Prelates, and I doubt not but earneſt Application was made to the Court to be rid of this. Accordingly, June 10. the Council receive the following Letter from the King.

Windſor-caſtle, May 14.

CHARLES R.

Right Truſty, &c. We greet you well. Foraſmuch as by Our Proclamation of the 29 of June laſt paſt, We did, from our tender Deſire to reclaim ſuch of Our Subjects, as have been misled by Ignorance or blind Zeal, ſuſpend the Execution of all Laws againſt all ſuch as frequent Houſe-conventicles within the Bounds, and upon the Limitations therein expreſſed, ordaining all ſuch as ſhould be licensed to preach by Our Indulgence, to ſtand Surety to you for their peaceable Behaviour; by which unparalleled Clemency and Tenderneſs (after a total Suppreſſion of the late Rebellion) We might reaſonably have expected that their Minds being eaſed, they ſhould have been brought to a meek and quiet Submission to Our Government, and humble Obedience to Our Laws: Yet notwithstanding of all their Inſolencies, Murders and Treafons, and Our gracious Indemnities and Indulgences, ſuch is the Perverſeneſs of that ſchiſmatical and rebellious Generation, that they in Contempt of Our greateſt Condeſcensions and Favours, continue to run out to Field-conventicles in ſeveral Parts of that Our Kingdom, which, as Our Laws have declared, ſo in Experience have they been found to be the Rendezvous of Rebellion; their Inſurrections againſt Us and Our Authority, in the Years 1666 and 1679. have been Nothing elſe, ſave ſo many running and continued Field-conventicles, and, by Force and Violence, to oppoſe the legal Settlement of regular Miniſters, beating, ſtoning, and wounding them in a moſt ſavage and barbarous Manner, and to invade the Pulpits of orthodox Miniſters, preaching and baptizing in avowed Conventicles, in Our capital City of *Edinburgh*. By all which inſupportable and unneceſſary Provocations, they having notoriously forfeited Our Favour and Indulgence, none could judge it ſeverity, to maintain Our Authority and Laws by ſuch effectual Courſes, as ſhould ruine that unſatiſfiable and ungovernable Tribe and Faction: Yet, being willing to evidence unto all the World, Our earneſt Deſire to reduce them to Quiet and Obedience, by mild and gentle Methods, or to render them utterly inexcusable, We do reſolve for ſome Time to continue that Our Indulgence unto them, during Our Royal Pleaſure, if peradventure We may yet find any good Effects produced thereby upon them; only, for your better diſpenſing and regulating thereof (leſt the Gangrene ſpread too far) We have thought fit to ſend you the incloſed Inſtructions (of the Date of theſe Preſents) to which We expect your ready and exact Compliance. And, as We cannot but approve your Appointing of ſuch nonconform Miniſters, as ſhall be licensed by you, to appear at your Bar to receive their Warrants, ſo We are very well pleaſed with your late Procedure againſt *Gilbert Rule* (a nonconformiſt Miniſter) whom you have ſent a Priſoner to the *Baſt*, for his insolent Uſurping a Pulpit in Our City of *Edinburgh*. And at this Time, as upon all Occaſions, We cannot but expreſs Our firm Reſolution to maintain and inviolably preſerve the ſacred Order of Epiſcopacy, to the Subverſion whereof Nothing tends more, than the Contempt too frequently and injuriouſly thrown upon Our Biſhops: Therefore, We do heartily recommend unto you, as your beſt Service unto Us, your countenancing, and encouraging, and ſupporting of them, in their Perſons, Credit and Authority, the leſſening whereof We do juſtly eſteem a weakning of Our Government. We muſt alſo recommend Our orderly and orthodox Presbyters, to your Care and Protection, and that you particularly require and command all Magiſtrates, in their ſeveral Jurifdictions, to own and aſſiſt them in the Exerciſe of Diſcipline, againſt ſcandalous Offenders, and in all the other Parts of their Function, which We will take as very acceptable Service done unto Us. And ſo We bid you heartily farewell. Given at Our Court at *Windſor-caſtle* the 14 Day of May 1680. and of Our Reign the 32 Year.

By His Maſteſty's Command,

LAWDERDALE



1680.

Instructions  
regulating the  
Indulgence.

The Instructions mentioned in this Letter, likewise follow from the Registers.

CHARLES R.

*Instructions to Our Privy Council of Our ancient Kingdom of Scotland, for regulating the Indulgence.*

1<sup>st</sup>. You are not to suffer any Nonconformist to preach, who is banished out of any Parish or Corporation in *England*, nor any who, since the last Indemnity, hath preached at such Meetings, as in Construction of Law are Field-conventicles, or who, since that Time, have preached in Places or Cities which are excepted in Our Proclamation of the 29 June last past. You are not to license any to preach, who cannot verify his Ordination to be antecedent to the said 29 June last past. As you are to suffer none to preach at House-meetings who are not licensed by you, or do not appear at your Bar to receive your Licence, so you must license none to preach in any of the Shires on the North-side of the River Tay, but are strictly to put Our Laws in Execution against all such Delinquents. And further, you are carefully to cause all such Meeting-houses as are or have been erected without your Warrant, for Preachers unlicensed by you to serve therein, to be pulled down.

2<sup>dly</sup>. You are to allow no House-conventicles, nor Meeting-houses to be set up for any nonconform Preacher, at any nearer Distance than of a Mile, to any Parish-church where a regular Incumbent serves; and if any such be erected already within a lesser Distance, as particularly at *Newbottle*, you are to cause pull them down immediately.

3<sup>dly</sup>. You are to grant Licence to none of the nonconform Preachers, to be settled or exercise any Part of the Ministry, in that Parish whereof he was formerly Minister, lest, upon the Pretence of an indissoluble Relation of that People to their old Minister, they totally abandon their orthodox and orderly Pastor, settled by Law amongst them.

4<sup>thly</sup>. You are to take Care to restrain such nonconform Preachers as you license, from preaching in any other Parish, than in that to which they are indulged, and from baptizing the Children of any save those of the Congregations for which they are licensed. And seeing, by Our Laws, the Jurisdiction of the Church is to be managed by Our Bishops, and those commissioned by them, you are to restrain those Nonconformists from exercising of Church-discipline; and for avoiding of Confusion in the Records of Marriages, We do require you to inhibit and restrain them from marrying any Persons, We being resolved to leave the Discipline and Marryings of People, entirely to the respective regular Ministers, to whose Parishes the Persons concerned do belong; and you are to esteem the Breach of any Part of this fourth Article, an unpeaceable Behaviour, by which their Sureties are to forfeit their Bonds, if they continue after Intimation.

5<sup>thly</sup>. You are to take special Care not to license any nonconform Preacher in any Parish, where the Generality, the chief and intelligent Persons, are regular and orderly, since We do not intend to break or divide orderly Parishes, to gratify a few inconsiderable, ignorant, and factious People.

6<sup>thly</sup>. You are most exemplarily to punish such indulged or nonconform Preachers, as shall be found to keep classical Meetings in pretended Presbyteries or Synods, these being the grand Nurseries of Schism and Sedition, wherein usually they usurp the Power of Discipline, and privately try, license and ordain schismatical Preachers, and keep up ill Correspondences, to the endangering of Our Government.

7<sup>thly</sup>. You are carefully to put in Execution your Acts for removing the Families of irregular outed Ministers, out of the Cities of *Edinburgh*, *St. Andrews*, and *Glasgow*, these being usually the Resorts of disaffected Persons, and the secret Nurseries of Schism and Trouble.

8<sup>thly</sup>. And in regard, by Our Proclamation of the 29 Day of June last past, We have declared Our firm Resolution, not to suffer the chief Seat of Our Government, to be pestered with Irregularities, and therefore would not allow any nonconform Preacher to be licensed to preach in Our City of *Edinburgh*, nor within Two Miles round about it: And now having found by Experience, that this Distance is not sufficient to preserve that Our City from the Danger of Infection, by reason that the Citizens and others flock out in Multitudes to those irregular Meetings, when they are kept at nearer Distances, whereby the City is still in Hazard to be corrupted in its Religion and Loyalty: We do therefore require you to license none of these nonconform Preachers, to preach in Our said City, nor within Twelve Miles Distance therefrom; and if any such be already licensed by you in any Parish nearer than Twelve Miles to *Edinburgh*, you are immediately to withdraw your Licence, and to cause shut up the Meeting-house, and to order the Preacher so licensed to preach no more within the Distance aforesaid.

9<sup>thly</sup>. And seeing We are informed, that the regular Ministers in *Galloway*, and some other western Places, are exposed to great Danger, from the Fury of some blind Zealors



among whom they serve, and that even the Necessaries of Life, and the Help of Servants and Mechanicks are denied unto them for their Money, you are, in a most particular Manner to consider their present Case, and to consult their Protection, and the Security of their Persons in the best Manner, and to see that the Sheriffs, Justices, and other Magistrates be careful to have them defended and secured in their Persons and Goods, and the Necessaries for Living furnished and supplied unto them at the usual and ordinary Rates of the Country, to the end they may be effectually relieved, and that Our ancient Kingdom may be vindicated from any just Imputation of so great and barbarous Inhumanity. Given at Our Court at Windsor-castle, the 14 Day of May 1680. and of Our Reign the 32 Year.

1680.

By His Majesty's Command,

LAWDERDALE.

The Reader will easily perceive that these Instructions are a material Repeal of the *Indulgence*: Many of them are flat Contradictions to the King's Letter, July 11. 1679. and all of them are contrived to clog Presbyterian Ministers and People; and the Council very soon begin to bear hard upon them. That same very Day, they recall Mr. George Johnstoun's Licence at Newbottle, and order one of the Maces to intimate so much to him, and order the Sheriff of Edinburgh to demolish the Meeting-house, and see that no Meeting be kept there next Lord's Day. June 15. the Lord Haltoun reports it was done, and the Timber and Seats were sold at Ten Pounds Sterling, a Hundred Pounds Scots of which he gave to the Poor of the Parish, and the rest to the Persons employed in executing the Orders.

Remarks upon them.

June 17. The Council return an Account of their Diligence, in a Letter to the King, which follows.

Council's Return, June 17.

Edinburgh, June 17. 1680.

May it please your sacred Majesty,

THE Grief arising from the dissolute Looseness of such as abstract themselves from public Ordinances, and the Fears we had of your Majesty's Subjects being seduced and abused by Preachers, whose Principles, as to your Government, we had so just Reason to suspect, are much lessened by the Care we find your Majesty takes of our Condition, and particularly by your Majesty's late Letter, regulating the late *Indulgence*, which, in its former Latitude, produced such insufferable Disorders; and having appointed a Committee, and considered seriously that Report, upon which they had taken so much Pains, we have approved what was offered by them for effectuating your Majesty's Commands, and have already demolished one of these Meeting-houses, and sent Orders for restraining others: And in all Things which may maintain the present Government of the Church, that great Support of Monarchy, and necessary Fence of our Safety and Quiet, as to all other Things relating to your Royal Government, your Majesty may expect cordial Endeavours of,

May it please your sacred Majesty,

Your Majesty's most faithful, most humble, and most obedient Subjects and Servants,

Alexander St. Andrews,	Ja. Dalrymple,
Athole,	Char. Maitland,
Douglas,	R. Maitland,
Marishal,	Jam. Fowles,
Balcarras,	Geo. Mackenzie,
Cathness,	Wauchop,
Jo. Edinburgen.	Geo. Gordon.
Elphinstoun,	

To make good their Professions as to the Church, they, at the same Time, discharge Meeting-houses in most Places where they were allowed, as coming under the above Regulations. The Earl of Wigtoun is ordered to demolish the Meeting-house in Kiltpatrick, as being within a Mile of the Kirk. The same Orders are given to others, as to these in the Parishes of Longtoun, Prestonhaugh, Orwal, Cires; and the Meeting-houses in Newburn, Stentoun, and Kinneuchar, are to be shut up, as not licensed. And, July 24. the Magistrates of Glasgow are ordered, in pursuance of the foresaid Regulations, forthwith to turn all nonconformists

Meeting-houses accordingly suppressed



1680.

Nomination  
of Council for  
publick Air  
fares.New Orders  
about that at  
Bothwell, Aug.  
10.

formist Preachers out of Town, and suffer none of them to live within a Mile of them. Those Orders brought many worthy Persons to no small Difficulties.

August 4. Another Committee for publick Affairs is nominate, the Archbishop of St. Andrews, the Earl of Linlithgow, Bishop of Edinburgh, President, Colington, Lundin, Niddry, with the Officers of State, or any Three of them, with the former Powers.

The former Endeavours for discovering those concerned in Bothwell, are enforced with new Orders. August 10. Letters are writ to the Sheriffs of Fife, Lanerk, Air, Wigtoun, and Stirling. 'The Council understanding there are divers Persons lurking in your Shire, who were in the Rebellion, and are reset, do require you to enquire thereinto, and appoint Persons in the several Parishes, and do every Thing for that effect, and to send in a List of them, their Resetters, and Witnelles, to the Advocate, betwixt and October.'

At that same Diet they came to the following Resolution. 'The Lords of Council have thought fit, for enquiring into the Disorders of the western Shires, preventing Inconveniences, and to the end it may be known who can prove against the Kebels and their Resetters, and that neither the Guilty may escape, nor the Innocent be brought to Trouble, hereby to grant full Power and Authority to General Dalziel, the Marquis of Montrose, Earls of Mar, Glencairn, Linlithgow, Airly, and Dundonald, Lord Ross, or any Three of them, to cite before them, or apprehend and take the Depositions upon Oath, of all such Persons as they shall think fit to adduce as Witnesses against Persons guilty of Disorders in the western Shires, and to transmit their Opinion to the Council, anent such as may be proving Witnesses; and to send Prisoners to Edinburgh, such as appear to have been in the Rebellion, and are not comprehended in the Indemnity, and their Resetters; and to take Caution of the Witnesses to compear at a certain Day, and to transmit the Names of Heritors and Witnesses to the Council. The General is to convene them, and this Commission is to continue till repealed.' The Reader will observe what vast Pains the Council are at, and how many various and repeated Commissions are granted against those who had been in the Rising.

Indemnity en-  
larged to  
March 1587, as  
to the Com-  
mons.Some Procefs-  
ed after their  
Diet, was de-  
ferred.Garisons ap-  
pointed, Dec.  
16.Mr. Duncan-  
son indulged to  
Campbeltoun af-  
ter Mr. Cam-  
eron's Death.

By a Letter from the King, dated September 3. the Council are required to enlarge the Indemnity to the Commons who had been at Bothwell, and allow them to the 1 of March next, to come in and take the Bond, still excepting Heritors, Ministers, Ringleaders, and such as have had Accession to the Murder of the Archbishop, or their Resetters. By the same Letter, the Earl of Hume's Troop of Horse is given to the Master of Ross. October 7. the Council publish a Proclamation, as above, which needs not be insert. That same Day, the Advocate is warranted 'to raise Proceffes of Treason before the Justices, against Heritors, Ministers, or Ringleaders who were in the Rebellion, notwithstanding they have been formerly convened, and the Diet deserted by that Court.' This seems to be very unjust and hard.

December 16. They order a Garison to be placed in the House of Kenmuir, and the Viscount is to be acquainted thereof; 'tis to consist of 30 Horsemen. As many are ordered to the Castle of Dumfries; and another Garison is appointed at the House of Freugh, in the Shire of Wigtoun. At the same Time, upon Information of Mr. John Cameron's Death, who had been indulged at Campbeltoun, Mr. Robert Duncanson, indulged and confined at Kilchrean, is removed, and confined at Campbeltoun. This was, no doubt, by the Procurement of the Earl of Argyle.

This is what I find in the Council-books this Year, relative to Presbyterians in the general. Some of their Procedure with particular Persons falls in,

## S E C T. III.

Of the Persecution up and down the Country, from the Donators, by Courts, and otherwise; and the Hardships Noblemen, Gentlemen, Ministers, and others underwent for Nonconformity this Year.

Persecution  
now turns ex-  
tensive.

IN the former Sections we have had the Treatment of Presbyterian Gentlemen and others, for their alledged Share in the Rising last Year, with some View of the Council's Procedure. The Persecution began now to extend it self very generally through the West and South; yea, the Body of Presbyterians who were not concerned in Bothwell and many Ministers whose Preaching in the Fields was now pardoned in the Indemnity, and had not been at Bothwell, were attacked upon their Nonconformity this Year; many of them were sore haralled, and some forced to a Kind of voluntary Banishment.



To begin with the more general Accounts; such who did not compear before the Circuits last Year were all declared fugitive, and great Numbers were added to that Roll by the Justice-court at *Edinburgh* this Year. The Fugitives were to be apprehended where ever they were found, and their Lands, Goods, and Moveables, were all confiscate, and given to such as had been, and would be further active in the Persecution, and they made them over again to Donators.

*Claverhouse* had the Gift of what belonged to the Fugitives in *Nithsdale*, and other Places in the South, and he constitute his Brother, and another of his Name his Donators. Accordingly *March* and *April* this Year, they came with Parties of Soldiers, and run through every Parish in that Country; and as they fell foul upon all Nonconformists, so in a special Manner, the Houses and Possessions of such as were Fugitives, whether at *Bothwell* or not, were rifled, or great Sums exacted from their Relations.

Those Donators there, and in other Places, were most severe in prosecuting their Gifts. Generally speaking, they were vicious profane Men, of broken Fortunes, who had nothing, and were still spending, and always craving. None of the Persons, now by Law fugitives, ventured to appear, but wandred in Hardships which cannot be represented, but their families and Means were almost ruined. Transactions were frequently made by their Friends, and a great deal of Money raised that way, and sometimes the Master of the Ground transacted for the fugitive Tenant: In these Cases the Friend or Master received a Discharge from the Donators or their Assignies, for what they paid, and an Assignment to all they had. And as this was in some Places a little Ease to the Fugitives, who had Masters not altogether so cruel and violent, so in most Cases it was a terrible Handle to the more rigid, who fell in with the Severities of this Period, to harass the poor People and their friends; and this is another Branch of the Persecution of this Time, which, tho' very universal, yet scarce any Account can be given of it: And when neither Friends nor Masters made Composition with the Donators and their Agents, it was usual for them, after they had rifled all they could reach, to make Assignations of the Moveables of the Fugitives unto any of their Neighbours, who were malicious, and willing to have a Share in the Spoil, for very small Sums of Money; and this was a Ground good enough in this Time for every Ruffian who pleased to accept, to spoil and vex these poor Families. 'Tis plain particular Accounts of the Spoils and Oppressions committed for many Years under all these Shapes, cannot be given.

But the Reader must further observe, that when these Transactions were made, the Denunciation was not taken off the fugitive Persons, until they themselves came in and owned the Rising at *Bothwell* to be Rebellion, and engaged not to frequent Field-meetings, and never to bear Arms against the King, or any authorized by him, and even upon this no Restitution was to be expected. Some few indeed here and there did come under these Engagements, but the Donators and Soldiers were not fond of such Submissions, and took many Ways to prevent them; and where they were made, they proved Matter of very little Ease or Satisfaction to the Persons complying: For when ever any alledged to have been at *Bothwell*, were taken, or any Gentleman came in Absence to be forfeited, none were found so proper to be cited as Witnesses against them, as the People who made their Submission; and if they refused to depone, they were afresh persecuted, as much as ever; and it was upon some of their Depositions mostly that great Numbers were banished, forfeited in Absence, and put to Death, this and the succeeding Years.

Thus all Handles were taken hold of to persecute such who had been in the Rising, with the utmost Violence, and what by one Mean or another few or none of them escaped, and Multitudes were involved with them, and all who had the Name of Presbyterians were attacked as far as possible.

I find likewise the same Gentleman had a Commission from the Council, to uplift the Moveables of all such in the Shire and Stewartry of *Galloway*, as had been at *Bothwell*, or were fugitive. His Brother, Cornet *Graham*, was imployed by him; and by himself or some deputed by him, he went through every Parish there, and prosecuted his Buiness with the utmost Severity.

It was by this Commission granted to *Claverhouse* and his Assignies, as we have seen, Courts were held this Year by Cornet *Graham* in the South, and Enquiry was made into all the Branches of Nonconformity, as well as Queries put with relation to *Bothwell*.

There was a Court held at New *Galloway* by the Cornet, at which all 'twixt Sixty and Sixteen were charged to appear, under the severest Penalties, and declare upon Oath how many Conventicles they had been at, who preached, and whom they knew present, what Children were baptized, &c. This was unreasonable, illegal, and a heavy Temptation to Perjury. Unreasonable it was to make People declare against themselves, illegal, since our Law, and all Laws of God and Men require Pursuers to have Witnesses; and if upon their Deposition they were to be made free from further Trouble by the Matter's being referred to them, which I very much question, and I know it was not so with many in Matter of Fact, it was a great Temptation to common People to swear themselves free.

1680.  
Many declared  
Fugitives.

Severities by  
Donators and  
Army, upon  
their Families  
and Possessions.

Courts held in  
*Galloway* and  
Persons ha-  
rassed for Non-  
conformity  
there.



1680.

And at Dumfries.

Probably these Courts were held in the rest of the Parishes in that Country, tho' I have not seen particular Accounts of them; but this same Year I find Mr. *Thomas Gordon*, Clerk to the Justice-court, and Cornet *Graham*, keeping a Court at *Dumfries*. To this all the County about were cited, under the Penalty of a Hundred Merks for Noncompearance; all who came were put to declare upon Oath, what they knew of their Neighbours, which of them had heard Presbyterian Ministers, or conversed with, and reset such who did, and other Questions of this Nature.

Fines for Non-compearance at them, a terrible Burden up in the Country.

Let me remark once for all, that the Fines for Noncompearance at these, and the following Courts in after Years, turned to be as great an Occasion of Trouble and Persecution to the Country, as almost *Bothwell* itself. Vast Numbers, every Court Day, were decerned to have forfeited their Fine, and these were gifted to the Soldiers, Informers, or some rascally People in every Parish, who were ready to accept of them; and Pointing, and all Manner of Rigour followed to the Ruin of many Families; and yet, in this Road, Providence brought about spiritual Advantage to not a few. By this civil Oppression they were forced to wander, and fell in with religious and pious Persons in their Hidings, and by their Company and Converse, they got much Good to their Souls.

Particular Sufferings.

So much for the more general Harassing of the Country, upon the score of *Bothwell*, and Nonconformity; I come now to give some particular Steps of their Severities, against Ministers, Gentlemen and others who had not been at *Bothwell*, mostly for Conventicles, and other Branches of Nonconformity.

Many troubled by Citations who had no Access to *Bothwell*.

Towards the End of the last Year, many Ministers and Gentlemen were put to trouble for Conventicles, and Accession to the Rebellion, and upon Citation, came to *Edinburgh* to clear themselves, as to their Innocence: Several were imprisoned, and, I find, in December, Mr. *Archibald Riddel*, Brother to the Laird of *Riddel*, and many particular Gentlemen, give in Petitions to the Justiciary, shewing how wrongouly they are imprisoned, and how desirous they are to be tried, for their Accession to the Rebellion: The Diet is deserted against them, and they are liberate.

No Conformists suffered to dwell in *Dundee*.

This Year the Violence of the Enemies of the Presbyterians began to shew it self, in Places where they acted without Controul. Thus, by some attested Accounts from the Town of *Dundee*, I find, that from the Year 1680. to the 1687. when the Liberty was granted, no Family was permitted to live in that Town, but such as constantly heard the Episcopal Ministers. And the same Year, *William Mitchel*, *John Davidjon*, *John Sterrock*, *Elizabeth White*, and several others were forced to leave the Town, merely because they were of Presbyterian Principles. But I shall add some particular Instances from the Registers.

*Lennox* Prisoner.

February 10. the Council order *Claverhouse* to bring from the Tolbooth of *Dumbar*, *Lennox*, Brother to *Barnshogle*; the Magistrates of *Edinburgh* are ordered to receive him. I find no more about him in the Registers.

Lord Cardross's Case.

The Case of the Lord *Cardross* comes before the Council. February 12. we left him in Prison for Conscience sake, and Nonconformity. He continued much in the Castle of *Edinburgh*, till last Year in July, when Favours were shewn to Sir *Patrick Hume* and others, as we heard, my Lord had as much Reason as any, to look for Relief, having been under a Tract of Four Years Hardships. But upon his Application, all he got, was a Letter to the Council, July 22. 1679. bearing, 'That it was his Majesty's Pleasure, that my Lord *Cardross*, upon paying his Fine. and not otherwise, may be set at Liberty.' Upon this, the Council, July 31. grant Warrant to the Laird of *Lundin*, Governor of the Castle of *Edinburgh*, to set the Lord *Cardross* at Liberty, upon Payment to Sir *William Sharp* his Majesty's Cash-keeper, of the Sums wherein the said Lord was fined, by Decrees of Privy Council. My Lord accordingly gave Bond, and got out of Prison. However, being outlawed, merely for not paying his Fine, his Lordship's simple and liferent Escheat was fallen into the King's Hands. In a little Time he went up to London; and there, in February, he presented the following Petition to the King, February 5. as the original Copy, before me, bears.

His Petition to the King, Feb. 5.

To the King's most excellent Majesty,

The humble Petition of Henry Lord Cardross,

Sheweth,

THAT the Petitioner being outlawed for not Payment of his Fines, his simple and Liferent Escheat is thereby fallen in your Majesty's Hands; and that now the Earl of *Mar*, and Sir *Charles Erskine* of *Alva*, having given Bond to your Majesty's Cash-keeper for



for the said Fines, and the Petitioner discharged and acquitted thereof: The Petitioner therefore is very confident, your Majesty will now grant a Gift of his Escheats fallen in your Hands, for not Payment of his Fines, to the Earl of Mar, which hath no Relation nor Dependence on Mr. Maitland's Gift, granted upon another Horning; and by the Duke of Lauderdale's Opinion to your Majesty, you may grant several Gifts of the same Escheat. And if the Petitioner shall not obtain a Gift of his Escheat from your Majesty, till the Returns from Scotland, then it cannot be expedite before the First of June, in which Time he may suffer great Prejudice in his Affairs by that Delay: And that it is well known what Sufferings the Petitioner's Father and Family have undergone, for their Loyalty to your Majesty and your Royal Father, as may fully appear by the annexed Paper.'

1680.

'May it therefore please your sacred Majesty, to grant a Gift of the Petitioner's simple and Liferent Escheat to the Earl of Mar.'

'And your Majesty's Petitioner (as in Duty bound) shall ever pray, &c.'

With this he presented a Paper, intituled, *A short Account of his Sufferings*, which, as a new Document of the Ingratitude of this Period, as well as containing his present Case in short, I likewise add here.

His short Account of his Sufferings

### *A short Account of the Lord Cardross's Sufferings.*

IN the Year 1646. the late Lord Cardross was (not to mention the faithful Services done for many Ages past to his Majesty's Royal Ancestors, by the Lords Erskine, and Earls of Mar, from whom the Lord Cardross is descended) one of a few Peers, who dissented from the Delivery up of the late King, to the English Army at Newcastle.'

'He was a Promoter of the Engagement 1648. for which he was fined in about One thousand Pounds Sterling, and debarred the Parliament 1649.'

'He lost by his Engagements for his Uncle Arthur Erskine of Scotsraig, (who lost his Life, and spent his Estate in his Majesty's Service) at least to the Value of Two or Three thousand Pounds Sterling.'

'During the late Trouble, his House of Cardross was seized on, and to the Value, at least of a Thousand Pounds Sterling, taken out of it.'

'When the now King's Army lay at Stirling, his whole Estate about Cardross was wasted, it being so near to the Army, and the only considerable Pass upon the River of Forth thereabout.'

'His House of Cardross, immediately after the English coming to Scotland, was garisoned by them, and continued so for Eight Years, whereby the House and Gardens were all quite destroyed.'

'Sir Lewis Stuart, Grandfather to my Lady Cardross, (for whose hearing of her own Chaplain preach in her own House, my Lord Cardross her Husband was lately fined in considerable Sums of Money) was of untainted Loyalty, and in 1644. was forced to lend to the then Parliament, about Seven hundred Pounds Sterling, for which Lauderdale, amongst others, obliged himself upon the publick Account: This Sum is yet unpaid, and now Interest being accumulate, will extend to about Two thousand and five hundred Pounds Sterling.'

'Upon the Usurper's coming to Scotland, Sir James Stuart, Father to my Lady Cardross, (by whose Entail and Destinations he possessed his Estate, and against which, the King declares, in the Gift of Escheat, to the Duke of Lauderdale's Brother's Son, he will assist him) was fined in a Thousand Pounds Sterling, and his House of Kirkhill garisoned, to his great Prejudice.'

'For all which Losses the Lord Cardross and his Lady's Families have never yet been considered.'

'But on the contrary, through the Misrepresentation of some, the now Lord Cardross was (for his Lady's hearing her own Chaplain preach in her own House) fined in considerable Sums, whereof he hath paid a Thousand Pounds Sterling, besides his about Six Months Attendance at Court, for procuring a Discharge of the Overplus of his Fines, and imprisoned during his Majesty's Pleasure in the Castle of Edinburgh, where he continued Four Years, and at the same Time his House of Cardross (immediately after it was repaired) was garisoned, to his great Hurt and Prejudice.'

'And in June last, the King's Forces in their March to the West, (the Day before the Duke of Buccleugh came to them) went about Two Miles out of their Road, that they might quarter on the Lord Cardross's Estate of Kirkhill, where in one Night they took from and prejudiced him and his Tenants, to the Value at least of Five Hundred Pounds Sterling, albeit there was hardly one Presbyterian on all that Land.'



1680.

‘ And now after all, the Duke of *Lawderdale* hath procured from his Majesty, a Gift of my Lord *Cardross*’s Liferent Escheat in favours of his Brother’s Son, which Gift carries the Rents of my Lord’s whole Estate, during his Life.’

App. N<sup>o</sup>. 45.

The Duke of *Lawderdale* had procured the Gift of his simple and Liferent Escheat for Mr. *Maitland* his Nephew; and when this Representation of my Lord’s was like to have some Weight, Care was taken to transmit a Copy of it to the Privy Council, that they might interpose and stop the King’s granting this Desire. Accordingly, *February* 12. they send a Letter to his Majesty upon this Head, which I have annexed App. N<sup>o</sup>. 45. where the Reader will observe little of Argument, which indeed the Case would not bear, strong Assertions, and a Reference to their own Sentence as just; with this they send up the Deposition of Witnesses in his Process, which we have already on the Matter seen. This excellent Person waited for some Time at Court, but without Success, and continued in this hard State till the Revolution.

Arth<sup>r</sup> & Dougal  
sent Prisoner  
to Edinburgh.

We heard before, that the Earl of *Monteith* was ordered by the Council to dissipate the Conventicles at *Monteith*; and *April* 18. there comes a Letter from him, acquainting the Council that he had done so, and taken one *Arthur Dougal* who had been in the Rebellion, with some Papers upon him. The Council write a Letter of Thanks to the Earl, and desire him to send in the Prisoner to *Edinburgh*. Much about the same Time *Robert Short* is ordered to be brought in Prisoner, for a violent Attempt on the Person and House of Mr. *George Honnyman*, Minister at *Livingstone*, and is remitted to the Committee for publick Affairs. Mr. *Honnyman* we shall meet with hereafter, he was very uneasy to the People of that Parish, and the great Instrument of persecuting them.

Mr. Gilbert Rule  
prosecuted before  
the Council.

A pretty singular Instance of a Prosecution I find in the Council-register of Acts and Decrees, *April* 8 this Year, as to Mr. *Gilbert Rule*, since the Revolution the worthy and learned Principal of the College of *Edinburgh*, whose Memory is favourable in this Church. He was indulged last Year in *Prestonbaugh*, and now must be turned out.

For a Conventicle  
in the old  
Church of  
Edinburgh.

This excellent Man is libelled before the Council, ‘ for his keeping Conventicles, and baptizing Children without the Parish of *Prestonbaugh*, where he is indulged. And that upon the First of *April* last, he did take upon him to hold and keep a Conventicle, within the old Kirk of *Edinburgh*, called *St. Giles*’s, at which he did preach, expound Scripture, pray, and baptize a Child of *John Kennedy* Apothecary, and another of *James Livingstone* Merchant in *Edinburgh*: And Mr. *William Livingstone* Brother to the said *James*, and divers other Persons were present at the same; as also Mr. *Archibald Cameron* Precentor in the High Church, and *John Neilson* Merchant and Kirk-treasurer of *Edinburgh*, did so far concur that they were present at the same, and the said *John Neilson* did give Orders to open the said Kirk.’

He was sent  
to the Bass.John Kennedy  
and James  
Livingstone  
fined.

The Council find this proven by the Defender’s Confession, and do suspend him from the Benefit of his Majesty’s Indulgence, and send him to the *Bass*, till further Orders from the King about him. *John Kennedy* is fined in a Hundred Pounds Scots, *James Livingstone* in Two hundred Pounds; the rest are absolved. This odd Passage seems to have been a happy Kind of Presage of Dr. *Rule*’s after publick Usefulness in that City: This was with the Consent of Mr. *Turner*, the Episcopal Minister of that Kirk. I know Mr. *Kennedy*, whose Wife was Mr. *Rule*’s Niece, was a staunch Presbyterian, singular Christian, and lived to a great Age, and got to Heaven a few Years ago. And I take Mr. *Livingstone* to be Son to that great Man formerly mentioned, Mr. *John Livingstone* Minister at *Ancrum*.

Mr. Rule is  
liberate under  
Bond of Five  
thousand  
Merks, to de-  
part the King-  
dom.

All I have further upon this is, that *July* 23. a Petition is presented to the Council from Mr. *Rule*, shewing, ‘ That for baptizing a Child in the old Kirk of *Edinburgh*, tho’ by Warrant of Mr. *Turner* Minister of the said Kirk, he was sent to the Prison of *Edinburgh*, and afterwards to the *Bass*, and thereby is reduced to a valetudinary Condition, therefore praying the Council may take his Case under Consideration.’ The Council appoint him to be set at Liberty. under Bond of Five thousand Merks, to depart out of the Kingdom within Eight Days.

Further Ac-  
count of him  
from Dr.  
Calamy’s  
Abridgment.

This Account from the Registers confirms the Narrative given of Mr. *Rule*, by the learned and laborious Dr. *Calamy*, in his Abridgment of *Baxter*’s Life, Vol. II. P. 517. whose Informer has mistaken the Time of his being in the *Bass*, which was some more than Three Months, an exorbitant Punishment for baptizing a Child of his own Niece, at the Desire of the Minister of that Parish. In the above named excellent Collection, the Reader will find Mr. *Rule*’s Sufferings at *Alnwick* in *Northumberland*, where he was Minister before the Restoration, after he had been a Regent at *Glasgow*, and afterwards Sub-principal in the King’s College of *Aberdeen*. Upon the fatal *Bartholomew* Day he was ejected from his Charge at *Alnwick*, and came down to *Scotland*, where we have seen he was soon brought to Trouble, and forced to remove from his native Country. Mr. *Rule* went abroad, studied Physick, and took his Degrees: Afterwards he lived some time in *Berwick*, and was very useful both in preaching, as frequently as he could, and by his great Skill in Physick, and the particular Care he took in making up all his Prescriptions.

Being



Being called to the Scots Side, to visit the Laird of Houndwood's Family in Trouble, and staying all Night, at Family Worthip he expounded the Chapter which was read, none being present but the Family. This came to be Matter of Process against the Gentleman, who was fined in a Hundred Merks.

While the Doctor was at Berwick, the Earl of Hume, who commanded a Troop of Horse in that Neighbourhood, formed a Design to catch him; of which Dr. Calamy gives this Account from one who was present. A Letter was formed from Mr. Ker of Myne-wells, intreating Dr. Rule to come presently to him, with such Medicines as were proper for a violent Cholick, and sent to the Doctor at Berwick by a Servant of the Earl's, in the Habit of a Countryman. The Letter was so pressing, that the Doctor immediately got himself ready: But when mounting his Horse, it pleased the Lord so to touch the Heart of the Messenger with Remorse for this base Treachery, that at that Instant he disclosed the whole Design, and told him his Hazard if he went with him, for the Earl of Hume, according to Concert, was, with a Party of Horse, ready to seize him at the Bound Road, as soon as he entered Scotland, that he himself was the Earl's Servant, who had framed the Letter from Mr. Ker, with a Design to apprehend him. Thus this good Man escaped the Danger by a singular Providence.

After his Delivery from the Bass, where he was in great Hazard of his Life by a Sickness caused by the Sea Air, he left Scotland, and in a little Time had a Call to Dublin, where he preached for some Time, and was very useful.

Towards the End of March, there had been Sermon in a House in the Parish of Pancaitland, where some, it seems, had been without Doors: Complaint is made of this to the Council; and, April 8. they fine James, David and George Sinclairs, and John Baptie in Pancaitland, who were present, as guilty of keeping Field-conventicles, in Terms of the Act of Parliament.

Upon the 6 of May, Mr. James Ker Minister at is libelled before the Council, for a Field-conventicle: Upon the 14 of March last, he preached in the House of Grange in the Shire of Roxburgh; 'tis represented, he had upwards of Five hundred Hearers, and some of them were without Doors. The Council ordain Mr. Ker to enact himself to keep no more Conventicles, under the Penalty of Five thousand Merks.

June 4. the Council being informed, that Anna Hamilton, Lady Gilchrist-cleugh, hath reset in her House John Balfour of Kinloch, and other Murderers of the late Archbishop; as also, that James Thomson, Tenant in Tankertoun Parish, is guilty of the said Reset, and was at the Rebellion, give Warrant to the Advocate to process them before the Justiciary. If their Process be in their Registers this Year, I have overlooked it.

There had been last Year a Meeting-house set up in the Town of Innerkeithing in Fife, upon the Indulgence then granted, and this must now be turned down; the Pretext is, that it was not licensed. Some People, at some Times, happened to sit without Doors, and this in Law was constructed as a Field-conventicle. Whereupon a Process is intended before the Council, against the Earl of Tweddale, upon whose Ground the Meeting-house stood; and the Magistrates of Innerkeithing, July 1. Whereas, by the Council's Proclamation, April 8. 1669. Heritors are made liable for the Conventicles kept on their Ground, in the Shires of Renfrew, Air, Lanerk, &c. and they are to be fined in 50 Pounds Ster. toties quoties. And the said Lords, by their Act, April 26. 1676. extend this through the whole Kingdom. Nevertheless, from September 1679. to May 1680. there have been many Conventicles held in the Town-barn belonging to the Earl of Tweddale, in the Town of Innerkeithing, at which Mr. Somerwel, Mr. William Bell, Mr. John Blair Mr. John Anderson, Mr. Archbald, Mr. John Harroway, outed and unlicensed Ministers, have preached, therefore it is craved, that the Earl of Tweddale may be fined in Terms of Law.

The Council alloillie the Earl of Tweddale, because he produceth a Retour, shewing, that the Barn held Burzage of the Town, and the Process is continued against the Magistrates, until July 8. when the Council find them guilty, and fine them in 50 Pounds Sterling, which they actually paid, and afterwards uplifted from the Inhabitants.

At the same Time, the Council being informed, that Mr. William Row had preached in several Places, since September last; that Mr. John Gray had preached, with the Invitation of the People, in the Parish of Orwath, under Prospect of getting a Licence, the Council, July 8. discharge them to preach any more. And Mr. George Hamilton, and Mr. James Rymer, being cited to compear at this Diet, for preaching in several Places in Fife, and not compearing, were appointed to be denounced and put to the Horn.

September 1. the following Report of the Committee for publick Affairs, is approved by the Council. Mr. James Ker is appointed to be liberate, upon Caution to compear when called, and that he keep no Conventicles, on Pain of Ten thousand Merks. Arthur Douglas called, and that he keep no Conventicles, on Pain of Ten thousand Merks. Mr. John Dickson, late Minister his Parish Kirk, under Pain of Five hundred Merks. Mr. John Dickson, late Minister at Rutherglen, being brought in Prisoner by some of the Guards, is under Caution to appear before the Council this Day. Accordingly, the Council order him to be sent to the Tolbooth

1680.

Houndwood fine for an alleged conventicle by Dr. Rule. The Earl of Hume forms a Design to seize him, which is very providentially broken.

He retires to Dublin.

House-conventicle with a few at the Doors, fined as a Field-conventicle.

Mr. James Ker process'd for a Conventicle; May 6.

Lady Gilchrist-cleugh, and James Thomson process'd criminally.

Process against the Earl of Tweddale for an alleged Field-conventicle in a House of his at Innerkeithing.

The Earl is fined for the Magistrates of Innerkeithing fined in 50 Lib. Ster.

Mr. William Row, and Mr. John Gray process'd.

Mr. George Hamilton, and Mr. James Rymer denounced in absence. Mr. James Ker

Arthur Douglas.

Mr. John Dickson sent to the Bass.



1680.

Mr. John Veitch  
denounced,  
and afterwards  
brought to  
great Hard-  
ships.

Tolbooth of *Edinburgh*, and from thence to the *Bast*; where I know he was Prisoner for several Years.

Mr. *John Veitch* is called before the Council, *October 5*. After Citation he is libelled, that he had preached at *Austuther* (perhaps it should be *W. Struther*, where he was Minister) without Licence. He not compearing, is ordered to be denounced, and put to the Horn. We shall afterwards hear, that he was taken and kept close Prisoner at *Edinburgh*, about a Year's Time, under no small Hardships. He was allowed neither Candle nor Fire the whole Time; his Wife was never allowed to speak to him, but in presence of Two or Three Soldiers. He pressed much to be brought to a Trial, but that could not be allowed. The Reason of this cruel and unchristian Treatment, was, that when the Curate died, at the Invitation of the People he returned and preached to his own People, from whom he had been violently thrust away.

Fergus Grier

The same Day, *Fergus Grier* in *Brigmark* petitions the Council, and shews he had now lien Five Months in Prison, and Nothing ever was laid to his Charge, but his Kefet of Two of his Friends, for a Night, who had been at *Bethwel*. The Council order him to be liberate upon signing the Bond.

William Pantone

That same Day, the Council approve of the Report of the Committee for publick Affairs underwritten; that *William Pantone*, Prisoner for harbouring Mr. *Donald Cargil*, be liberate, on Bond of a Thousand Pounds, to answer when called. Six Persons taken at the Bridge of *Linlithgow*, as coming from a Conventicle, and most obstinate, are imprisoned. Upon a Letter from the Laird of *Graden*, That he had apprehended Mr. *Archibald Riddel* Minister, Brother to the Laird of *Riddel*, *Turnbul* of *Know*, and the Laird of *Doun*, and sent them Prisoners to the Tolbooth of *Jedburgh*, till he had the Council's Mind, they being Persons, as he was informed, who were in the Rebellion, and Frequenters of Field-conventicles since, they had sent a Letter of Thanks to *Graden*, with an Order to *Meldrum* to bring them in Prisoners to *Edinburgh*, and had recommended *Graden* to the Lords of the Treasury, for the Reward offered by the Council's Proclamation, for taking Mr. *Riddel*. *December 9*. Mr. *William Bell*, imprisoned for a Conventicle in *Edinburgh*, refusing to engage to abtain from Conventicles in Time to come, is sent to *Blackness*; and Mr. *Riddel*, when examined before the Committee for publick Affairs, disowns all murderous and bloody Principles in *Cargil's* Covenant, but refuses to engage against Field-conventicles. He is confined to his House and Precincts of it, during Pleasure, he finding Caution to keep his Confinement during that Time, and never to keep Field-conventicles, under the Pain of 10000 Merks. Thus this worthy Minister's Case stands in the Registers.

Mr. Archibald  
Riddel, Turnbul  
of Know, and  
Graden.

Mr. William  
Bell sent to  
Blackness.

Mr. Riddel's  
Case from the  
Records.

Larger Ac-  
count of Mr.  
Riddel, from  
his own Pa-  
pers.  
Made Prisoner  
Sept. this Year.

But it deserves a larger Consideration, and I am able to give a distinct Account of his Treatment before the Committee for publick Affairs, from a Narrative under his own Hand, communicated to me by his worthy Son Dr. *Riddel*, with which I shall end this Section.

When Mr. *Archibald Riddel* was returning from *Moffat-well*, *September* this Year, and riding in Company with another Person, the Laird of *Graden* met him, and apprehended them both. Mr. *Riddel* had his Watch, Sword, and some Money taken from him, tho' *Graden* was married to his near Relation, and, as we have seen, was sent to *Jedburgh* Tolbooth, and thence carried into *Edinburgh* Prison, and kept Prisoner Nine Months there.

Twice exami-  
ned.

During that Time he was twice examined by a Committee of Council. An Account of what past I shall give from his own Notes, written immediately after his Return to Prison, when what past was fresh in his Memory: All his Answers were extemporary, having no Copy of Questions given him, or Time to think upon Answers. I insert them at the greater Length, that, from them, the Reader may gather the Temper of this Period, and guess at the Methods taken with others, of whom I have not so distinct Accounts.

His first Exa-  
mination, Oct. 1.

His first Examination was *October 1*. this Year; and, after Mr. *Riddel* had acknowledged he was the Person taken by the Laird of *Graden*, the Earl of *Linlithgow* asked him the Reason, why he went out of the Way at the Time he was apprehended? *Answer*. My Neighbour and I travelling on the Way upon the Sabbath, discovered some Gentlemen, whom we supposed to be *Philiphaugh* going to Church, and not willing to cross his Teeth that Day, a little Wood being near, we turned into it till he should pass; but it being *Graden*, he followed us, and made us Prisoners. *Linlithgow*. Have you kept any Field-conventicles since the Indemnity? *Ans*. Since that Time, my Lord, I never preached out of a House. *Linlith*. Will you give your Oath upon that? *Ans*. My Lord, I desire to be forborn as to Oaths, which are tender Things, and not rashly to be meddled with, or upon every Occasion. *Linlith*. What Ground have we to believe you, if you refuse to give your Oath? *Ans*. I have declared upon the Word of a Gentleman, which I hope may be taken off my Hand as sufficient; and if your Lordship shall be informed that I have preached out of a House since that Time, spare not my Life; but Swearing I dare not meddle with. *Advocate*. Mr. *Riddel*, Your Answer to my Lord *Linlithgow* was, You have not preached out of a House; but I suppose you are not ignorant, that albeit a Minister preach within a House, yet if there be Hearers without Doors, by the Law that is constructed to be a Field-conventicle: I desire therefore you will positively answer me this Question, Whether or not, when you

Preaching in  
Houses when  
People are  
without Doors,  
detended.

preached



preached within a House, was there any hearing you without Doors? *Ans.* Indeed, my Lord, I can not deny that. *Adv.* We would not expect any Man of such a peaceable Disposition as Mr. Riddel seems to be, would so far condemn Authority, as not to forbear to act contrary to Law. *Ans.* My Lord, when there do convene more than the House can contain, and I am called to preach to them, dare I either dismiss the Assembly without Preaching, because the House will not hold them, or refuse to preach to them, until all without Doors remove? Really, my Lord, I durst not do so upon the greatest Hazard. *Advocate.* It is most unreasonable that every Subject should take upon him to judge and determine, at his Pleasure, of what is lawful and convenient, and not be determined by the Laws of the Land. This is so absurd and ridiculous, that it destroys the End of all Laws, and makes every Man Supreme, and to do what he pleases. *Ans.* My Lord, it cannot, I suppose, be denied, but that every Subject must be allowed to exercise a Judgment of Discretion, in reference to his own Actions: And as your Lordship judges that it is the Duty of Subjects to know the Laws of the Land, and to practise accordingly, so, since 'tis certain that the GOD of Heaven hath given Laws to all Subjects as well as Rulers, Subjects both may and ought to know these Laws; and if I, knowing both GOD's Laws and the Laws of the Land, find the one contrary to the other, undoubtedly GOD's Laws should have the Preference. *Advocate.* I think it strange that any should be so absurd as to disturb the Peace of a Land for such a Business, as whether Persons should keep within Doors or not, in Preaching. If we were quarrelling Mr. Riddel, for Preaching simply, it were somewhat; but to condemn and irritate Authority, by Preaching to Persons without Doors, is intolerable. *Ans.* My Lord, if there were a full and free Liberty for Preaching in Houses, 'tis like, the People, in process of Time, might so accommodate themselves, that there should be no provoking the Magistracy, by any their being without Doors; but now, poor People are so dogged and distressed, that Preaching can hardly be had in Ten Miles of Way; and when I am called to preach, and scarce a House can be had that will contain Thirty or Forty Persons, and all the rest must be without, shall the People who come Ten Miles or more to hear Sermon, be thrust away as they came? Surely, if I be called to preach at all, I may not decline it in any Case. *Advocate.* I pose Mr. Riddel with this Question, If Presbyterian Government were established, and some Ministers were not free to comply with it, as it was in the Year 1648. and a Law were made, That none without Doors should hear them, would you judge it reasonable, that such Ministers should, in Contempt of Law, do as you do? *Ans.* Really, my Lord, I cannot see a Reason why Persons hearing without Doors, should be a Provocation more than within Doors; or, if one be at all permitted to preach, that it should offend, when he preaches to Persons without.

*Advocate.* Will you be content to engage not to preach in the Fields after this? *Ans.* My Lord, excuse me, for I dare not come under any such Engagement. *Adv.* This is strange, that Mr. Riddel, who has had so much Respect to Authority, as not to preach in the Fields since the Indemnity, will not, out of the same Respect, be content to engage to carry hereafter, as he declares he has carried heretofore: We are not requiring that he should not preach in Houses, albeit to Persons without Doors, but only that he will not go to the Fields and preach. *Ans.* My Lord Advocate, I can answer somewhat for the Time past, but not for the Time to come: I have not since the Indemnity judged my self under a Necessity to preach out of a House, but I know not but he who has called me to preach this while bygone in Houses, may before I go out of the World, call me to preach upon Tops of Mountains, yea, upon the Seas; and I dare not come under any Engagements to disobey his Calls. *Adv.* You can never rightly judge your self called to preach in the Fields, seeing it will be such an open Violation and Contempt of Authority. *Ans.* My Lord, I think strange you should be so peremptory in this, seeing there be both some Cases at present, wherein such Preaching cannot be offended at, as also I know not what Revolutions may be, so that they who are most dissatisfied may allow it. *Adv.* What are those Cases now? *Ans.* Both Conformed and Indulged have preached in the Fields without Offence. *Adv.* When did the Indulged preach in the Fields? *Ans.* When their Churches have been ruinous; or, otherwise they could not conveniently preach in the Church, they have done it in the Church-yard or elsewhere. *Adv.* In such Cases as those, 'tis not constructed to be against Law. *Ans.* But then, my Lord, what shall I do with my Engagement never to preach in the Fields, to know whether it shall be constructed against Law or not? Your Lordship will not allow me to sense, or put a Construction upon my Engagement my self. *Adv.* If I were of Mr. Riddel's Principles, and did judge in my Conscience, that the Laws of the Land were contrary to the Laws of GOD, and that I could not conform to them, I would judge it my Duty rather to go out of the Nation, and live elsewhere, than disturb the Peace of the Land, by acting contrary to its Laws. *Ans.* My Lord, if I do any Thing contrary to the Laws, I am liable to the Punishment due by the Law. *Adv.* That is not sufficient; a Subject that regards the publick Good of the Land, should, for the Peace and Welfare thereof, either conform to the Law, or go out of the Land. *Ans.* My Lord, I doubt that Argument would militate against Christ and his Apostles, as much as against us, who

1680

Refusing to  
engage not to  
preach at  
field-conven-  
ticles, defend-  
ed.



1680.

The Apostles  
acting contrary  
to Law.

both preached and acted otherwise against the Laws of the Land; and not only did not judge it their Duty to go out of the Land, but the *Apostles*, in the contrary, reasoned with the Rulers, *Whether it be better to obey GOD or Man, judge ye.* *Lintith.* Will you promise not to preach in the open Fields, with Allowance to preach in Houses, albeit Hearers be without Doors? *Ans.* My Lord, I am willing rather to undergo what Sufferings your Lordship will be pleased to inflict upon me, rather than come under such an Engagement. The Bishop (of *Edinburgh*, I suppose) spoke next: 'My Lord *Lintithgow*, I speak to your Lordship, I will not speak to Mr. *Riddel*; for 'tis like he will not acknowledge me, or speak to me; 'tis our Duty to have Respect for him, he is a Gentleman, and descended from an ancient and honourable Family: But I desire your Lordship to speak to him, he compares his Case with that of *Christ* and his *Apostles*; I suppose he is not ignorant, that the Thing required of the *Apostles* was, that they should not preach at all, which was a Thing that could not be yielded unto upon any Hazard. It is not denied but Mr. *Riddel* should preach the Gospel, being a Minister; for a Necessity is laid upon every Minister, and a *Wo* is unto him, if he preach not the Gospel: But all that is required of him, is but an Engagement not to preach in the Fields, which is far from the *Apostles* Discharge. Mr. *Riddel* has been speaking of his Calls, I would fain know of him what he reckons his Call: There are Calls ordinary and extraordinary; if he mean an ordinary Call, that must be determined by Authority and the Laws in being; this he cannot lay Claim unto. If he speaks of an extraordinary Call the *Prophets* and *Apostles* had, which they confirmed by *Miracles*; if he pretend to such a Call, how shall we know if he has it? What *Miracles* will he work for confirming it? *Lintith.* What Answer can you give to what is said? *Ans.* My Lord *Lintithgow*, for me to answer what has been spoken, will necessitate me to rip up the whole Controversy that is this Day betwixt the Presbyterians and Conformists, in reference to the present Schism that is in the Church of *Scotland*, which would be a more tedious Discourse than, it may be, your Lordships Patience would allow to hear; but if your Lordships be willing to hear, I shall not decline it. *Lintith.* Not so, but speak shortly to any Particular you think fit. *Ans.* My Lord, what was first spoken was in reference to the Difference betwixt the *Apostles* and my self, and I deny not a Difference as to the Thing commanded: But my alledging the Case of *Christ* and the *Apostles*, was in reply to my Lord Advocate's Argument, that we ought either to conform to the Laws, or go out of the Land; that they did not conform to the Laws of the Land, but both preached and acted otherwise contrary to them, and defended themselves with that Argument, *That we ought rather to obey God than Man*; and truly, I see not why, notwithstanding of the Difference of the Subject Matter of Controversy, it should not be as good an Argument in our Mouths, acting contrary to the Laws, as in theirs, and further than this I designed not to urge it.

His Confession  
drawn up by  
the Clerk, and  
signed by Mr.  
*Riddel*.

Here Mr. *Riddel* was stopped, and the Clerk ordered to read what he noted, which he did as follows. 'Mr. *Riddel* being called before the Lords of the Committee, and inter-rogate, whether or not, since the Indemnity, he had kept any Field-conventicles, answered, that since the Indemnity he had never preached out of a House, but refused to give his Oath upon it. Being further desired to engage not to preach in the Fields hereafter, he did refuse so to do, but said, he would rather undergo any Sufferings that their Lordships would inflict upon him, than come under such an Engagement.' This was read to him, and he appointed to sign it, which he did.

He declines  
Swearing.

After this my Lord *Lintithgow* said, 'There is one Thing I forgot to ask, Were you familiarly acquainted with that young Man apprehended with you, before your Acquaintance at *Mossat-well*? *Ans.* I was not acquainted with him before that. I have seen him before, and been in his Company, but did not know what he was till our Converse at the Well. *Lintith.* Will you give your Oath upon it? *Ans.* I have already desired to be spared as to Oaths, for I dare meddle with no Oaths at all. *Advocate.* I wonder Mr. *Riddel* should be so wilful, as to refuse to give Oath upon what he declares so confidently to be Truth. *Ans.* My Lord, there is more required for justifying an Oath, than that it be true. *Advocate.* I hope you own Authority, and are not of these wild Principles some are of. *Ans.* My Lord, I do own Authority, as knowing that the same Lord *Jesus* who commanded us to fear God, doth also command to honour the King; and as I judge it my Duty to give God what is God's, so to give Cesar what is Cesar's. *Bishop.* Strange, my Lord *Lintithgow*, that Mr. *Riddel* should peremptorily say, that he will swear no Oaths. Unlawful Oaths, I know, are to be refused, but to swear, when required by the Magistrate to confirm Truth, I humbly conceive ought not to be refused. I know none are against all Oaths, but *Anabaptists* and *Quakers*, and I hope Mr. *Riddel* is none of these.'

Mr. *Riddel* not offering to reply, Lord *Lintithgow* said, 'What have you to say for clearing in your self? *Ans.* Your Lordship and I are not upon equal Terms to debate freely Matters of Oaths. *Advocate.* Very true.' Then the Earl of *Lintithgow* told Mr. *Riddel* he might remove, and when he was half way at the Door, the Advocate said, 'Mr. *Riddel*, I am sorry that such a Person as you should drink in such irrational brutish Principles, and would



would desire you for your Good, wishing well to you, and being willing to do all I can for you, to quit them, and be better advised. *Ans.* My Lord, I have not taken up those Principles hastily and rashly, they have cost me Study and Exercise, and I have sought the Lord anent them, and find them so well grounded, that I hope through Grace I shall not soon quit them. *Adv.* Go your Way. After this Examination, he was sent back to Prison.

1680.

Mr. Riddel was again called before the Committee, December 8. where *Linlithgow* was Present; and what passed there follows.

*Linlithgow.* Sir, the Committee has been considering your Condition, and do very much incline to shew you Favour, and to have you set at Liberty: You see what a Height of Extravagancies some People are risen unto now, that we are concerned to take Notice of Persons. Therefore, we would know of you, whether you approve the Way of these who cast off the Magistrate, or not? *Ans.* I hope none questions me of being of such Principles. *Linlith.* However, we desire a Declaration from your own Mouth. *Ans.* My Lord, I do in all Humility acknowledge the Civil Magistrate; I own the King's Majesty, the Lords of his Council, and this honourable Committee, as such to whom I ow Obedience, and to be subject in the LORD. I cannot deny but I am one of those who are against Conformity in all the Parts of it; but as for the Civil Magistrate, I may confidently say, both for my self, and all true sober Presbyterians in Scotland, that we desire to pay all due Respect and Homage unto him, and to be behind in nothing reasonable, called for at our Hinds. 'Tis true, the Distresses of that Party from the Magistrate, (for sad and lamentable have their Afflictions been these Years bygone) has extorted from them more complaining and resenting of the Ruler's Carriage, than from others who have had more Countenance and Encouragement from Authority; and, it may be, an exceeding of just Bounds and Limits: And from hence hath proceeded this woful Evil of denying and casting at the whole Magistracy and Ministry in Scotland, maintaining the Lawfulness of killing and cutting off the King, Rulers, and all that do adhere to them, combining and covenanting to execute the same, excommunicating of them, and the like, which is such an Evil, as does naturally tend to the overturning all Government, and Subversion of human Society, and does indeed open a Door for every Man to kill, and do whatsoever seemeth good in his own Eyes, and pretend Religion for it; which we desire to lament, if possible, in Tears of Blood, and, we judge, hath a Language in it both to Rulers and People, both to Conformists and Nonconformists; and it were no small Mercy if we could hear the Voice of this Rod, which prognosticks some strange Thing to come; but I know no Encouragement or Obedience that we would willingly or wittingly deny to the Magistrate, except when we are put to that Strait, that we must either incur the Displeasure of our Prince or of our God; endeavouring so to carry, as no Ground of Complaint against us may be found, except it be in the Matters of our God. *Justice Clerk.* Mr. Riddel speaks of all the true and honest Presbyterians, but how shall we know whom he means by them, since *Cargill* and his Party call themselves so as well as Mr. Riddel? *Ans.* My Lord, we would be glad to know what distinguishing Character would be satisfying to you, to distinguish between the one and the other. *Justice-clerk.* I will name one: The Murderers of the Archbishop are conversing with you, are hid and entertained with you; if you would deliver up these Persons to Punishment, it would say you were not of their Ways. *Ans.* Does your Lordship think that these Persons converse with me, or such as me? they fear as much at us as any in the Land. *Justice-clerk.* Now we hear they cast at you, but you have promoted that Interest; for both *James Skene* said before the Justiciary, (when told that Presbyterian Ministers condemn them and their Way) that albeit they condemned them now, they owned nothing but what once they preached, and named Mr. Riddel for one; and likewise one *Harvey*, the other Day before us, when I asked her if she heard any Minister preach such Doctrine, told me she had heard both Mr. *Wells* and Mr. Riddel preach so. *Ans.* My Lord, I do not think it strange that these Persons say these Things to your Lordships, seeing they have the Confidence to say as much in our own Faces, and to charge grievous Things at their Pleasure upon us: But I hope your Lordships will little regard these Sayings, considering Two Things, *First*, the great Prejudice they have taken up against us, in so much that they would have us rooted out of the World, and stick not what they say or do for that end. *2dly.* Which I take to be the chief Cause, the Liberty they take in drawing Consequences from our Preachings. We preached to them the Doctrine of Repentance, they conclude they cannot be zealous enough against Sin, except they disown, yea, cut off all they judge Sinners, and then reckon that what we preached; but, my Lord, I hope none will say that I ever preached these Doctrines, which I ever judged destructive of the Principles of Nature. *Linlith.* I think that must be the true Reason. *Ans.* My Lord, there is no Minister in Scotland that Party will hear or own, but one. To this one of the Lords said, There are certainly more than one, there is *Cargill* and *Douglas*. *Ans.* I have not heard of Mr. *Douglas* being in the Kingdom of a long Time. One of them replied, He was in it lately. *Ans.* It is more than I knew of.

His second Examination, Dec. 8.

His Sentiments of the Civil Magistrate.

Of such who deny the King's Authority.

Ministers vindicated from the Ministers such as cast off the King's Authority.



1680.

*Linlith.* All the Lords incline to shew you Favour, and we would do all that lies in our Power for you, but we must be accountable to the Council for what we do; and therefore we desire you would give us some Ground to go upon for your Liberation. Will you promise not to preach in the Fields, nor take up Arms against the King? *Bishop.* He will not give such Engagements, you need not ask that. *Linlith.* But what say you? *Ans.* Your Lordship remembers the last Time I was before you, I desired to be spared. *Linlith.* 'Tis true, but we would have somewhat to report to the Council for our Exoneration. *Ans.* Really, my Lord, I have a very great Aversion at all the Oaths, Bonds and Declarations required of Subjects in those Days. *Justice-clerk.* There is no Oath required of you, but a just Promise. *Ans.* My Lord, Promises, Bonds, and Oaths are near a Kin. *Linlith.* How can you expect Liberty except you will promise not to preach in the Fields? *Ans.* I do not know, but the same Authority, now offended at preaching, may command me to preach in the Fields after this. *Justice-clerk.* If that be, he shall be allowed that Limitation in his Promise. *Ans.* My Lord, there are an Hundred Instances, which I cannot at present condescend upon, wherein a Necessity may be on Ministers to preach in the Fields, which your Lordships, if informed rightly, might allow, so that 'tis hard to come under any such Promise. *Linlith.* What Confidence can we have to expect your peaceable Carriage, when you will not give such a Promise? *Ans.* My Lord, I hope all that know me, know me to be of a peaceable Disposition, and if my peaceable Carriage will not answer for me, I shall never desire that my Promise of Peace do it. My Lord, the Fields were never our Choice, we never went to them but as Necessity drove us. *Justice-clerk.* I would like that Man best that is of a peaceable Temper. *Linlith.* What do you think of the Bishop's Murder? *Ans.* If private Persons were allowed to go out of their Station, to kill Men at their Pleasure, no Man could be sure as to his Life. *Justice-clerk.* Will you but say, that you resolve not to preach in the Fields, as long as Matters continue as they are? *Ans.* Really, my Lord, I am afraid to say, or do any Thing that has the Appearance of a straiter Hedge about the Exercise of my Ministry, than *Jesus Christ* has drawn before me. *Justice-clerk.* Sure, Men are bound to be considerate in their Preaching, and to follow a Rule; you told, I remember, before, you had not preached out of a House since the Indemnity. *Ans.* My Lord, there is a great Difference betwixt the Forbearance of an Action, when inconvenient, and an Engagement never to do such an Action, not knowing what Necessity there may be for such an Action afterwards.

Mr. Riddell  
Nine Months  
in Edinburgh  
Prison, and  
Three Years  
and a Half in  
the *Bast*.

When he would come under no Engagements, which, in his Opinion, might limit his Ministry, he was remitted to Prison. We have seen the Council's Orders about him, *December 9.* But he would never fulfil the Condition they impose on him, to find Caution *not to keep Conventicles.* And therefore, tho' the Managers were convinced of his Moderation and Loyalty, yet he continued about seven Months further in Confinement at *Edinburgh.* All the Favour shewn him, was the Exchange of that with the *Bast*, where he continued Three Years and an Half, until he was liberate upon his designed Voyage with *Pitlochie*, when we shall meet with him again.

Some other Instances of Severities, towards Presbyterians this Year, are before me, but they may come in as fitly upon the last Section, and after I have given some Narrative of Matters of another Nature, which fell in *June* and *July* this Year, upon the following Sections.

## SECT. IV.

*Of the Queens-ferry Paper, the First Declaration at Sanquhar, and their Consequents; with an Account of the Engagement at Airs-moss, July 21. 1680.*

Of the Sufferings of such who separated themselves from other Presbyterians.

**H**AVING given the State and Sufferings of the Body of Presbyterians this Year in the former Sections, I come now to narrate some of the Actings and Sufferings of a few others, who, this Year, did openly separate themselves from the rest of the suffering Presbyterians, Ministers, and others. They were the same Persons, generally speaking, who last Year broke off upon the score of the Indulgence, and were for running Matters to such Heights in the West Country Army, whom I there termed, *Mr. Hamilton's Party.* After *Bothwell*, many of them went off the Country, some to *Holland*, and some elsewhere; and this Year, several of them returned and kept together, tho' but privately, following *Mr. Donald Cargill*, *Mr. Richard Cameron*; and I know not but *Mr. Thomas Douglas* might be sometimes with them. They rejected all the rest of the



1680. set to quash the Tumult, with Power to the Party to seize suspect Persons, make open Doors, &c. an indemanding them in case of Slaughter. June 10. One Margaret Wauchop is brought in Prisoner from *Queensberry*, for being accessory to Mr. *Cargil's* escape.

When Mr. *Hall* was taken, there was found in his Pocket an untitled, *Queensberry* a rude and imperfect Draught of a Paper, called from the Place where he was taken, *Queensberry* Paper. It was never owned by Mr. *Cargil* to be a Paper he or Mr. *Hall* had finished; and it plainly appears to have been a rude Beginning in Writ, of what had been the Subject of their Conversation. The Author of *The Hind let loose*, gives an Abstract of it; and it hath been published with a great deal of Triumph, as the deed of the Presbyterians in Scotland, by the Episcopal Party, and *Scott's* Jacobites at London, with the *solemn League and Covenant* before it, and *Gib's* senseless and blasphemous Paper after it, at the End of Sir *George Mackenzie's* Vindication. I have likewise seen a Copy of it, printed by Order of the Council, this Year, at *Edinburgh*. There are Three written Copies of it just now before me, said to be writ at the very Time, and one of them bound up with some original Papers which belonged to the Clerk of the Society People, who formed themselves, as we shall hear, a little after this: All these Three agree exactly; and from them I have insert a Copy of this Paper, which made so great a Noise, *App. N. 46*. There are several Passages here which evidently shew, that this Paper cannot be charged upon the Body of the Presbyterians; and the Publishers fall in a gross Blunder, when they say it was taken on Mr. *Cargil*, it being taken on Mr. *Hall*.

It may be further observed, That the *Canonians* and Society People themselves, did not pretend to vindicate every Expression in this Paper; yea, afterwards, in some of their public Papers, they expressly disown it, in as far as it does any way import any Purpose of assuaging to themselves a magisterial Authority. And it may not be out of the Road to insert here Part of an original Letter, dated *Rotterdam*, November 22. 1680. writ by Mr. *Alexander Shields*. He declares himself indeed for disowning the Kings Authority, but tells his Friend, 'I cannot but have Exceptions against some Parts of that Paper, (the *Queensberry* Covenant) particularly the prescribing a Form of Government, fitted to the judicial Law, which is not the expedient Work of the present Day. I do not love to be censorious, especially where the Scope is to engage to Faithfulness and Zeal; but I cannot assent to the End of the sixth Paragraph, which to me seems too near Separation, declaring that any unfavourable Deportment of Ministers, or their not joining with their Brethren in the public Testimony, is a sufficient Ground of withdrawing from them. This (adds he) is not the Principle or Practice of the Church of Scotland, who have made unlawful Entries, perverse Holdings of their Ministry from another Master than *Christ*, perverting the right Ways of the LORD, or unfruitful *Plasferring*, and tampering Silence, warrantable Grounds of separation, (which may indeed score off the Bulk of our Ministry, indulged and not indulged) but never founded it upon personal Misdemeanors and Faults upon a special Occurrence: This hath been Part of the Debates here, and we should guard against Excesses on either Hand. Their Meaning may be good, but I quarrel the Expression, which, in

Conventions of this Nature, should be very distinct and clear. All the Account I can further give of the *Queensberry* Paper, shall be from a Letter I have from a Gentleman yet alive, who had much Occasion to be among the Sufferers at this Time. He tells me, 'The Notion and Practice of denying the Kings Authority, took its Rise from a Paper said to be drawn by Mr. *Donald Cargil*, by the Advice and with the Knowledge of very few, and for no other End, (as I found constantly and without Contradiction given out) but privately to be sent over to such as were banished, and fled to *Holland*, to be considered by them, and, according to their Advice, to be laid aside, or used in any future Attempt for Relief. The Messenger *Haugh-head* lost his Life, when seeking an Opportunity to go over to *Holland*, and the Paper fell into the Councils Hands, and was added to the Enquiries by them put to Persons brought before them, in which they followed the Measures of the *Spanish* Inquisition. It was interrogate, If they owned the Kings Authority, or not, and if they owned the *Queensberry* Paper or not; and this Paper being owned, or rather the Kings Authority not owned by some good and zealous Men, and this stuck to till their Death, it came to be greedily espoused by some, as a necessary Truth, to be suffered for, owned and maintained at all Hazards. The Design certainly of this Paper, was to be the Materials of a Manifesto or Declaration, on of an attempting People against the Government, furnished with some possible Means, at least in their own Apprehension, for Resistance, and was not calculate for a People absolutely subdued: This is plain from the Paper it self, and may be confirmed from Mr. *Cargil's* last Speech, where, in justifying the Denial of the Kings Authority, he only insists upon the Kings Supremacy over the Church, as it was declared to be an inherent Right, or essential to the Crown. Sure then, it is the greatest Injustice to charge this Paper upon the Whole of Presbyterians, who indeed had no Hand in it, and never approved it: No Body ever subscribed it, and

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The Society People disown it under the Name of *Shields*.

Mr. *Alexander Shields* Letter upon it, Nov. 22.

Further Account of the Letter from a Gentleman yet alive, who had much Occasion to be among the Sufferers at this Time.

Presbyterians mostly blamed for this Paper.



his Year.

He and Mr.  
Cargil in Com-  
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May and June

Discovered

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1680. am now speaking of, wherein, still maintaining his former Opposition to the Indulged, he very pathetically deals with them as to their present Separation. Some Passages of it deserve a Room here, the Letter it self being pretty long. He tells them.

That now since Mr. John Brown's Death, a great deal of Business lies upon his Hand, so that he cannot write to largely by that Bearer, nor express what is upon his Heart. I join with Sorrow for what he sees in the poor Church of Scotland, and what he foresees; and goes on to give them several Directions as to Religion; and adds, Let me beseech you to carry as not ignorant of the Devices of Satan, that cunning Wrestler, who, since he cannot carry you aside to the left Hand and Snare, will see by all Means if he can bring you to Excels upon the right Hand, which, however they may be painted over at first to make them please, yet in the Issue will prove most dangerous unto, yea, destructive of the whole of the old Cause of the Church of Scotland. Take Heed with all Fear and Watchfulness, that when you seek to stand at the greatest Distance from one Extreme, you run not to another, whereby the Cause and whole Frame of Presbyterians may be more certainly destroyed than by the other. Upon this Head he remarks, that it is the great Thing Satan is driving at, that the poor Remnant may run down one another with Division; that Separation, when not upon clear and just Grounds, is a greater Sin before God, and more wounding to the Heart of Christ than Murder, &c. because it is to dissolve the Union of his Church, and to divide Christian Society; and whosoever pleads for this, he blows that with his Breath, which Christ would quench with his Blood; How will Christ take it at any Man or Woman's Hand, to tear the Commission of any of his Ambassadors, whom he still owns as such; and withdrawing from hearing such is a tearing their Commission. He further warns them, lest when testifying against Faintings in Ministers, they be not drawn insensibly into a Contempt of the Ministry, and then into that Delusion, to think that it is the only Way to testify against what they judge amiss in the Ministry, to cast at his Ministry, and withdraw from him; whosoever adopts this Principle, and practiseth accordingly, hath not the Mind of Christ, for there are other patent and obvious Ways to witness against Evil; nay, this Way of witnessing is such as Christ will witness against, as not the Way. Then he tells them, he is about to vindicate himself and Mr. Brown, that, in the History of the Indulgence, and other Papers, they laid no Foundation for these Excels on the right Hand; and adds likewise, he must publicly witness against the Courses of many who rashly withdraw from Ministers, who are and will be owned as Christ's Ambassadors; and tells them, when he perceived some who came over to Holland, (last Year I suppose) running to these Extremes, it brought him to the very Gates of Death: And says, If the Principle whereby they defend their Practice were owned, it would infer the Dissolution of the visible Church, and all Society; and complains these Persons have withdrawn from Mr. Hogg and him, and broken Two Societies at Rotterdam and Utrecht: Therefore concludes he, My dear Friends, see to your selves in Time, and so much the more, that Persons once engaged in these Excels seldom retreat.

Conclusion to the next testimony against Corruptions.

The aggravated Evil in separating from Ministers.

Part of a Letter from Mr. Robert M'Quarrie to one of them.

This long Citation, if I mistake not, will not be unacceptable to some of my Readers. I am willing to believe this Letter was useful, at the Time when it was writ, to several, tho' it had not that Weight with many that the Writer desired; and the Reasonings of this pious, zealous and learned Minister ought to have Weight with some in this Church at this Day. The Persons who had, as we heard, violently opposed the Indulgence last Year, and were now dividing themselves from all the outed Ministers, after more private following Mr. Cargil and Cameron, came more openly to discover their Sentiments in the Declaration published at Sanguhar, July 22. this Year, and the Affair of the Paper taken upon Haugh-head at Queensferry, was the Occasion of this, and therefore I shall begin with it. This Paper, sometimes called the Queensferry-Paper, sometimes Mr. Cargil's Declaration, hath made such a Noise in the Episcopal Pamphlets, that I must give the Reader a particular Account of it, and how the Managers came by it.

Remarks on it.

The Queensferry Paper the Occasion of their Declaration at Sanguhar.

Account of the Paper taken at Queensferry upon Mr. Hall.

His Character.

Henry Hall of Haugh-head in the Parish of Eckford in Teviotdale, upon whom the unscribed Paper was found, which made all this Noise, was a Friend and Relation of the Earl of Roxburgh. He had been very religiously educated, and early began to shew his Zeal for what he took to be the strictest Side, and, in the Time of the lamentable Differences upon the publick Resolutions, he was a violent Professer, and used to leave his own Parish Minister, and ordinarily heard Mr. John Livingstone at Ancrum, who, as hath been noticed, was of a very healing Spirit, and far from encouraging such Practices.

After the Restoration he was a strict Nonconformist to Prelacy, which brought him under many Hardships, so that he was obliged to leave his Estate, and to retire from the Storm into the North of England, about the Year 1665. In the Year 1666, he was taken when coming towards Pentlands, and with some others imprisoned in Cessford Castle, whence he got out by the Favour of the Earl of Roxburgh. He retired again to Northumberland, and was very much beloved there for his Care, and the Pains he took to get many rude and ignorant



1680.

the Presbyterian Ministers of this Church, indulged and not indulged, as some way or other involved, as they thought, in the Evils of this Time of Defection.

From Mr. Richard Cameron a young Man lately ordained, of whom more in this Section, who were named Cameron and Society People.

they had the Name of Cameronians. Next Year, when we shall hear they began to meet in their own names and Society People.

Societies, and had a general Meeting quarterly, or oftner as the Times would allow, they term themselves, The Societies united in Correspondence. And by those Names, wherewith they distinguished themselves from other Presbyterians through this Church, to whom some of the warmer Sort of these People, in some of their Papers, give very harsh Names, I shall now and then speak of them in the following Part of this Work.

Several Considerations engage me to give what Accounts of their Actions and Sufferings, the Papers come to my Hand afford me: In England, and other Places where our Scots State and Society were in this Period.

Every Thing these People did, is very much aggravated and misrepresented. The Prelatis a- and even what they did, is very much aggravated and misrepresented. The Prelatis a- mong our selves help on this Mistake, and are very willing to confound the Two Parties might Sufferers in this Period, tho' they cannot but know, how much the Two Parties might have been differed. And 'tis certain, it fared much worse with the whole of the Non-

conformists from Prelacy; for the Lengths these People ran to at some Junctures, and the Prelates, who lay at Catch for a Handle to infligate the Government against Presbyterians, improved what fell out this Year extremely. Since Bishop Sharp's Death they had not yet appeared to virtulently, as that Apostate did, being, it may be, sensible of his pushing Matters too fast and far; but they and their Clergy failed not to improve these Incidents we shall hear of, into Methods more furious and violent. Besides, there were among these People a good many of a moderate and healing Temper, tho' many Times they were overdriven, and many excellent Persons of eminent Piety and Seriousness, whose Zeal brought them to be carried into the Measures of some others, who had not their Piety and Religion; and a great many, by reason of the common Danger, and a wandering Lot, were obliged to be with them, who did neither approve of their Extremities, nor countenance them; and vast Numbers of the more common Sort knew Nothing of their Heights, but were with them, and owned some of their Principles, out of a sincere Regard to the Reformation Rights, and solemn Covenants of this Church, without being capable of knowing the Con-

sequences. In short, all of them, as far as ever I could find, were sincere Protestants, and firm in their Opposition to Popery, as well as Prelacy, and upon that score, came under the greatest Difficulties and Hardships, under the Reign of a Papist; therefore I saw no Reason to pass their Sufferings, tho' in some Things I cannot agree with them, as to the Cause upon which they stated them. And I with the fair and just Accounts I shall endeavour to give of them, might have some Influence, to open the Eyes of those, who pretending to follow them, separate from this Church, when we are under such Circumstances, as, I dare say, the most Part of the highest Fliers at this Time, would have rejoiced to see the Church of Scotland in, and heartily joyned in Communion with her under them, as undoubtedly

the most knowing and serious Part of them did at the Revolution.

As a Historian, it is not my Province either to condemn or approve, what they or other Presbyterians did, but to narrate Matter of Fact, as far as my Information carries me; yet besides the common Apology for them and others too, from the Oppression of this Period, I must do them the Justice, as to acquaint the Reader, that he will find their own Defences, which they published by that Party: And tho' I am satisfied, several Things done by them, and declared advance for themselves, in the *Informatory Vindication*, the *Hind let loose*, and other Papers

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Their own Accounts of their Principles and Practices, as to be found in the *Informatory Vindication*, the *Hind let loose*, and other Papers. And yet when I consider the Warmth of some of their Tempers, the almost invincible Ignorance their Circumstances put some of them under, their Converts only with those of their own Party, their Want of Ministers to direct them for some Years, when they refused to hear any Presbyterian Ministers, till they got one who was very much obliged to follow some of their Managers, their Divisions among themselves, and above all, the Rigour and Barbarity with which they and all other Presbyterians, yea, even the more moderate Sort of the Episcopal Way, and every Body almost who had any Seriousness or Concern against Popery, were treated with, I really wonder many went not far greater Lengths.

We have seen the Occasion and Beginning of this Division among suffering Presbyterians, was taken from the Indulgence; and this Year, it was run to a Separation from all the ousted Ministers; the Evil of this was perceived, when it was too late to recover many from it, by the Remains of the banished Ministers in Holland. Accordingly I have before me a Letter from Mr. Mcward written this Year, to some of the People I am



and even the *Society* People never owned it, but in as far as it was agreeable to the Word of GOD, and our *Covenants*; and Mr. *Cargil* himself did not defend every Thing in it: So that the Clamour raised upon this by the Prelatits, is every way groundless. It may be I have spent too much Time upon it; but this Paper did very much exasperate the Managers, since it was indeed a disowning of the Government; nevertheless, there was not the least Shadow of charging it upon the whole suffering Party. However, this was the first Appearance against the King's Authority, and I am ready to think that it was upon this foot the *Sanquhar Declaration* came to be drawn in a few Days. The People who drew it, I know, had a mighty Veneration for Mr. *Cargil* and *Haugh-head*, and how far the Substance of the Paper might be communicated to them, I know not: However, their Sentiments must be taken not from it, but their own Declaration, which further imbittered the Managers; and it is high Time next to give some Account of that.

1680.

After Mr. *Cargil's* narrow Escape at *Queensferry*, he fled into the South, where several of his Friends were hiding and wandring, Mr. *Richard Cameron* and some others, whose Names are insert in the Proclamation I shall just now refer unto. They had now broke out from all the rest of the Presbyterian Ministers, and others through the Kingdom, who could not reject the King's Authority, and came to state their Sufferings and Testimony upon that Head, and herein they stand by themselves. After some Meetings for forming their *Declaration*, they came together in Arms to the small Burgh of *Sanquhar*, upon the 22 of June, in Number about Twenty Persons, and *Michael Cameron* read the *Declaration* at the Cross, and they left a Copy of it affixed there. The *Declaration* it self I have insert App. N<sup>o</sup>. 47. and, from the Place of its publishing, 'tis ordinarily termed the *Sanquhar Declaration*.

The *Sanquhar Declaration*, June 22.

App. N<sup>o</sup>. 47.

In this they were not only alone, and had none of all the Presbyterian Ministers in Scotland approving them, as themselves acknowledge and regret; but even afterwards, when a little cooler, they amend and explain several Expressions in this Paper; and the Reader will find their Defences of it, and Explications, in their *Informatory Vindication*, Head II. P. 63, &c.

The *Society* People afterwards smoothed some Expressions in it.

Many Papers passed upon this Subject at this Time. Mr. *Richard Cameron* wrote a short *Vindication* of this *Declaration*, which was carefully spread. A very worthy Presbyterian Minister, lately got to the Joy of his Lord, wrote a Letter in the Name of Scots Presbyterians, disclaiming the *Queensferry* Paper, and this *Declaration*, and shewed how far the Principles advanced in both were contrary to the Presbyterian Principles of this Reformed Church. Sir *James Turner* wrote some farcassical and bantering Papers upon this Head, and was taken up by some Body or other, whom he answered in more earnest, and the Debate ran to a very great Length. All those, and other Papers on this Head, I have just now before me, but shall dip no further into this Debate, which lasted some Time.

Papers written upon it are and con.

This Matter of disowning the King's Authority, is that which hath been and still is most ly made use of, to asperse the Whole of the Sufferers of this Period. The Body of Presbyterians are most unjustly loaded with it. Comparatively but a very few ran this length. Mr. *Cargil* himself, in his Speech before his Execution, qualifies very much his Refusal to own the King's Authority, and precisely insists upon his *Supremacy over the Church*, as declared to be an inherent Right and essential to the Crown. No doubt this *rejecting of the King's Authority*, when unhappily broached at this Time, was espoused by several of the haratted and persecuted Sufferers, and some few died, refusing to own Authority; some run this Debate very high, and their Arguments are set down at full length in the *Hind let loose*; others merely disowned the King, because of the persecuting Course he was put upon by the Prelates and Statesmen, not being able to distinguish here, as they ought to have done.

Observations upon the Charge against the Presbyterians, as denying the King's Authority.

To set this Matter in as fair a Light as I can, it will not be unfit to insert Part of a Letter to me from the abovementioned Gentleman, who was very much among the Sufferers, from the Year 1680. to 1685. upon this Part of their Practice. 'There were (says my Friend) some wild and unaccountable Notions and Practices in this Period, to which no charitable Construction is due, but the Height of Abhorrence: Yet perhaps, upon a due Consideration of Things and Circumstances at this Time, a considerable Measure of Charity is owing to such, who only scrupled to own the Magistrate's Authority, and pray for him in the Terms dictated to them. Tho', I do not say, they are to be justified; yet it may be reckoned an Act of Justice to the Dead, to set their Principles and Practice in a due Light, when they are quite misrepresented, both by such who pretend to be their Admirers and Followers, and by their Enemies: And I must be allowed to know somewhat of them, having been present for several Years among them, when this Matter was tossed and most debated. The Grounds then upon which I observed they went, were these. 1<sup>st</sup>. The *Supremacy over the Church* being legally declared and assumed by the King, as essential to, and inherent in his Dignity and Office, therefore the Acknowledgment behoved to be in the Terms of the Establisment, and thereby, as they thought, his *Supremacy* justified. 2<sup>dly</sup>. The King's Perfidy, Vitioufness, Persecution and Oppression of good Men, according to their Views, made him unworthy of Rule and Government over a reformed People; and albeit the Nation was wanting to their Duty in not depriving him, yet they alledged they could not be

Part of a Letter to the Author upon this Subject.

Grounds some went upon in disowning the King's Authority.



1680.

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June 30.  
App. N<sup>o</sup>. 48.  
Reflections  
upon it.

wanting to theirs in disowning him, and testifying against these. And it was hard, yea, almost impossible to prevail with many of them, to conceive of, or allow any Difference 'twixt the Acknowledgment of the Authority, and the justifying the Abuse of it in unlawful Acts, and the Exercise of it to bad Ends. 3dly. That the Obligation of the Covenants bound them to oppose the Courses of the Time, being directly contrary thereunto, and when they could not forcibly oppose them, by reason of the general Apostacy of many, and Lukewarmness of others; yet they reckoned themselves bound to testify, and bear witness against the Breaches of them, even to the Death: And here it was likewise as hard to make them understand, that the Covenants bound them to no Opposition, but what was agreeable to their Stations, and according to their Ability and Opportunities, yea, to Nothing, but what, as Christians and baptized Persons, they were bound to. As for their refusing to pray for the King, some of them indeed scrupled the Terms GOD save, as a bidding him GOD speed in his Persecution, and as a Term demanded of, and dictated to them for that Purpose; and alledged the Practice of the primitive Christians, not only in refusing to deliver up their Bibles when required, as a Token of renouncing of Christianity, but even any other Book or Piece of Paper, which in other Circumstances they might have lawfully done. I do not remember that ever I conversed with one of the Sufferers, and I talked with most or all who suffered until August 1685, who scrupled to pray for the King in their own Terms, viz. for Repentance and Salvation to his Soul.

And as to their leaving their Blood upon their Enemies in general, or upon particular Persons accessory to their Trouble, I could never understand that they meant more by it, than the fastning a Conviction upon a brutish persecuting Generation, who vainly justified themselves as acting by Law, and inferred, that not they, but the Legislator were answerable if any Injustice was done.

Their practising and promoting Separation, was the most unaccountable Thing I observed in their Way, and evidently came from their Ignorance and narrow Spiritedness, which brought them to think, that no Body could oppose Evil and promote Good, but in their Way, and according to their Scheme. This way Breaches increased, and the little Strength we had was quite broken; all Charity was swallowed up in misconstruing and condemning others: And even such, who went together in Arms for Defence of the Gospel, rather hung than clave together; and some of the more judicious among them, what from the Indifference of some, and the irregular Heats of others, made the Grave at Ains-moss, and other Places, a very sweet Sanctuary, and most welcome.

In short, our Condition for some Time looked desperate; the Ministry was contemned, and the more judicious quite discouraged in their Endeavours to regulate the Zeal of the weaker and more unexperienced Set of People. It will still be found a dangerous Thing for People to be prejudiced at their spiritual Guides, and 'tis very hazardous for Ministers to give either Cause or Occasion for People to stumble at them, and far more to foster Prejudices in them; and I am of Opinion, that few, or no good Men have ever trode that Path, but have very soon found themselves out-run in Singularities, by those to whom they taught them, and have had Returns of the same Jealousy and Distrust, which they indulged as to others. This evidently appeared at this Time I am giving you an Account of.

When the Accounts of this Declaration came to the Council, they write to Lawderdale, June 30. That they had with Horror read the Paper taken on Mr. Cargil and Mr. Hall, and excuse their not giving an Account of it sooner to the King, for several Reasons. They add, While we are searching into this, a more execrable Paper was sent in by the General, published at Sanquhar, after a solemn Procession and singing of Psalms by One and twenty Men, with whom was Cameron. Of both which we send attested Copies. There is a Party of these Villains in Arms, about Seventy Horse, all clothed and mounted, most of them Ruffians and the Scum of the People; in Quest of whom the General has sent several Parties. They send also up the Proclamation they emit this Day, and desire the King's further Directions. By a Letter dated July 5. The King approves of what they have done, expects they will continue their Diligence, and use all lawful Means to bring these Rogues to exemplary Punishment. And to the end, that dutiful and loyal Subjects may be informed, and have a just Abhorrence of such Principles and Practices, the Council are authorized to cause print and publish that Covenant and Declaration, with such other Papers as they think fit to be published on this Occasion.

The Proclamation published June 30: I have added App. N<sup>o</sup>. 48. Reflections upon it are the less necessary, because this plain disowning the King's Authority was certainly irritating, and a Colour for any Severities that may appear in it against the Persons named, who no doubt had laid their Account with the worst the Government could do against them: Yet it is evident, the first Branch of the Narrative runs on what is not Matter of Fact, viz. that Mr. Cameron, his Brother, and Mr. Douglas had entred into that Covenant taken at Queens-ferry, out of which the Expressions are cited. This is but a Fetch to expose those People more,



more, and it is certain that Paper was never finished, far less entered into; 'tis but too ordinary in publick Papers of this Period, to load the whole of a Society with that which any of them does, and others also who are no way concerned. The Method laid down by the Council for discovering these declared Traitors, appears most improper, and needlessly vexatious to the Liges, and, for what I know, was never used in any well ordered Government. The setting a Price upon Traitors Heads, and offering a Reward to such as shall discover them, hath still been reckoned sufficient; but this Method is now unreasonable, to put all Men and Women above the Age of Sixteen Years, in so vast a Bounds as is mentioned in the Proclamation, 20,000 or 30,000 Persons, to their Oaths, if they saw any of them, and to discover any lurking and hiding Persons, under the Pain of being reputed Traitors themselves. Many worthy Persons were at this Time forced to hide and lurk, no way concerned in this Declaration, whom a good many of the Inhabitants of these Places would by no Means inform against, and so did not compare at the Courts appointed. The Heritors are obliged to give their Returns upon Oath, and so new Vexation came to many innocent and religious People, who had no Share in this Declaration.

Thus the Land mourned because of Swearing; and Oaths, unnecessarily multiplied, lost their Design, and the Lord's Name was profaned. Indeed at this Time the Solemnity of an Oath, the great Tie of human Society, and Basis of civil Government, was so weakened, and Peoples Consciences debauched, with so many, and sometimes contradictory Oaths, that Atheism and Irreligion broke in like an overflowing Flood, and all Bounds were loosed: And as if this had been too little, the same Imposition of swearing all Persons, is extended over all the Kingdom, in case the suspected Persons go out of the Places named. Besides all this, Five thousand Merks are offered to any who discover Mr. *Richard Cameron*, and Three thousand for Mrs. *Cargil*, *Douglas*, &c. Perhaps 'tis scarce worth while to add, that Ten thousand Merks are offered for the Discovery of the Murderers of Archbishop *Sharp*, and but Three thousand for these reputed Murderers of the King. After all, I question if Mr. *Thomas Douglas* was at *Sanguhar*. I find no Accounts of any preaching in the Fields after *Bothwell*, except Mrs. *Cargil* and *Cameron*; yea, Mr. *Cameron*, in one of his Papers before me, complains, that he applied to several Ministers not indulged, to preach with him, but says, None would joyn, the Times being so very hazardous.

1680.

Oaths sadly  
abused, and un-  
necessarily  
multiplied.

Joynly with this Proclamation, the Council take surer Methods than that of Oaths, for reaching such whom they had declared Rebels, and order most Part of the standing Forces to the West and South. I find Seven Troops of Horse, with a Regiment of Foot, in *Galloway*, and the adjacent Places, under the Earl of *Linlithgow*, Major *Cockburn*, *Strachan*, *Claverhouse*, and others. They pretended to seek after Mr. *Richard Cameron*, and his Followers, but under this Colour, all were again oppressed who had been at *Bothwell*, or had been denounced Fugitives for Noncompearance at Courts. And in short, all Nonconformists to Prelacy were haralled, the whole Country was depopulated, and dreadful Oppressions and Severities committed.

The Army  
oppress the  
Country very  
much at this  
Time.

The General now having the Army at his Command, without waiting the Council's Orders, I cannot give their Motions from the Registers as formerly. But June 30. I find the Council recommend to him to order out the Forces in different Parties, to search for and apprehend the Persons named in the Proclamation, and bring in them and their Accomplices dead or alive, and that he call such of the Nobility and Gentry as he shall see fit, with their Dependents, to his Assistance. They also write Letters to the Sheriffs in the West and South, 'That it belongs to their Office to prosecute Rebels and Traitors, till they apprehend them, or drive them out of their Bounds, and for that end to call the Heritors and Freeholders to their Assistance, and they are required so to do as they would shew their Zeal for his Majesty's Service.'

Council's Or-  
ders to the  
Sheriffs to  
assist them.

Under all this, it was Time for the People who were concerned in *Sanguhar* Declaration, to look to themselves, and some few got together merely to defend themselves. I find from the Judiciary-registers in the Process against *Potter* and *Stuart*, November this Year, which shall be noticed in its own Place, that a little before *Airs-moss*, and after *Sanguhar* Declaration, Mr. *Richard Cameron*, his Brother, the said *Potter*, *Stuart*, and about Thirty others, did enter into a mutual League for their mutual Defence, the Original whereof signed by those Persons was produced in that Process, and I shall insert it here as its proper Room.

These concern-  
ed in the  
*Sanguhar* De-  
claration enter  
into a Bond  
of mutual De-  
fence.

WE Undersubscribers bind and oblige our selves to be faithful to God, and true to one another, and to all others that shall joyn with us in adhering to *Rugland* Testimony, and disclaiming the *Hamiltoun* Declaration, chiefly because it takes in the King's Interest, which we are loosed from by reason of his Perfidy, and Covenant breaking, both to the most high God, and the People over whom he was set, upon the Terms of his propagating the main Ends of the Covenants, to wit, the Reformation of Religion, and instead of that, usurping to himself the Royal Prerogatives of Jesus Christ, and incroaching upon the Liberties of the Church, and so stating himself both in Opposition to Jesus Christ the Me-

Copy of it



1680.

diator, and the free Government of his House; as also in disowning and protesting against the Reception of the Duke of York, a profest Papist, and whatever else hath been done in this Land, (given to the Lord) in prejudice of our covenanted, and universally sworn to Reformation. And altho', as the Lord, who searcheth the Heart, knows we be for Government and Governors, both Civil and Ecclesiastick, such as the Word of God and our Covenants allow, yet by this we disown the present Magistrates, who openly and avowedly are doing what in them lies, for destroying utterly our Work of Reformation from Popery, Prelacy, *Eraastianism*, and other Heresies and Errors; and by this we declare also that we are not any more to own Ministers indulged, and such as drive a sinful Union with them; nor are we to joyn any more in this publick Cause with Ministers or Professors of any Rank, that are guilty of the Defections of this Time, until they give Satisfaction proportioned to the Scandal and Offence they have given.'

This League and Combination, as the Registers term it, is much of the Temper with *Sanguar* Declaration, only it seems about Thirty of them subscribed it, and it went no further. One needs not be surpris'd to find them taking all the Precautions they can for their mutual Safety, and yet, it seems, very few joyned in this League and Association, anent which I know no more but what I have set down.

Outrages of  
the Soldiers in  
their ranging  
up and down.

Mean while, great Numbers of Soldiers were quartered upon Country Families, and where they lodged one Night, they eat up as much Provision as they could, and brought in Sheep and Cows and killed them, without paying any Thing; they put their Horses into the Meadows and the standing Corn, and either eat them up, or trode them down; any Horses they saw feeding, or found in Houses, they seized, and made the Owners pay their Worth, or took them with them: All the Houses in their Rout were perfectly spoiled, and one Troop and Company coming upon the Heels of another, any Thing left by the first, was quite consumed by the After-comers. Dreadful were the Ravages they made upon the Sabbath-days throughout all the Country round them. I have seen Sums of almost incredible Losses sustained this way, in the Parishes of *Carsphairn*, *Dalry*, *Balmaclellan*, *Corsmichael*, and many other Places whither the Soldiers came.

Rencounter at  
*Airs* or *Airs-  
moss*, July 20.

*Rathillet's* Nar-  
rative of it.  
App. No. 49.

Further Ac-  
counts.

While the Soldiers are thus ranging up and down, the Rencounter at *Airs-moss*, in the Parish of *Auchinleck* in *Kyle*, falls in July 20. this Year. The Advantage got there by the regular Forces, both encouraged them, and very much discouraged the Sufferers. It is but a very imperfect Account of this I can give, and to supply the Want, I have App. No. 49. subjoyned *Hackstoun* of *Rathillet* his Account of it, in a Letter to his Friend July 25.

All I need further notice is, that Mr. *Richard Cameron*, *Rathillet*, and the few Persons with them, were very unprovided, and perfectly surpris'd by *Earlshall* and his Party; the King's Soldiers were trained, well armed, and, generally speaking, Horsemen, and numerous. The Party accidentally with Mr. *Richard Cameron*, were but Twenty three Horse, and Forty Foot, very ill armed, expecting no such Attack. *Earlshall* had more than double Horse to these who were with Mr. *Cameron*, and General *Dalziel*, and the most Part of the Forces were very near. The Country Men posted themselves upon the Entrance to a Moss, resolving to charge the King's Party briskly when they came up. This the Horsemen did, and broke through the first Line, killing severals; but their Foot not advancing, but only firing, the few Horse were quickly surrounded by their Enemies, neither asking nor giving Quarters. *Hackstoun* of *Rathillet*, whose Horse stuck in a Bog, and he being perfectly disabled by Wounds, with some others, were taken. The Foot received little or no Hurt, retiring into the Moss, whither the Soldiers could not follow. The Soldiers owned that the Country Men behaved themselves with the utmost Bravery, and very few of them who engaged, escaped, being overpowered with Numbers, and the King's Horse being in good Tilt.

Mr. *Richard  
Cameron* killed.

His Character.

Mr. *Richard Cameron* was killed upon the Spot, and his Head and Hand cut off by *Robert Murray*, and carried in to the Council, who ordered them to be set up on the Nether-bow Port in *Edinburgh*. I need add little as to his Character; he appeared with much Warmth against the Indulgence, and when licensed, mostly by the Interest of Mr. *John Welsh*, who was very far from approving the Heights he went to, he was the first who preached Separation upon that Score. He went over to *Holland* before *Bothwell*, and was indefinitely ordained; and when he came home, none of the Ministers joyned him save Mr. *Donald Carnegie*. Several Meetings of Ministers used their utmost Endeavours to divert him from preaching Separation, but did not prevail. *Henry Hall* was with him in most of these Conferences, and very much supported him.

Others killed  
at *Airs-moss*.

*James Gray* of  
*Carsiston* young-  
er, his Cha-  
racter.

His Brother *Michael Cameron* was likewise killed in this Engagement, as also Captain *John Fowler*, *John Gemble*, *John Hamilton*, *Robert Dick*, *Thomas Watson*, and *Robert Paterfson* in *Kirkhill* of *Camnethan*, of whom I have the Character that he was a singularly pious and zealous Youth. *James Gray* younger of *Christoun*, Son to *James Gray* of *Christoun* in *Calder* Parish, was likewise killed. I have his Character from a Person of very good Sense, who knew him fully; and he signifies to me, 'That tho' these Men and their Conduct at *Airs-moss* have been very meanly spoken of, yet he can allure me several of them were worthy Persons;



Persons; and particularly Mr. Gray was a Youth of good Parts, high Courage, and pious from his Infancy: At that Time he was swallowed up of his Zeal for, and Sympathy with the Truths and People of God; and being a sturdy healthy Man, in the Heat of his Youth, he could not be off the Field of Action, where any was; yet he was sorely crushed, and broken with the Divisions of the Time. Mr. Cameron was observed to pray, when under the Views of this Engagement, *Lord, take the ripest, and spare the greenest*; and this was evidently to be seen in this Youth, he was Drop-ripe for this Change, burdened in Spirit with the Evils and Breaches of this Time, and he most forwardly engaged. The Soldiers owned he was the Person who mauled them most. Several of his Companions there were of his Temper, and the ripest were indeed taken. We want not other Instances of pious Persons, essaying impracticable Things, and perishing in the Attempt, which flowed from Zeal, and was mixed with Self-resignation, and they have been rather esteemed heroick, than mad and irregular.

No doubt others were killed at this Rencontre, but these are all I have any certain Accounts of. There were taken Prisoners *David Hackstoun* of *Rathillet*, who was, as we heard, present at the Death of the Archbishop, but would not be concerned any way in it. Likewise, one *Manuel* in *Shots* Parish, who died of his Wounds, and harsh Treatment after them, just as he entred *Edinburgh* Tolbooth; and *John Vallange* of the Parish of *Auchinleck*, died of his Wounds the Day after he was brought to *Edinburgh*, most christianly and cheerfully, as I have it from a Person of Honour who was with him at his Death. Besides these, *Archibald Alison* in the Parish of *Evandale*, and *John Malcom* in the Parish of *Dalry*, were taken, and, as we shall hear, were executed; and by one of *Hackstoun's* Letters, I find another in Prison with them for the same Cause, *John Pollock*, who was put in the Boots, and endured the Torture with much Firmness and Cheerfulness; but I have no more about him. This is all the Account I can give of this Engagement at *Airs-moss*. The Executions and Persecution upon the Back of it, will make up another Section.

Persons taken Prisoners.

## SECT. V.

*Of those who were executed after Airs-moss, and other Branches of Persecution which followed it; of the Torwood Excommunication, the Proceedings of the Council on it, and some more Executions in the Close of this Year.*

Every Attempt of the oppressed to recover their Liberty, when disappointed, increaseth their Misery; and every Struggle, when it cannot be gone through with; galls, and does but make the Chains more uneasy: So it was after *Pentland* and *Bothwell*, and all the Attempts for Self-defence in the persecuted Party.

Thus it was after *Airs-moss*: Those who were taken were executed as Traitors; Three of them within a very little after that Scuffle, and Two more in the Close of the Year.

Persons executed as Traitors after Airs-moss.

I come now to give some Account of the Government's Procedure against them. *David Hackstoun* of *Rathillet* was the most noted of the Prisoners; and, besides what hath been already dropt anent him, I shall only further remark, That he was a good Gentleman in *Fife*, and once a Comrade and Intimate of the Chancellor's. I am told he was without any Sense of Religion in his younger Days, but getting Good of the Gospel preached in the Fields, and having thereby a real and thorough Change wrought upon him, he left all to follow it, and at last sealed it with his Blood. His Letter, Part of which is already insert in the *Appendix*, and the rest printed already, *Cloud of Witnesses*, p. 26. gives some Account of his Trial; and what I now add shall be from the Registers.

Hackstoun of Rathillet's Character.

Upon the Accounts of his being taken, the Council, *July 24.* give the following Orders about him. 'The Magistrates of *Edinburgh* are appointed, as soon as the Body of *D. Hackstoun* of *Rathillet* is brought to the *Water-gate*, to receive him, and mount him on a bare-backed Horse, with his Face to the Horse's Tail, and his Feet tied beneath his Belly, and his Hands fligh-tered with Ropes; that the Executioner, with Head covered, and his Coat, lead his Horse up the Street to the Tolbooth, the said *Hackstoun* being bare-headed; that the Three other Prisoners be conveyed on foot, bare-headed, after him, with their Hands tied to a Goad of Iron: Ordain the said Executioner to carry the Head of *Cameron* upon a Halbert, from the *Water-gate* to the Council-house; that no Meat or Drink be given to *Hackstoun* after he is in Prison, but what is prepared in the Master of the Tolbooth his House, and given by him; that none speak with him, or any Letters be conveyed to him; that the Master of the Tolbooth have a special Care of his Person, as he will be answerable, Life for Life.' One of the

Council's Orders, June 24. to the Magistrates of Edinburgh about him.



1680.

the Bailies of *Edinburgh*, and *John Vane* Master of the Tolbooth, are called, and those Orders given them. No Reflections are necessary upon these severe Orders. In the Afternoon, he and the other Prisoners were examined before the Council, but the Particulars are not inserted in their Books. July 27. they order the Advocate to pursue a criminal Process against him upon *Thursday*, and reserve the Appointment of the Time, and Manner of his Execution to themselves.

His Carriage  
before the  
Council.

By other Accounts, I find that upon the 24 of *July*, he was brought before the Council, and tho' he answered very boldly, and with much Openness, without the least Reserve, yet they threatened him with Torture; which, as it was inhumane and unjust in most Cases, so it was barbarous in his; for his Wounds were many, and his bodily pain and Weakness very great; yet being a Person of extraordinary Courage and Boldness, the Threatning did not at all move him. He declined their Authority, and refused to sign his Declaration; and, if I mistake not, he was the first of the Sufferers of this Period who refused to own the King's Authority.

Council's Act  
about the Man-  
ner of his ex-  
ecution, the  
Day before his  
Trial.

July 29. the Council, the Day before *Rathillet's* Trial, determine the Manner of his Execution: They well knew his Judges would find him guilty, yet this seems an extraordinary Step. It stands in their Books as follows. 'That his Body be drawn backward on a Hurdle to the Cross of *Edinburgh*; that there be an high Scaffold erected a little above the Cross, where, in the first Place, his right Hand is to be struck off, and, after some Time, his left Hand: Then he is to be hanged up, and cut down alive, his Bowels to be taken out, and his Heart shewn to the People by the Hangman; then his Heart and his Bowels to be burnt in a Fire prepared for that purpose on the Scaffold: That afterward his Head be cut off, and his Body divided into Four Quarters; his Head to be fixed on the *Nether-bow*, one of his Quarters, with both his Hands, to be affixed at *St. Andrews*, another Quarter at *Glasgow*, a Third at *Leith*, a Fourth at *Burntisland*; that none presume to be in Mourning for him, or any Coffin brought; that no Persons be suffered to be on the Scaffold with him, save the Two Bailies, the Executioner and his Servants: That he be allowed to pray to God Almighty, but not to speak to the People: That the Heads of *Cameron* and *John Fowler* be affixed on the *Nether-bow*: That *Hackstoun* and *Cameron's* Heads be fixed on higher Poles than the rest.' These Orders, with such as were before given at his coming into *Edinburgh*, are so spiteful, inhumane, and barbarous, that I wonder how they were fallen upon by the Managers, or what they could design by them.

He is indicted  
before the Ju-  
sticiary, July  
30.

In the Books of Justiciary I find his Process, July 30. 'He is indicted, for being at *Bothwell-bridge*, in the Form above narrated, and for drawing, with Mr. *Richard Cameron* and Mr. *Donald Cargil*, Two treasonable Papers, the *Fanaticks Covenant* taken at *Queensferry*, and the *Sanguhar* Declaration; that in *July* instant, he attacked and fought with a Part of his Majesty's Forces, commanded by the Laird of *Earlshall*, and thus levied War against the King; and that upon *May* 3. 1679. he assaulted *James* Archbishop of *St. Andrews*, discharged several Shots at him and his Daughter, and when he came forth, and on his Knees begged Mercy, so inhumane and sacrilegious was he, that he pitied not his gray Hairs, nor the Shrieks of his Daughter, but murdered him on the Place; and, in token of his Guilt, did not compear at the Head Town of the Shire, when ordered so to do by the Council's Proclamation, upon the Pain of being counted accessory to that Murder; and that he had declined the Authority of the Justiciary, and of his Majesty.

His Declina-  
ture to the Ju-  
sticiary adduced  
for Probation.

It seems he had compeared before the Justiciary, *July* 28. and declined them; and for Probation, his Declinature is adduced by the Advocate, as follows. 'Edinburgh, *July* 28. In Presence of the Lords of Justiciary, compeared *David Hackstoun* of *Rathillet*, and declares he declined the King's Authority, and the Authority of the Commissioners of Justiciary, as his Judges, and obstinately refuses to sign this Declinature, as being before Persons who are not his Judges: He refuses to answer anent the Murder of the late Archbishop of *St. Andrews*; and adds, That the Reasons of his Declinature are, because they have usurped a Supremacy over the Church, belonging alone to *Jesus Christ*, and have established Idolatry, Perjury, and other Iniquity in the Land; and, in prosecuting their Design, and in confirming themselves in their usurped Right, have shed much innocent Blood: Therefore, he, as adhering to *Christ* his Rights and kingly Office over the Church, declines them who are his open Enemies and Competitors for his Crown and Power, as competent Judges, and refuses to sign his Declinature dictated from his Mouth. Upon which the Advocate takes Instruments, and requires the Lords to sign it in his Presence; and the Advocate further takes Instruments, That the Pannel caused delete the Word *refuses to deny*, and made it run, *refuses to answer* as to the Murder of the Archbishop of *St. Andrews*. Extracted, &c.

Further Proofs  
of the Libel.

For further Probation, *Andrew Bruce* of *Earlshall*, and a Soldier, depone as to *Airs-moss*. *William Wallace*, Servant to the late Archbishop, depones, He searched the House of *Mortoun*, and *Rathillet's* Sister told him, her Brother and *Balfour* of *Kinloch* had been there, and at the Murder. *Abraham Smith*, Servant to the late Archbishop, depones, He saw the Pannel on a light coloured Horse, at some Distance from the Coach, and that he took the same Horse in *Mortoun* House, and hoped to have taken the Pannel there, who escaped.

*Rathillet*,



*Rathbillet*, when in the Pannel, again declined the King's Authority, and adhered to his former Declinature, and charged the Lords, who should condemn him, to answer for his blood; and refused to answer or deny any thing anent the Archbishop's Death: And being questioned, if he made his Escape out of the House of *Morroon*, when pursued by the Archbishop's Servant, refused to answer; but declared he had made many as remarkable Escapes as that was, within these Two Years.

The Ailize brings him in guilty, and the Lords sentence him to die that Day, at the Cross of *Edinburgh*, in the Manner we have heard. The Sentence was executed with great Solemnity and Severity, tho' he was a Gentleman of good Descent, excellent Parts, and remarkable Piety, and his Body terribly mangled, and he dying of his Wounds. After his Hands were cut off, which he endured with great Firmness and Patience, he was drawn up to the Top of the Gallows with a Pulley, and, when choked a little, let down alive within the Hangman's Reach, who opened his Breast with a Knife, and pulled out his Heart, which moved upon the Scaffold. Then the Executioner stuck his Knife in it, carried it about the Stage, and shewed it to the Spectators, crying, *Here is the Heart of a Traitor*. And then the rest of the Sentence was executed, as above. What he left behind him, which he would have spoken at his Death, if permitted, hath been once and again printed, and I swell not this Work with it. This barbarous Procedure did very much discover the malicious Temper of his Persecutors, and imbittered the Spirits of a great many.

Upon the 4 of *August*, I find the other Two Men, who had been taken at *Airs-moss*, before the Justiciary, *John Malcom* of the Parish of *Dalry* in *Galloway*, and *Archibald Alijon* of the Parish of *Evandale* in *Clydsdale*. Their Indictment runs in common Form. They confess they were at *Bothwel-bridge*, and at *Airs-moss*, and receive their Sentence to be hanged at the Grass-market upon the 11 of *August*. That Day, or, as other Papers make it, the 13. they were executed, and died in great Assurance and comfortable Hopes of well-being. Their Speeches and Testimonies are lately printed in the *Cloud of Witnesses*, and so I have passed them here. Thus all were cut off whom they caught at *Airs-moss*. We shall presently meet with some others dying for being there, who fell into their Hands afterwards.

When thus the Managers had dispatched as many as they could of that inconsiderable Handful, surprized and dissipated at *Airs-moss*, this did not prevent their going on in harassing and spoiling the Country. Many Parties of the Soldiers had fresh Orders given them to search up and down, and quarter in different Parishes in the West and South, that they might be in Readiness, and at the Catch, when any of the persecuted Party were heard of.

Thus I find Captain *Inglis*, with his Troop of Dragoons, in *August* and *September*, sometimes in one Parish, and sometimes in another, for some Weeks, making the most diligent Search for Persons who had been Hearers of Mr. *Cameron*, or yet heard Mr. *Cargil*. And I cannot help observing more than once, because it frequently falls in my way, that upon every new Incident which exasperated the Government, and brought the merciless Soldiers upon the poor Country, they not only look'd after the Persons suspect to be guilty as to what they came to search after, but went as far back as *Pentland*, yea, I may say, the *Restoration*; and all Nonconformists, every Body suspected to have been at *Pentland*, all intercommuned Persons, Conversers with them, every one who was alledged to have been at *Bothwel*, and all Noncompleers at Courts, yea, the very Families and Relations of such, felt their Fury and Violence.

In the Parish of *Carsphairn*, I find *Inglis* with his Men persecuting violently in *September*. Parties were continually searching, by Night and Day, in that and the neighbouring Parish of *Dalry*, for such who had been Hearers of Mr. *Cameron*. The Soldiers were particularly set upon the finding out of *John Frazer*, and *John Clark*, Two pious worthy Country Men, who, they alledged, had been very intimate with Mr. *Cameron*. Frequently the Soldiers misted them very narrowly, and these Two, as well as many others, were trysted with very remarkable and providential Deliverances, from those who were hunting after their Life. Several Instances whereof are before me.

*Robert Cannon* of *Mardrogat*, who once had a Profession of Zeal and Seriousness, was singularly useful to the Soldiers, in discovering the Haunts and Hiding-places of the Wanderers. This Man, as we have heard, was at *Pentland*, but was lately gained by the Managers, and now turned profane and wicked: His Lewdness, Blasphemy, Cursing, Swearing, Cruelty and Dissimulation, were notour in that Country; and, as Apostates generally are, he was very bloody. He got Money at *Edinburgh*, and undertook to lead the Soldiers to Mr. *Richard Cameron*. And when the Duke of *Tork* came down this Winter, he made his Boast, that he had directed *Earlshall* to him, but for any Thing I can find, without any Ground; for the Rencontre was unforeseen. About this Time *Cannon* is made Collector of the Cess and Excise in *Carsphairn*, and the Neighbourhood; and *Inglis*, *Livingstone*, and other Commanders of the Parties who ravaged up and down, made their Searches, and did every Thing almost by his Direction.

In their Searches through that Country the Soldiers used to gather, and where they were unwilling to seize all the Men in the several Country Houses and Villages, and bring them together

1680.

Rathbillet adheres to his Declinature.

Sentence executed with Solemnity.

John Malcom and Archibald Alijon sentenced Aug. 4 and hanged Aug. 11.

The Soldiers continue harassing the Country.

Particularly Captain Inglis.

Strict Searches for Mr. Cameron's Followers, particularly John Frazer and John Clark.

Cannon of Mardrogat, now a profane Apostate, very useful to the Soldiers in discovering the Haunts of the Wanderers.



1680.

Courts held in  
Terms of the  
last Proclama-  
tion.

gether to one Place, then Cannon was sent for, and he knowing many of them, and the Sufferers in those Bounds, they were kept or let go according to the Information he gave about them. And many such Informers there were at this Time, in divers Places up and down.

Courts were held, when these Searches were making for Mr. Cameron's Followers, in the Terms of the Proclamation last spoken of. The most Part of the Heritors were unwilling to obtemper the Proclamation, and the Officers of the Forces took this Work in their Hands, and great Multitudes were put to their Oath in a most arbitrary Manner, and their Inquiries were extended to all the Branches of Nonconformity. The Officers made their Mercat upon Absents, and such as came not. Courts of this Nature were held at new Gal-loway, and other Places this Harvest.

Mr. Donald Car-  
gil continues  
preaching in  
the Fields.

Mean while, Mr. Donald Cargil, the other Minister concerned in Sanquhar Declaration, and now the only remaining Preacher at Field-conventicles, is wandering up and down as he best might, and now and then preaching in Places at greatest Distance from the Soldiers.

At the Tor-wood  
he pronounceth  
the higher Ex-  
communication  
on the King,  
Duke of York,  
&c.

In September this Year, he had a large Meeting at the Tor-wood in Stirling Shire, where, without any Concert, and to the Surprise of many, he pronounced the Sentence of the highest Excommunication upon many of the most eminent Persecutors of the Lord's People. This Step of his was approved by none that I know of, but his own Followers, who now set up themselves in Distinction from the rest of the Presbyterians in Scotland, and refused to partake in Ordinances dispensed by any Presbyterian Minister, till Mr. James Renwick came home to them from Holland, about Three or Four Years after this.

The Abstract of this unprecedented Excommunication, plainly disagreeable to the Rules of this Church, and our known Presbyterian Principles, the Reader will find in the *Hind let loose*, Page 138. and the Form of it, in the *Cloud of Witnesses*, Page 265.

By Papers before me, I find Mr. Cargil lectured, after a Preface wherein he gave some Account of his Design, upon Ezek. xxi. 25, 26, 27. and preached from 1 Cor. v. 13. and then went forward to denounce the highest Sentence upon the King, the Duke of York, the Dukes of Monmouth, Lawderdale, and Rothes, General Dalziel, and the Advocate. And in the Afternoon he preached from Lam. iii. 32. I shall give no Abstract of the Sermons, we may easily guess the Strain they ran upon.

Remarks upon

This Step of Mr. Cargil's hath been Matter of much Reproach and Ludibry to the Enemies of the Church of Scotland, whereas they do but expose themselves in charging it upon other Presbyterians, since every Body knew Mr. Cargil was perfectly alone in this Matter. However, I cannot but remark here, that the Jeerings and Scoffs upon this Step, came very awkwardly from the Mouths and Pens of the Asserters of the Hierarchy and Canons, and Advocates for the Practices of the Church of England.

This Excom-  
munication  
awkwardly  
scoffed at by  
the Asserters  
of the Hiera-  
chy, and some  
way is sup-  
ported by the  
Scots and English  
Canons.

Both our Scots Canons 1636. and the English Canons begin with *Anathema's* against all who do any Thing against the Government by Archbishops and Bishops, &c. by which, not only the Parliaments of both Kingdoms, but even their blessed Martyr King Charles himself, *ex post facto*, comes in under their solemn Excommunication. And in Ireland and elsewhere, they did actually excommunicate many worthy Ministers, and others eminent for Religion, Learning and Usefulness; to say Nothing of the Slur this casts upon all the reformed Churches. Neither shall I add any Thing upon these Peoples common Prostitutions of that awful and tremendous Sentence, in Cases which relate to the smallest trifling civil Matters, while in the mean Time the lesser Excommunication, the Rail our Lord hath set about the holy Mystery of his Supper, is perfectly neglected, and People every way unfit, forced to participate, as a Test for their Admission to civil Places. I know these scandalous Prostitutions of holy Things, are a Burden to the better Sort in England and Ireland; yet the Reflection upon them, and their own Share in continuing these Abuses, ought, methinks, to silence the high Fliers, and restrain them from their Invectives upon Presbyterians, as to this Matter I am now upon.

These Observes are not made to vindicate Mr. Cargil's Practice, but, if possible, in Time coming, to prevent Railing against this Church upon this score, who are indeed no way concerned in it: And it was pronounced upon Persons of a quite different Character and Practice from such, whom the Persons they admire have anathematized. After all it was observed, that most of the Persons excommunicated at this Time, had somewhat remarkable in their Exit, tho' that may be far better lodged at the Door of their own loose Lives and Practices, than of this Sentence. This Step did further exasperate the Government against the persecuted Party, yea, tho' very groundlessly, against all Presbyterians.

Three others  
executed for  
Field-conven-  
ticles at the  
End of this  
Year.

Toward the End of this Year there are others executed for Field-conventicles, and being at *Airs-moss*. After the Duke of York came down in October, the Persecution turned yet more severe. I shall only hint at the Processes of Mr. Skene, Archibald Stuart, and John Potter, and leave several other Things might be brought in here, to the last Section.

Mr.



Mr. James Skene, Brother to the Laird of Skene in Aberdeen Shire, was seized in November. He was but lately brought over to follow the Gospel preached by Presbyterian Ministers; and coming South not many Weeks ago, fell in with some of Mr. Cargil's Followers, and upon hearing him was much taken, and for some little Time he haunted his Sermons, but was no way concerned in *Bothwel*, *Airs-moss*, or *Tor-wood* Excommunication, these all being before he came South. He was soon informed against, and taken up as a Hearer of Mr. Cargil. When brought before the Council, he could only be staged for hearing Mr. Cargil, which he owned, as likewise his Opinion anent the Lawfulness of the Riling at *Bothwel* and *Airs-moss*, and did not disapprove of the *Sanquhar* and *Queens-ferry* Papers. Upon which he was remitted to the Justiciary to be tried for his Life, tho' except in Point of Opinion, he was accessory to none of these.

1680.

Mr. James Skene Brother to the Laird of Skene taken in November, and remitted to the Justiciary.

His Examination, Letters, and Testimony are lately published in the *Cloud of Witnesses*: And some of his Ways of expressing of himself, as to those Heads he was but lately acquainted with, in his fervent Zeal, are so liable to Exception, that the Collectors of that Book find it proper to caution their Readers with some marginal Notes, for clearing the Sense in which they would have them taken.

Account of him in the *Cloud of Witnesses*

I am very unwilling to say any Thing that may seem harsh upon the Expressions of any of these, who, from a sincere Regard to the Truth, suffered in this Period; no doubt some of them were liable to Mistakes in some Things; for my Share, I cannot but lothe the Severity, Craft, and Cunning of the Persecutors, which drove them to such a Length in those Matters, which I yet cannot see how to vindicate. Certainly there is a remarkable Difference 'twixt the Testimonies of those who died after *Pentland*, and, generally speaking, till this Year, and these which now come upon the Field; and sometimes I wonder to find some zealous and serious Persons, after this, in their Papers adhering to the Testimonies given at *Pentland*, and yet now running to a Strain far different from these. No doubt Matters were considerably changed to the worse in Fourteen Years Time, but as far as I can yet see, the Principles now advanced, would have led the Owners of them some further than these who went before saw proper to go, had they suffered in their Time.

The Testimonies of some now, differ much from the former Sufferers.

As to such who drew these Testimonies, I am apt to think, they were so straitned in Prisons and Irons, and hindred from a full pondering of what they left behind them, by the deep Impressions they were under of the Wickedness of the present Courses, that they have not adverted to the considerable Difference 'twixt the former Testimonies and theirs. Others of the Sufferers, who were not indeed in Case to draw Papers themselves, and, I am informed, had their Testimonies writ for them by some of the warmest of their Way, and approved the Draught when read to them, are yet less to be considered here. I am apprehensive the common Enemies to, and Slanders of these Sufferers will notice this, as likewise their waving of several Things before the Council and Justiciary, in which they came to be very positive when going into Eternity, now when they are at such Length published in the *Cloud of Witnesses*; otherwise I should have been altogether silent upon this Head.

Observes upon them.

And therefore upon this Occasion, once for all, I take the Liberty to notice, that the Party who published them, and the Collectors of the *Cloud of Witnesses*, have not duly considered the Consequences of propaling such a Collection of Letters, Answers, and Testimonies, in such an Age as this is, and what Advantages their Adversaries, and the common Enemies of Religion may make of several Expressions in them now made publick; and however they may please themselves with the Thoughts, that their own Party is strengthened, by picking out, and exposing to the World the Papers in that Book, and passing not a few of a more moderate Strain, yet I am obliged to add, that I fear in the Issue it be no great Service to the Interests of Religion, and the Kingdom of Christ. I know Defences and Explications may be given of unguarded Expressions, which may give the greatest Handle to such who seek it; but I doubt if even these will fully take off what may be objected against them.

And their being published in the *Cloud of Witnesses*

It is certain, and they know it better than I, that Mr. Renwick himself, and others when they came to more calm and solid Views of Matters in their after Papers, smoothed several Expressions in the Declarations and Testimonies of this Day, and gave the Sense, wherein they approved, and adhered to them in far more moderate Expressions; and one would have expected, that when it did appear that such unguarded Ways of speaking, were known to be Matter of Reproach and Upcast to Enemies, as well as Sorrow and Offence to Friends, such a Collection wholly upon the one Side, would not have been printed and published; yea, I am of Opinion, the exposing them as they have done, will be of no Service to themselves, considered as a Party. They have indeed the Assurance, *Pref. p. 21.* to score off the noble Earl of Argyle, and other Worthies, from the Number of Sufferers for Presbyterian Government, allowing them to be Martyrs for the Protestant Religion, because their Testimonies (as they conceive) were not concerted according to the true State of the Quarrel: But I am perswaded, this Innuendo will never lessen the fixed and glorious Character of those excellent Persons; however, it may give some People who wish none of us well, Oc-

Remarks upon the Choice made of the Testimonies published in that Collection, and Collectors their omitting those who came not up then Length, and then I inuendo upon the Earl of Argyle, and others.



1680.

casion to say, that the State of the Quarrel they are so fond of, must be somewhat different from the Protestant Religion.

The rest of the Sufferers in this Church, who adhered to the sound and real Presbyterian and Reformation Principles of this Church, must not (according to them) come in for a Share in this State of the Quarrel; and I am of Opinion, they would not have been fond of stating their Sufferings as some in this Collection have done. I shall only wish that Papists and Prelatists may have no Ground from what is gathered together here, to bespatter the Protestant Religion, and Presbyterians in the general. I have made this Reflection, not as a Tach upon the Persons who suffered in the Period before me, for I am sensible much may be said in their Defence, at least for alleviating what Heights they went to, which, in the mean Time, will not lessen the Indiscretion of publishing all they have writ and said; but merely to prevent, if possible, the ill Consequences which may follow to Religion in general, and to take away any Occasion some may hence take of charging this Church with what is now published, as the Sentiments of Presbyterians.

Mr. Skene before the Council, Nov. 13. with their Procedure with him.

But to return to Mr. Skene, I shall first give what Hints I meet with in the Council-records about him and his Fellow-sufferers, and then the State of their Process from the Justiciary-books. November 13. the Council meet extraordinarily, upon Notice that some Prisoners are sent in by the General; and James Skene, Archibald Stuart, and John Spreul are before them, and examined. Their Answers are not recorded, but said to be *in scriptis*. At this Time, I find few of the Examinations of Persons before them are recorded in the Registers, and so I can give the less Account of them, save in Cases when produced by the Advocate before the Criminal Court, as Proofs of their Indictment. We shall afterwards meet with Mr. Spreul, and one Robert Hamilton, proceeded with him, and I delay giving any Account of them till it come in next Year. At the same Time, Harvey, a Woman in *Borrowstounness* is before the Council, and refuses to answer. They are all remitted to the Justices, that they may call them before them in a fenced Court, and take their judicial Confession; and their Confession before the Council is ordered to be sent to the Clerk of the Justiciary. That same Day, *post meridiem*, a Communion is granted to the Earl of Linlithgow, Perth, Lord Ross, Treasurer-depute, Advocate, Justice-clerk, and the General, to meet on Munday, and call before them James Skene, and the other Prisoners, and if they find them disingenuous, as to the Discovery of the Harbourers of Mr. Donald Cargil, that they examine them by Torture, and report. November 15. They report they had examined Archibald Stuart by Torture, *prout in scriptis*. The Council ordain him further to be examined, if John Spreul was in Company with him, and Cargil, on Thursday last, and the Advocate is ordered to form a Dittay against James Skene, upon his Confession: And November 18. Warrant is granted to Advocates to plead for Mr. Skene and the other Prisoners, and the Magistrates of Edinburgh are permitted to allow them free Prison and Converse.

He is before the Justiciary Nov. 22. and sentenced.

Mr. Skene is before the Justiciary November 22. where he is indicted, 'That he treasonably owned the Rebels at Bothwell and Ayr-moss, and ratified the same before his Royal Highness and Council, as well as the Proclamations at Rutherglen and Sanquhar, and owned the wicked and treasonable Excommunication at Torwood.' For Probation was adduced his own signed Confession, which he now adhered to before the Court. They sentence him to be hanged at the Cross, upon the 24. and his Head to be afterward cut off, but the Council dispense with this and some other Circumstances of his Sentence, and allow him to be buried.

He is reprieved till Dec. 1. when he was executed. His Letter upon this to Mr. Smith.

Upon his Petition to the Council, he obtained a Reprieve for Eight Days, that he might consider what he said. It was said, that a Person who was very warm, and had great Weight with him, charged him to stand to his Confession before the Council, and not retract, and urged peculiar Arguments, otherwise he might have been brought to some Condescensions. What was in this I know not, but I find him expressing himself upon this Head, in an original Letter to Mr. Walter Smith, in my Hands, to this Purpose. 'As for my Simplicity in yielding to carnal Relations to the wounding my Heart, I leave you to my Testimony. My suffering shall, I hope, be my Joy; my Remission would be easily had, but I will not accept, since I have done no Wrong. He hath remitted and pardoned all my Backslidings, and refreshed my Soul many Times this Day, November 30. 1680.' He was hanged with other Two I shall just now speak of, December 1. merely for his professed Opinion, without any Act charged upon him.

Remark on some Passages of Mr. Skene's Papers now published.

In his Papers left behind him, and, as hath been noticed, now published, Mr. Skene charges Mr. John Carlyle with calling him a Jesuit. Mr. Carlyle, as shall be noticed in the next Section, came to some Trouble about this Time, and disowned Mr. Skene's Tenets, and owned the King's Authority. In Charity I shall believe, that Mr. Skene was informed, that the reverend Mr. Carlyle had said so; but the same Charity, and Mr. Carlyle's known Tenderness and Temper, forbids me to believe he said so. Some ignorant Person hath informed Mr. Skene of this, and thereupon he leaves his Blood upon Mr. Carlyle, as well as the Duke of York, and other Persecutors. Mr. Skene likewise notices, that the Council offered him a Delivery,



delivery, if he would submit to the Duke and Council's Mercy; what the Import of this was do not know, but in the ordinary Sense of the Words, it needs some Explication to make the refusing of it tenable. I know well, by subdalous Proposals, and captious Questions, great Endeavours were used to shake the Sufferers; and their Difficulties were great who came before Courts at this Time. And I am very far from peremptory judging this Gentleman or others, not fully knowing their Circumstances, but I must blame the propaling those Things to the World, without obviating the bad Improvement Adversaries may make of them. This, and several other Things I have noticed, make me with the Consequences of publishing private Letters, and other unripe Papers, had been more pondred before it had been ventured on.

November 24. I find John Potter Farmer in Uphall in West-lothian, and Archibald Stuart of Borrowstounness, staged before the Judiciary. The last was at Airst-moss, but the first had not been in Arms, and they had nothing to lay to his Charge but hearing Mr. Cargil, and his Opinion in owning the *Sanquhar* Declaration. They are indicted for rathabiting and approving of *Bothwell* Kissing, and the other Rebellion carried on by Mr. Cameron and David Hackstoun of Rathillet, for being at Airst-moss, at Torwood; and that they and their Accomplices, to the Number of Thirty, among whom were Mr. Richard Cameron and Mr. Thomas Douglas, at a Muir near Galloway, did in Summer last enter most treasonably into a Bond, League, and Combination among themselves, not only without Warrant, but contrary to Law, wherein they took off their Allegiance to his Majesty, and treated of Matters of Church and State treasonably, their Subscription to which they had judicially owned.

The Tenor of this Bond is set down Page 139. The Probation was, their own Confession of several of the Articles libelled before the Council. Archibald Stuart had been put to the Torture by Order of Council, and a Confession of his being at Airst-moss was extorted, and he likewise discovered a great many of Mr. Cargil's Haunts, and Places of hiding. Their Sentence is to be hanged at the Market-cross of Edinburgh, December 1. and accordingly Mr. Skene, and these Two were executed. The Testimonies left behind them the Reader will find in the *Cloud of Witnesses*.

Thus this Year ended with Blood, and we shall find the following Year beginning with shedding more Blood on these same Accounts. I come now to end this Section, with the further Procedure of the Managers against Mr. Cargil and his Followers, at this Time. We have already heard of Mr. Cargil's Excommunication, which could not but irritate the Government: We shall also afterwards hear, that they were galled with some Books and Pamphlets, lately imported from Holland; and the Apprehensions of Attacks designed upon some of their Persons, heightened all. Accordingly, November 13. Powers are granted to Linlithgow, Bishop of Edinburgh, and others, to search for Mr. Cargil, and seize such who have resort or conversed with him. It seems, they were informed he was in Edinburgh. Next Day, Robert Hamilton, Son to the Chamberlain of Kinneil, is taken up as having been at the Conventicles of Torwood and Largo-law.

November 22. the Council publish a very severe Proclamation against fanatical Conspirators, &c. which stands App. N<sup>o</sup>. 50. This Proclamation is artfully enough drawn, and contains a Deduction of Things speciously set together, to load the Sufferers as guilty of very evil Things. The large Deduction of Matters of Fact pointed at in it, already given in this History, will take off any Impressions that the Narrative may leave, and so I need say the less upon this Paper.

It needs no Refutation, when the Penner of the Proclamation brings the King in as careful to preserve the Protestant Religion in its Purity. Care is taken in what follows, to confound these concerned in *Pentland* and *Bothwell*, with the Persons who made the Attempt on the Prince, and published the *Sanquhar* Declaration, and excommunicated the King. I hope, by this Time, the Reader will be able to distinguish them. The short-lived *Indulgence* after *Bothwell*, is brought in to aggravate the Charge: But neither were any of the People, now alleged to be in a Conspiracy, comprehended under it; neither did it ever come to any Effect, being soon cramped and marred; otherwise, 'tis probable, many of the Evils in the following Years might have been prevented: And this Branch comes ill from the Party who marred the King's Favour. 'Tis Pedantry not to be answered, to add, That *Pentland* and *Bothwell* were so many running Field-conventicles. The Charge that follows is as ill grounded as the Narrative, That these People had entred into a Plot and Conspiracy to kill the King, his Brother, the Bishops, and I know not how many more. *Nephthali*, *Jus populi*, the apologetical Narration, give not the least Colour to the Doctrine of Assassinations. The *Queensberry* Paper does not either, as far as I have observed, countenance them, neither was it the Deed of any Society. The *Sanquhar* Declaration indeed disowns the King as such, and so does the other Bond spoken of above; but neither of them, as far as I have observed, do countenance Murder and Assassination, nor even the Excommunication of Torwood: But I leave these Papers to be vindicated by such who approve them; the Consequence fixed on them by the Proclamation I have not yet seen. The Paper, called in the Proclamation, the *treasonable Bond and Combination*, hath been already considered. I do not find, by any Pa-

1680.

John Potter and Archibald Stuart before the Judiciary, Nov. 24. and executed with Mr. Skene, Dec. 1.

Further Procedure this Year against Mr. Cargil and his Followers.

Proclamation against Conspirators, Nov. 22. App. N<sup>o</sup>. 50. Remarks upon it.



1680.

pers in the Process, that Mr. Skene, Stuart, and Potter assert, it was their Duty to kill the King and his Brother; and, till I see that proven, I must take this Assertion only as a supposed Consequence, from their denying the King's Authority, the Justice of which I am yet to learn. Upon these Reasons, they declare these People Traitors, appoint all to treat them as such, and promise 5000 Merks to any who shall apprehend Mr. Cargil, 3000 Merks for Mr. Douglas, and 1000 Merks for any of the rest. And this Proclamation, to wound all Presbyterians, and these People in particular, is ordered to be read in all Parish Churches of the Kingdom. Upon the Whole, if any of these People did own the Lawfulness of killing the King, or his Brother, &c. no Body can, or will, I hope, offer to vindicate them.

However, the Noise of this alledged Plot and Conspiracy was of Use to the Managers, and they made it a Pretext to palliate their Severities against them and many others, whom they could never find concerned in any of these Papers.

Council's Letter, No. 22. to the King. App. No. 51.

Remarks on it.

That same Day, the Council write a Letter to the King, and send it with a Copy of the Proclamation. I have added it App. No. 51. It seems to be calculate to vindicate their own Severities against the People whose Lives they were taking, and to stir him to new Severities against all the Sufferers. The Remarks made upon the last Proclamation are applicable to this Letter, and I don't repeat them. I only add, That they here lay the whole Stress of the alledged Design of Assassination upon it. Stuart's Confession, which being in the Extremity of Torture, and not relative to any Design formed, but a Declaration merely of his own Opinion, that it was lawful to kill Persecutors, cannot reasonably be charged upon Mr. Cargil and his Party, who absolutely disclaimed any Design or Principle of Assassination.

George Piper in Aberdeen, before the Council for Conventicles, &c. and some others.

Little further offers from the Registers. In December, George Piper in Aberdeen, Prisoner for Correspondence with Mr. Skene and Mr. Cargil, is liberate, under Bond of 10000 Merks, to compare when called. He is soon called before the Committee for publick Affairs, who report to the Council, December 9. That he denies Converse with Mr. Cargil, disowns all bloody Principles, confesses Conventicles in his House, and refuses to refrain from them. They ordain him to be fined for Bygones. At the same Time, the Advocate is ordered to process George Johnston, James Stuart, George White, and William Dick, Prisoners for the Rebellion, and being at Torwood Conventicle. Christian Spence, Sarah Spence, and Janet Smith, having been Two Months in Prison for the last named Conventicle, being poor and ignorant, are ordered to be liberate; with Certification, if they be found at Conventicles again, they shall be scourged. We shall, next Year, find Mr. Cargil himself taken, and put to Death, and many brought to Trouble for hearing him.

## S E C T. VI.

*Of some Proceedings in Council; the Trial of my Lord Bargeny, and other incidental Matters which fell out this Year.*

**H**AVING, in the former Sections, kept pretty much to the Series of the various Persecutions the suffering Party in Scotland underwent this Year, I come now to glean up some other Things which did not so easily come in with what is above, and yet serve to give Light to the History of this Year.

The Episcopal Clergy in Scotland generally against introducing the English Worship here, yet some for it.

There had been Essays among a few of the Clergy, to have the more pompous and splendid Worship of the Church of England introduced into Scotland, as had been projected, and brought a good Length by the Laudian Faction, in the 1636, and 1637. But, for any thing I can learn, most Part, by far, of our Episcopal Clergy, did not relish this foreign Worship; besides that, we were absolute Strangers to it since the Reformation from Popery, the Distinction and Independency of the Two Churches, was found most agreeable to the Temper of the Nation, already very much under English Influence, since the Union of the Crowns. The few who were for this Novelty, struck in with some Noblemen and others, who were under the Direction of the High-fliers, in Ceremonies and Forms in England, and resolved to make an Experiment of setting up that Service more privately, by Authority of Council: Accordingly, I find an Act of Council past to this purpose, which follows from the Registers.



Edinburgh, February 12. 1680.

1680.

THE Lords of his Majesty's Privy Council, having considered a Representation made to them by some of their own Number, That divers Persons of Quality, and others of this Kingdom, were very desirous to have the Allowance of the Use of the solemn Form of Divine Worship, after the laudable and decent Custom and Order of the Church of England, in their private Families, do hereby allow of the same, and give Assurance to them of the Council's Countenance and Protection therein.'

Act of Council allowing it in Families, Feb. 12.

I cannot find that this Allowance tempted many to fall in with this Novelty in Scotland; Matters were not come to the Pass with the Episcopal Clergy here, that they were at, when this same Game was plaid some few Years ago: They had not a Popish Pretender to bring in under the Shadow of this Worship; they were not depending for their Subsistence upon the High-fliers in England; and therefore, tho' this Project was favoured by several who were the great Supports of the arbitrary and oppressive Methods used in Scotland and England, as it hath been still ordinary for Persons of arbitrary Principles, contrary to the Liberty of the Subject, to set up highly for Forms and uninstituted Worship; yea, tho' the Duke of York, and the Popish Party were fond to have the publick Worship of Scotland brought some Steps nearer their Liturgy and Missale yet it did very little take in Scotland. I only remark further, That when our Scots Council are paving the Way for introducing the English Liturgy and Forms, I find, by some Letters before me, that the gallant Patriots of the English House of Commons, who were making so noble a Stand against Popery, by the Bill of Exclusion, were beginning to speak of removing the Liturgy and Ceremonies, at least of bringing in a Bill to reform them, and put a Stop to the violent urging and pressing of them.

Different Temper of the former Episcopal Clergy, from that of some of them at present with the Reasons.

English Patriots, at the same Time, for removing or reforming their Liturgy.

February 17. the Duke of York went back to London. I find, January 31. he acquaints the Council, 'That he was suddenly called to Court by the King; that it was with great Trouble he was to part with them, having met with so much Civility and Kindness here; that he would acquaint the King, that he had in Scotland a loyal Nobility and Gentry, and a Council, and other Judicatories, filled with loyal Persons; that he would still be ready to serve them. He recommended to them the Peace of the Kingdom, and wished the Council would make a just Representation of him since his coming among them, and let him know what he should represent to his Brother concerning the Rebels, and Absents from, and Deserters of the King's Host: Of the which Affairs, the Advocate being present, did fully lay the State before his Royal Highness. After which, the Chancellor represented the Happiness of this Kingdom, in his Presence, and how much they were obliged to his Advice and Conduct, and that they were ready to venture their Lives and Fortunes to do him Service; and they would represent to his Majesty, the Advantage they had by his Royal Highness's Presence, tho' they could never do it sufficiently.' February 15. the Duke takes his Leave of the Council: Compliments are renewed as above; and the Council grant a Protection to the Highland Clans, and agree to a very large Commission for the Peace of the Highlands, and the Copy of a Bond to be signed by the Clans, which the Duke takes with him for the King's Approbation.

What past 'twixt the Duke of York and Council, when he returns to England.

The Council, in answer to the Duke's Desire, write a very singular Letter to the King, which is so much out of the common Road, in its fulsome Compliments, that I insert it here, as one Instance of that abject slavish Spirit the Oppression of others, in their Consciences and Liberties, hath brought some unto.

Council's Letter, Feb. 17. to the King, about the Duke of York.

May it please your Majesty,

THE Remembrance of having been under the Protection of your Royal Family, above Two thousand Years, of having been preserved, by their Valour, from the Slavery to which others were so often reduced, and of having received from their Bounty the Lands which we possess, hath been very much refreshed and renewed by having your Royal Brother among us, in whom we have seen that Moderation of Spirit, and Equality of Justice, that is remarkable in your sacred Race, and hath raised in us a just Abhorrence of these seditious Persons, and pernicious Principles, which would lead us back to those dreadful Confusions which grew up by Degrees, from tumultuary Petitions for Reformation and Parliaments, to a Rebellion that in the last Age destroyed both, and which must do so still, since all who think that Subjects should direct their King, design nothing, in effect, but to be Kings themselves: The Convictions of all which, did prevail so far with all Degrees of Persons, and with Persons of all Perswasions here, that it has been easily observed, our Nobility and Gentry of both Sexes, attended their Royal Highnesses with much Joy and Affiduity, expressing, in all their Confluences, great Respect and Satisfaction, that even



1680.

ven the most malicious abstained from all Manner of rebellious Risings, and undutiful Speeches: No Breach of the Peace, no Libel, no Pasquil, having been ever discovered during his Abode here; so that this too short Time has been the most peaceable and serene Part of our Life, and the happiest Days we ever saw, except your Majesty's miraculous Restoration. And now, that your Majesty has thought fit to have him near your own Person, we hope the great Success he has had, in understanding both Men and Business among us, by his easy Access and constant Application, which will enable him to understand our Affairs and Interests, with which we trust him, and much more than we can this, or any other Papers we can send you. His Countenance hath much encouraged the orthodox Clergy, without being grievous to such other Protestants as differ from them: He hath quieted our Highland Eruptions, without encouraging any Opposition to Law, of which he told us he would always be most exactly careful, as being the common Tie, as well as Security, between King and People; and he hath, both by his Example and Discourse, recommended so to us Loyalty to your Majesty, as our own national Interest, and Moderation one to other, as the only Mean to fortify and unite us against the undermining Designs of such as would infallibly make us Slaves, as they did formerly, that we hope these Impressions shall not wear out while we live, who have been so happy as to know him at this Time; and for which Happiness we can make your Majesty no other Return, save to assure you, That with our Hearts, our Lives and Fortunes, we will maintain your sacred Majesty, and your Royal Successors, in the ordinary Degrees of Succession, according to their unalterable Right of Blood, which you and they only derive from God Almighty, whom you represent, and to wish that his Royal Highness may meet every where that Satisfaction and Tranquillity he has occasioned, and that Kindness and Affection which his Merit has raised in,

Edin. Feb, 17.  
1680.

May it please your Majesty,

Your most loyal, most dutiful, and most faithful Subjects and Servants,

Rother Lord Chancellor,  
St. Andrews,  
Athole,  
Privy Seal,  
Douglas,  
Argyle,  
Marishal,  
Murray,  
Linlithgow,  
Wigtoun,

Perth,  
Queensberry,  
Airly,  
Dundonald,  
Cathness,  
Lord Bishop of Edinburgh,  
President,  
Treasurer-depute,  
Register,

Advocate,  
Justice-clerk,  
Lord Collingtoun,  
John Drummond of Lundie,  
L. Justice-general,  
Sir And. Ramsay,  
Sir John Wauchop,  
Sir Geo. Kinnaird,  
Sir Geo. Gordon.

With this Letter to the King the Council send another to *Lawderdale*, signifying that, What is in the King's Letter, is the common Sentiments of all who had the Happiness to know his Royal Highness, and is so deeply fixed, that publick Judicatories, and private Families are expressing more Kindness for his Person, and Grief for his leaving them, than can be transmitted in Paper; and all are so just, as to bind themselves by Resolutions and Promises to serve him in his just Interests with all their Hearts, and are convinced he will have no Designs that are not such. They told the Duke, that by assuring the King of their Adherence to his Royal Interests, and his Royal Brother his just Rights, a new Obligation will be put on them.

Remarks upon it.

No Reflections shall be made upon these Letters. The Duke came down to *Scotland*, as a Shelter; and as he had a Party before sanguine enough in his Interests, so he strengthened and increased them, and it was native they should send Recommendations of him, which were not so far regarded in *England*, as to have any Effect to prevent a Second Attempt for a Bill of Exclusion this Year.

The Duke of York's Party persecute Presbyterians, and enrich themselves by their Spoils.

This Party of the Duke's carried all before them for many Years, and very much advanced a Popish Interest, by running Matters to the greatest Heights against sincere and zealous Protestants, and helped forward the Sufferings of the Church of *Scotland* I am relating, very much; and they found their Account, in running the Laws to the utmost Rigour against all within their Reach. We have heard prodigious Sums were exacted in the Beginning of the Year by the Justice-court, for Absence from the Host. And Feb. 23. Sir *William Purves* is made Collector of the Fines of the criminal Court.

And bear hard upon such as are not on their Side.

Most Part of these who had formerly been of the Duke of *Lawderdale's* Party, came in, and with him, during the little Time he stood, were hearty Servants to the Duke of *Tork*, and endeavoured to run down all they thought not so favourable to the Two Dukes. We



We have formerly met with some Processes of this Nature, and I shall here insert 1680.  
Two more, which made some Noise this Year, against the Lord Bargeny, and John Niven.

All the Account I can give of the Trouble of John Lord Bargeny, in the Shire of Air, is from the Registers. He was suspected to favour the Cause of Liberty, and to be of the other Side from the Duke of Lawderdale; and last Year after Bothwell, some Surmises were raised of his favouring the People concerned in that Rising, whereupon he was made Prisoner in Blackness. In the Council Registers, December 4. last Year, just after the Duke of York's coming down, I find a Report from a Committee, who had been appointed to examine him in Blackness, that they had taken his Declaration, which is read, but not recorded. That Day the Governor of Blackness is allowed to permit Persons to speak with him in his own hearing, and to give him Pen, Ink and Paper, providing he see whatever he writes. At the same Time the Advocate produceth a Letter from the King, ordering him to proceed against the Lord Bargeny, as having incited Persons to rise in the late Rebellion. No more is about him in the Registers, till January 14. this Year, when their Act about him runs, 'Anent the Petition of John Lord Bargeny, that he hath been now Two Months close Prisoner in Blackness, occasioned by the Suggestions and malicious Informations of his Enemies, and he being conscious of his Innocence of any Disloyalty that can be laid to his Charge, and that in his Heart he did never harbour, far less did he ever practise any Evil against his Majesty or Government, craving that he may either be liberate, or presently put to a Trial; and that in the mean Time, or since his Imprisonment, there may be no Process, or Decrees of Session moved in, or given out to his Prejudice, his Adversaries at this Time being ready to take Advantage. The Council ordain the said Lord to be brought in to the Castle of Edinburgh, when ever the Advocate hath prepared his Indictment.

My Lord Bargeny's Process before the Council last Year.

This Matter is still put off till the End of March, when I find him before the Justiciary. The Managers had a Mind to have had his Estate, but their Probation failed them, and the Crimes in his Libel must be reckoned of the Advocate's framing. I shall give as short an Account of his Process, from the criminal Books, as I can.

His Process before the Justiciary, March 24.

February 24. John Lord Bargeny is indicted, 'That in the Year 1674, or 1675. he with great Oaths and Execrations did curse some of the chief Nobility in the Kingdom, because they would not make themselves the Head of the Fanatics, and swore they would never signify any Thing, because they lost that Opportunity. And because his Grace the Duke of Lawderdale, had, by his extraordinary Care, Prudence and Loyalty, defeated the Designs which he and the said Fanatics were managing, for disturbing the Government of the Church and State, he did, in the Year 1677, or 1678. publicly regret that the English, or Fanatics, did not kill, or assassinate the said Duke of Lawderdale, and did hound out others to assassinate him. That in the Year 1675, or 1676. he did endeavour to perswade George Martin Notar in Dally, That the Fanatics would never get their Business done while the Duke of Lawderdale was alive; and that an Hundred Men would do more by assaulting him in his own House at Lethingtoun, than all they could do beside. Likeas Mr. John Welsh, a factious Trumpet of Sedition and Treason, having made a Trade of convoking the Subjects in Field-meetings, the said Lord did correspond with him; and having direct a Letter to him, while he and his Complices were contriving another Rebellion, he did send the said Letter to Sauchill by his own Servant in May or June last; which being read at the said Convocation, as being come from him, did encourage that Rebellion. That he corresponded with Cunningham of Bedlan, desiring him to repair to the Westland Army, and perswaded all Gentlemen and others to joyn them, since he and Persons of far greater Quality would joyn; that he gave no Notice of his Tenants who had been at the Rebellion, but did entertain no tour Rebels in his House; that he did publicly maintain the Principles of *Nephtali, Jus populi, Lex Rex*, declaring that Scotland would never be well, till it wanted Episcopacy, and the present Government of the Church was destroyed, as unfit for the Nation. And in October or November last, did openly disclaim against the sacred Order and Function of Episcopacy, swearing he would never be in Peace till the Curates were rooted out, and that they were all but Knaves and Rogues. Wherethrough he is guilty of treasonable Crimes, and is either Art or Part thereof, and ought to be punished with Forfeiture of Life, &c.' in common Form.

His Indictment.

My Lord Bargeny's Advocates debated very long upon Formalities and Points of Law, which I shall not resume: After the Advocate had given his Replies, the Lords of Justiciary find, 'That the Advocate wants some of his material Witnesses, tho' he hath used all Diligence possible to adduce them.' And in regard the Pannel hath neglected to give a Double of his Letters of Exculpation, they continue the Process until the Second Munday of June.

The Process continued till June.

June 14. The Advocate compears and offers an additional Libel, 'That in May or June last Year, the Lord Bargeny hearing of the Murder of his Grace the late Archbishop of

When an additional Libel is offered and the Diet is deferred simpliciter.



1680.

of St. *Andrews*, said, It was happy, for he was a great Enemy to the Cause of God, and his People, the Kirk of Christ, or some such Words. And that some, by his Order, offered Arms to People going to *Bothwell-bridge*. Mr. *William Hamilton* Advocate for the Panel, mean while producech an Act of Council, of the Date *June 3. 1680*. 'The Lords of his Majesty's Privy Council, in obedience to his Majesty's Commands, by a Letter, *May 11* last, give order to the Governor of the Castle of *Edinburgh*, to set the Lord *Bargeny* at Liberty, in regard he hath found Caution to appear before the Council when called, in order to his Trial for the Crimes he is indicted of before the Lords of the Justiciary, under the Penalty of 50,000 Merks. *William Paton*. And upon this the Lords desert the Diet *simpliciter*.

King's Letter  
for his Libera-  
tion.

The King's Letter, upon which this Process is stopped, bears, 'That he had received a Petition from the Lord *Bargeny*, representing his Father's Loyalty and Sufferings, asserting his Innocence of the Crimes he is indicted for, and attesting God thereupon, and his Majesty being unwilling, he, or any Subject should receive Prejudice by long Imprisonment, until there appear evident Proofs of their Guilt, requires him to be liberate, under sufficient Caution to appear in order to Trial, if hereafter sufficient Proofs of his Guilt be found. And that this Letter be communicated to the Justice-court and Advocate.

Another Party  
Process against  
*John Niven*  
Skipper, for  
Words spoken  
against the  
Duke of *Tork*.

Another Party Process is intended against the Master of a Ship in *July*, for Treason shall I call it? against the Duke of *Tork*. *July 15*. *John Niven* Skipper, is indicted for saying at *Burntisland*, 'That the Duke of *Tork* had been upon a Plot for taking away his Majesty's Life, and had contrived with the King of *France* to invade *England* with an Army, and had come to *Scotland* to make a Party and Faction, and to introduce Popery.' The Probation is pretty full, and the Assize bring him in guilty of Leasing-making against his Royal Highness the Duke of *Tork*. The Lords delay the Sentence until *August*.

Sentences after  
Directions  
from *London*.

Most Part of the Sentences were now pronounced according to the Commands of the Council, and Letters from the Court, and, it seems, it was found necessary to write to *London*, before they gave Sentence in this Matter, tho' our Statute Books and Laws were at *Edinburgh*. Accordingly *August 4*. the Lords pronounce for Doom, 'That *John Niven*, Captain of the Ship called the *Fortune* of *London*, found guilty by an Assize of Leasing-making against *James Duke of Albany and Tork*, shall be taken to the Market-cross of *Edinburgh*, upon the 18 instant, and hanged.' But *August 6*. a Letter from his Majesty to the Council is produced, authorizing them, so soon as the Sentence of Death is pronounced against *John Niven*, for most false and slanderous Words against his Highness *James Duke of Albany and Tork*, they cause the Sentence to be suspended, and that he continue in Prison, till his Majesty's further Pleasure be known. The King's Letter is recorded in the Justiciary Registers; and the Reason the King gives, is, The Interposing of his dearest Brother with him, and he adds, that the Crime is of so high a Nature, that no other Consideration would have prevailed with him, to relieve him from that exemplary Punishment.

In *March*, the Council interpose, by a Letter to *Lawderdale*, for *William Paterson*, who, we heard, engaged to transport the Prisoners taken after *Bothwell*, that his Loss by the Shipwrack may be made up, and send up a long Representation of his Losses, amounting to Fifteen hundred Pounds *Sterling*. What was done for his Help, I know not; but if the Council had shewed the Half of the Zeal they discover for Prelacy, against Murder, the Master they employed would have been prosecuted.

Mr. *Maitland*  
Justice-clerk,  
Earl of *Roths*  
made Duke,  
*Queensberry*  
Justice-general,  
*Balcarras* and  
*Roxburgh* made  
Counsellors,  
and Lord *Lorn*.

Upon the Duke of *Tork*'s Return to his Brother, some Changes were designed in *Scotland*. *March 8*. the Chancellor acquaints the Council that he is called up to Court, by a Letter from the King: And *April 18*. Mr. *Maitland*'s Commission is read in Council, to be Justice-clerk. *June 3*. the Earl of *Balcarras* is admitted a Counsellor. *July 6*. the Earl of *Roths*'s Patent to be a Duke, is read in Council, and the Earl of *Queensberry*'s Commission to be Justice-general, in *Tarbet*'s Room. The Earl's Zeal against the Sufferers in that Station, fully satisfied the Prelates and Papists. That same Day the Earl of *Roxburgh* is received a Privy Counsellor; and the Lord *Lorn*, for his eminent Parts and Abilities, is made a Counsellor, *October 5*.

Manse of  
Bishops of  
*Dunkeld* and  
*Glasgow* meliorated.

Council's Act  
against such as  
refuse to work  
to the Clergy  
in *Galloway*.

*June 22*. The Council grant Warrant to *Andrew Bishop of Dunkeld*, to uplift Two hundred Pounds *Sterling* out of the vacant Stipends of his Diocese, for repairing the Dwelling-house, for him and his Successors, belonging to that See: And *October 5*. Three hundred Pounds *Sterling* is allowed to *Arthur Archbishop of Glasgow*, for repairing the Manse belonging to that See. About the same Time, the Council considering the Insolencies committed against the orthodox Clergy in *Galloway*, in defrauding them in their Stipends, and indirect Methods taken to force them to leave that Shire, by Tradesmen and others their refusing to work for them, ordain the Sheriff to give Sentences against such, and, upon Complaint upon such as refuse to work to them, that he fine them, and call for

Soldiers



Soldiers to execute his Sentences, and that this Act be intimated at the head Court of the Shire. This Kind of Process obliging Tradesmen to work, was a little singular.

Another singular Method for Support of the Episcopal Clergy, falls in August 10. The Council write to the Bailie of Regality in *Kirkcaldoun* the following Letter. Sir, the Council being informed, how much the Exercise of Church Discipline is slackned, through want of the Concurrence of Heritors, the Council require you to convene the Justices of Peace in that Parish, the Barons and their Bailies, and require them to assist the Minister in the Exercise of Church-discipline, against scandalous Offenders, and in all the Parts of his Function, as they will be answerable.

In September and October, I find in the Registers, several Letters about the new Model of Militia, which I shall give but Hints of. September 3. the Council acquaint *Lawderdale*, that most of the Shires are come into the new Model of Militia; but move that in the West, the Foot may be changed to Horse. A Letter comes from the King, dated September 15. rejecting this Proposal, and ordering them to continue Foot in the West, and requiring them presently to settle them in the western Shires, and prosecute, according to Law, all Persons of whatsoever Quality, who come not into his Regulations, in so important a Matter. October 7. in a Letter to the King, the Council alledge, that the western Shires, in Law cannot be obliged to turn the Horse into Foot, and beg his Majesty may consider this: And write another Letter to *Lawderdale*, earnestly to deal with the King, to allow them to call only for Horse in the western Shires. What occasioned the Council to insist so much on this, I know not, if it was not that Horse were of more Use to pursue the Sufferers than Foot.

In the End of October, the Duke of *Tork* came down again to *Scotland*, which wanted not its own Share in the now growing Persecution. The *English* Parliament were now to sit, and their Design for a Second Bill of Exclusion was known, and it was necessary he should retire a little. The King gives this another Turn in his Letter to the Council, dated October 23. acquainting them he was to send down his Brother, for the better Dispatch of Affairs among them; and the Chancellor acquainting them, that he was to land at *Kirkaldy*, and to beat *Lesly* till the *Abbey* was ready, they order all the Counsellors on this Side of *Aberdeen*, to wait on him, and as soon as he lands, that there be publick Demonstrations of Joy.

Accordingly, the Duke and Dutches arrived at *Kirkaldy* Road, upon the 25 of October, and went thence to *Lesly* House, where they were regaled until Friday the 29. when they arrived at *Leith*, and came to the Abbey of *Holy-rood-house*. Upon Saturday the Bishop of *Edinburgh*, and the Clergy in Town waited upon him, and expressed the general Satisfaction of the orthodox Clergy at his Arrival. It was well they assumed to themselves the Title of orthodox, to distinguish themselves from others, and their Orthodoxy was as great as to Politicks, and the now pleasing Heads of hereditary, lineal, and indefeasible Succession to the Crown, and passive Obedience, yea, much greater than in Doctrinals, in Opposition to the Church of *Rome*. Certainly there was no great Protestant Orthodoxy in cajoling a profest Popish Claimant to the Crown of Three Protestant Kingdoms, retiring from the Resentments of the *English* Protestant Parliament; but the orthodox Clergy in *Scotland* must now be Abettors of Popery: And I cannot much doubt their Compliment to the Duke was real, since from former Experience they gathered, that his Presence here would help forward the Sufferings of Presbyterians. The same orthodox Clergy, by their Bishops, complimented him upon the Birth of his spurious Impostor, the Pretender to the Crown of these Realms, in the Year 1688. as shall be noticed, and the same Episcopal Clergy, and their irregular Successors, are almost to a Man attached to the Popish Pretender, to this very Day.

But the most fulsom Flattery appeared in the Letter sent up from the Council to the King, of the Date November 2. signed by Twenty seven Counsellors, and among them Three or Four Protestant Bishops; and the rest, had they been Counsellors, and in Town, probably would have had their Hands at it. Enough of this Stuff is already in the Body of the History, and so I have annexed this App. N<sup>o</sup>. 52.

It is scarce worth while to make any Observes upon it. The Reader will perceive they begin with a Libel against those Principles, which they saw formerly ruined *Scotland*, they mean the Liberty of the Subject, and Presbyterian Government. Next, upon the Matter they declare the Danger of the Kingdoms at present; it is not from Popery, which the *English* Parliament was smelling out, but these Principles. Then they thank the King for leaving all the *Scots* Revenue in their Hands, and taking nothing of it for himself, and in this 'tis probable they were in earnest. Next, they assure his Majesty they will stand by a Papist as his Successor in the Throne, when the true Protestants in *England* were endeavouring to prevent his coming to it. The following Part, which contains their Thanks to the King, for his Endeavours to secure his Brother's Succession, is so choking to any that has a Regard to the Reformation, that I must refer the Reader to the Paper it self. Hereditary Right, and lineal Descent, they term the great Fundamental; whether the Unreasonableness or Pedantry of the Phrase be greatest, I do not determine. They promise themselves much from the Duke's Example. It was now indeed upwards of an Hundred Years, since we had the idolatrous Mass openly set up in *Scotland*; and this was an Example not a little prevalent upon many

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Heritors in  
*Kirkcaldoun* re-  
quired to assist  
the Minister  
in Discipline.

Orders about  
the Militia in  
the western  
Shires.

Duke of *Tork*  
comes down  
to *Scotland*,  
Oct. 25.

Observe on  
the orthodox  
Clergy's Car-  
riage to the  
Duke.

The Council  
to the King  
the 2<sup>d</sup> Nov.  
1688.  
App. N<sup>o</sup>.

Remarks  
on it.



1680.

A pretended  
Plot against  
the Duke's  
Life.

many to turn Popish. They conclude with Assurances, the Duke's Stay here would have happy Effects for carrying on the King's Service; and this was too true, if by the King's Service was meant the Plot for bringing in Popery and Slavery at this Time, in considerable Forwardness among some at the Courts of *France* and *England*.

To help forward the Persecution at this Time, a Plot against the Duke's Life is forged by his own Friends; and this was a good Handle to cast an Odium upon the Sufferers, and sharpen the Persecution; and, no doubt, the Popish Priests, who came down with the Duke, were not sorry to see Protestants worrying those of their own Denomination. I find some of the Persons named in the former *Section*, who were executed in *December*, charging their Death upon the Duke, and speaking of this Plot they were reproached with, and declaring they never knew or heard the least Hint about it, until they were interrogate thereupon before the Council; and I see not the least Ground to doubt of their Sincerity.

The Principles advanced in the *Queensferry Paper*, *Sanquhar Declaration*, and the *Torwood Excommunication*, are the only Colour the Enemies of these People had to charge them with any Design of this Nature: But every Body must see, that even those will never bear the Weight of a Consequence of this Nature, as hath been observed; and had there been any more than bare Suspicion rising from these Declarations, which the whole Body of Presbyterians disallowed, we should have had them told with the most aggravating Circumstances.

Earl of Murray  
sole Secretary,  
upon *Lawderdale's*  
Demission.

*November 2.* The Earl of Murray's Commission, to be sole Secretary of State, is read in Council; it bears that the Duke of *Lawderdale* had demitted that Office in his Majesty's Hums. Thus, after Twenty Years Possession of that Office, and Management of *Scots* Affairs, he is turned out.

Process, *Philip-  
haugh* and  
some Gentle-  
men of *Teviot-  
dale*, against  
the Laird of  
*Meldrum*.

In *November* this Year, there was a Process before the Council, betwixt the Laird of *Meldrum*, and some Gentlemen in the *Forest* and *Teviotdale*. *Meldrum* had raised terrible Sums in that Country, for one Conventicle in the House of *Grange*, where there was but one Person without Doors. He owned he had got Ten thousand Merks of Fine, and, by a moderate Computation, it was reckoned he had uplifted in Fines from the Shire of *Teviotdale*, 100,000 Pounds.

Account of it  
from the Re-  
gisters.

All I find about this in the Registers, is *November 11.* Upon a Petition from *Philiphaugh* Sheriff of *Selkirk*, his Depute, and some Gentlemen and Tenants, complaining of many Oppressions and wrongous Imprisonments, committed by the Laird of *Meldrum*, the Committee for publick Affairs cited the said *Meldrum* to appear before the Council this Day, and had ordered the Depute and Gentlemen to be set at Liberty, and appear this Day. I shall only give some further Hints of this from some Letters before me, writ at this Time.

From other  
Papers.

*Philiphaugh* and other Gentlemen presented to the Council, a Libel against *Meldrum*, and he appeared with a Counter-libel, and the great Debate was, which of the Two Libels should be first admitted to Probation. The Gentlemen were pressed to give their Oaths, as to what they knew anent Conventicles in their Bounds, and Nonconformity; and upon their Refusal were imprisoned some Days; at length they were liberate on Bonds of a Thousand Merks each, to compare when called. I find *Philiphaugh* proved his Libel against *Meldrum*, to the Conviction of all, and answered what *Meldrum* charged him with: And when *Meldrum* offered to give in some new Queries, he was willing to admit them, providing he should be allowed to begin with new Queries to him, and proposed he might be interrogate whether *Meldrum* was Papist or Protestant, when he was last at *Mafs*, who were present with him, when he had conversed last with Rebels, and what Compositions he had made with them. The Matter was dropt, and *Philiphaugh* came off with very great Reputation.

Council's Pro-  
cedure Nov. 11.  
against prohi-  
bited Books.

That same Day, 'It is referred to the Committee for publick Affairs, to consider what Books imported shall be condemned by Authority; and the Clerks of Council are ordered' 'to fight the Shop of *John Calderwood* Stationer, and secure such prohibited Books as shall be found therein.' Mean while, a Ship of *Borrowstounness*, which, as was alledged, had prohibited Books aboard, and had been arrested, is liberate upon the Owners finding Caution to the Council, as to the Time to come. That Day the Committee for publick Affairs report, 'That upon Notice of seditious Books imported from *Holland* and elsewhere, by the Stationers of *Edinburgh*, particularly, *Neptali*, *Jus regni apud Scotos* in *English*, *Jus populi vindicatum*, *Reformed Bishop*, *Calderwood's History*, they had called *John Calderwood* before them, and upon his confessing he had some of them, they had ordered him to Prison, and shut up his Shop; that they had writ to the Magistrates of *Aberdeen* to seize any of these seditious Books in their Town. And further, that they had ordained in Time to come, that Stationers, as soon as they receive home their Lists, shall shew them to, and have the Approbation of one of the Officers of State, or the Bishop of *Edinburgh*, with Certification, their Books shall be seized, and themselves fined if they fail.' 'The first Three of the Books are prohibited by former Acts of Council; but for the *Reformed Bishop*, *Jus populi*, and that valuable History of Mr. *Calderwood*, it was very hard to blame any Body for them till they were prohibited, which they were not. The Council approve the Committee's Report.

Some



Some Letters from Mrs. Simpson, in her Hand, and Papers found about Mr. Skene, brought some Trouble to the reverend Mr. John Carstairs, William Johnstoun and Joseph Brody, Merchants in Edinburgh. The Managers were very hot upon the Pursuit of Mr. Skene, and all Mr. Cargil's Followers; and every Body they spoke of, tho' no way concerned in their Courses, were brought to a great deal of Trouble. About the 20 of November, Mr. Carstairs was brought before a Committee of Council, where Argyle presided. He owned the King's Authority, and that of his Courts; with a great deal of Seriousness he disclaimed the Follies and Principles Mr. Skene and some others now advanced, and said, He could not express his abominating their Extremities with Vehemency enough. He protested against John Bishop of Edinburgh his sitting in a Civil Judicatory, or any of his Character; he acknowledged the King to be the Fountain of Honour, but denied the Bishop was capable of it. He declared he loved his Majesty's Person, and honoured him, and daily prayed for him. He and the other Two were set at Liberty, and Mr. Carstairs came off with a great deal of Respect and Applause, even of Adversaries; only Bishop Paterson was extremely fretted, and promised him a Return, if ever it lay in his Power, for protesting against his being a Counsellor, refusing him his Titles, and terming him only Mr. Paterson.

About this Time the Second Effort of the English Nation against a Popish Successor, by the Bill for excluding the Duke of York, was crused in the House of Peers. My Lord Russell, with the Lord Mayor of London, and Cavendish on either Hand, and about Two hundred of the House of Commons at his Back, present the Bill November 16. The Question for a first Reading was carried by Two Votes. The King was in the House, and after a long and warm Debate for some Hours, managed by the Earl of Shaftsbury upon the one Side, and Halifax on the other, the Question being put for a Second Reading, it carried in the Negative, Sixty three to Thirty one. They protested, and entred their Reasons in the Journals of the House. The Bishops of Chester, Exeter, and London, were for the Bill, and all the rest against it. After the Bill was thrown out, the Protesters proposed, that the King should be moved to divorce the Queen, but that Debate was adjourned. The Commons addressed against Halifax, that he might be removed from the King's Service. They had a Bill before them for removing the penal Laws, in as far as they related to Protestant Dissenters, and began to move some Things against the Bishops, and their pressing Ceremonies and Conformity. But all these came to nothing, and I leave them to the English Historians, and only remark, that when the News of the rejecting of the Exclusion Bill came to Edinburgh, the Chancellor offered to cause set on Bonfires, and ring Bells, and order publick Rejoycings there: But the Duke of York declined this, and told him there was no Hastie in this Matter, for he expected an Impeachment; but his Fears were soon over.

All I have further to remark from the Registers this Year, is, that November 18. the Council receive a Letter from the King, thanking them for their kind Reception of his Brother, and their Letter of the 2. he assures them they could not have done him more acceptable Service. That same Day Mr. Patrick Menzies is admitted one of the Clerks of Council, in Room of Mr. Gibson, who demitted: And December 23. they write to the Earl of Murray Secretary, to procure a Remission to William Gordon of Culvenan, who had been in the Rebellion. If I mistake not, he had resigned some of his Lands in favour of some of the Managers, It is Time now to go forward to the next Year.

1680.

Mr. John Carstairs is brought before the Committee of Council, Nov. 20. and owns the King's Authority, &c. declares as to Mr. Skene's Principles, and protests against the Bishop of Edinburgh, his sitting in a civil Court.

Second Bill of Exclusion thrown out by the House of Peers in England.

When the Accounts of this come to Edinburgh, the Duke of York will not permit publick Rejoycings.

King's Letter in answer to the Council's Nov. 2.

Mr. Patrick Menzies Clerk of Council. Remission to Gordon of Culvenan.

## CHAP V.

### Of the State and Sufferings of Presbyterians, during the Year 1681.



THE Persecution goes on most violently this Year, and near Twenty are executed at Edinburgh, and some more designed to the same Fate, but Providence prevented. Besides, innumerable Multitudes; who went not their Lengths, had their Lives made a Burden to them in all Parts of the Country, by vexatious Courts, cruel Soldiers, and suborned and busy Informers, of which I am to give but a cursory Account, because it falls much in with what is narrated upon the preceeding Years; the Methods are the same, the Rage equal and growing, the Particulars are innumerable, and this Work is swelling much upon my Hand.

Persecution this Year more violent.

Indeed



1681.

Occasions of this.

Indeed the enraged Managers reckoned they had just Ground, and a good Footing from the *Sanquhar* Declaration, to make War upon that Party who had declared a Kind of War against them; yea, they extended their Severities to every Body who would not go along with the present Courses, and most calumniously loaded the whole suffering Party with the Principles of those People, tho', as hath been noticed, it was but a very few who defended that Paper, and last Year they had cut off a great Number of them.

The Bishops failed not to take hold of this Opportunity, to put great Hardships upon all who had the Name of Presbyterians; and the Duke of *Tork's* Presence in the Beginning of this Year, and at the Parliament, with the *Papists* about him, helped all on.

Contents of this Chapter.

From those Fountains flowed Forfeitures of great Numbers of Gentlemen who were reckoned to favour Presbytery, and now and then severe Proclamations against Conventicles, tho', excepting Mr. *Cargil*, who but seldom appeared in publick, there was not one who preached at Field-meetings, neither were there many Sermons in Houses; yea, some Presbyterian Ministers, now deprived of all other Opportunities, did, at some Times, even communicate with the Episcopal Clergy, as I hear, Mr. *Bates*, and some others in *England*, used to do, to manifest their holding Communion with them, in those Things which they held in common with other Protestant Churches.

Nevertheless, Presbyterian Ministers and Gentlemen were most violently harassed, and put to very great Hardships. The Parliament meet, and in *August* make new and severe Laws, and impose the iniquous and self-contradictory *Test*, which became new Occasion of severe and universal Persecution, through the West and South of *Scotland*.

This *Test*, when offered to be explained by that excellent Person the noble Earl of *Argyle*, was the Occasion of his Trial, and the Sentence of Death past upon him, the Execution of which he happily escaped for some Time. It was this Summer, that the mad and blasphemous Opinions of *Gib* and his deluded Followers, came to take Air; and, towards the End of the Year, the Followers of Mr. *Cameron* and Mr. *Cargil*, after they were taken from them, set up their Societies. Those, and some other Incidents this Year, will afford Matter for the following *Sections*.

## S E C T. I.

*Of the Procedure of the Council, their Proclamations, and the more general Harassing of the Country, this Year, by Courts, Soldiers, and Informers.*

Great Oppression this Year, up and down the Country.

AT *Edinburgh*, the Managers this Year, as we shall find, are busy in cutting off the Owners and Followers of Mr. *Cargil* and *Cameron*, as they fall into their Hands, without any Pity almost to Age or Sex; but, up and down the Country, Multitudes of other Presbyterians, whom they could not pretend denied the King's Authority, or maintained any Things out of the Road, were vexed and persecuted; and the less Occasion they had given for such Severity, the more unaccountable the Government's Way with them was.

General Procedure of the Council.

That we may have the better View of this Oppression through the Country, and the Sufferings of particular Persons to be narrated in the following *Sections*, I shall here give the more general Procedure of the Council this Year, from the Registers.

Meldrum's Commission renewed, and new Instructions given him.

*January* 20. the Council renew all the former Commissions given to the Laird of *Meldrum*, notwithstanding any Stop formerly put thereunto. Last Year, I find the General complaining to the Council, that this Gentleman, under Pretext of Commissions from them, did not attend his Post in the Army, and upon this his Commissions are retracted. In *November* last, we have seen, he was libelled by *Philiphaugh* and others. These Representations against the oppressive Procedure of the Under-agents in the Persecution, generally speaking, had no other Effect but the enlarging their Powers; so it was in this Case. And, *February* 24. *Meldrum* gets additional Powers and Instructions. I doubt not but they were sent to such in the rest of the Shires, who had formerly Council-commissions given them, and therefore I insert them here.



*Additional Instructions to the Laird of Meldrum, in Execution of the Commission* 1681.  
*given him before, anent disorderly and irregular Persons.*

‘ You are to proceed, according to former Instructions, as a Justice of Peace in *Berwick*, *Roxburgh*, and *Selkirk* Shires, for suppressing and punishing of Disorders; but forbear apprehending intercommuned Persons mentioned in the Third Instruction, discharged by his Majesty’s Indemnity, except for Delinquencies since the said Act.’  
 ‘ Three of the Justices are to be a *Quorum*. If Sheriffs, by Collusion, shall clear any guilty Persons, acquaint the Council, but you are not to fine them again.’  
 ‘ You are impowered to apprehend those who were in the Rebellion, and have not taken the Bond, and give the Council Accounts what Heritors have or do reset Rebels on their Ground.’

By virtue of those, and the former Commissions, most Places in the West and South were oppressed in the Beginning of this Year, and many troublefom Searches made.

I have before me a very large and circumstantiate Account of the Severities committed by *Thomas Kennoway*, one of the King’s Guards, afterwards, as we shall hear, killed at *Swine-abbay*, upon the Parish of *Livingstone* in *West-lothian*, of which it may not be improper here to give an Abbreviate. Upon the 19 of *March*, *Kennoway* came to the Parish of *Livingstone*, with a Party of Soldiers, with Orders, as he pretended, to apprehend all who had been at *Bothwell*, tho’ it was much doubted if he had such Orders. After he had used all his Interest to get Information of suspected Persons, upon *Saturday* late, he sent out Two Parties with Lists of Persons whom they should that Night apprehend, and went himself with a Third Party. He and the Soldiers with him came first to a House a Mile West from the Kirk of *Livingstone*, where was a young Man, *Kennoway* was told, had been concerned some way in *Bothwell*. The House was beset, and, being near a Moss, *Kennoway* himself rode ’twixt the House and the Moss, that none might escape; his Men went in, and searched the House for the Man and his Arms: The Man who lived there was very aged, and had Two Sons, the one was not in *Kennoway*’s List; and after the Party had searched all the House for Arms, and broke open all Chests and Presses, and found none, they brought the old Man to *Kennoway*, who raged, and called him *old Devil*, and swore he should hang him upon one End of a Tow, and his Son upon the other, and ordered his Men to bring out all the Men in the House, and carry them to the next House they were to attack.

When they had carried them a good Way, *Kennoway* suffered the old Man and one of his Sons to go Home, and kept the other Prisoner. Providence ordered it so, that the young Man informed against was the Person they let go, not having exact Knowledge of him, it being dark. With their Prisoner they came to another Country Town, a good Distance from the first House, where *Kennoway* alighted, and made the Prisoner cast off his Coat in a cold stormy Night, and cover his Horse with it, till the poor Man was scarce able to stand for Cold. In that Place, the Man they were searching for escaped out at a Window in his Shirt, and, without any other Clothes, ran near a Mile before he durst venture to take a House. Mean while, *Kennoway* carried away his Father Prisoner in his room. They made a third Attempt that Night on another Place, still carrying their Prisoners with them, but missed their Prey.

After they had thus spent the Night, early in the *Sabbath* Morning they came to the *Swine-abbay*, a publick House, put their Prisoners in a Room, and when they had Lights, and saw the young Man, *Kennoway* swore bloodily, He feared he had brought the wrong Man; and the Prisoner peremptorily denying he had been at *Bothwell*, Two of the Soldiers were immediately dispatched to bring, as *Kennoway* termed him, the *old Dog* and his other Son, to the *Swine-abbay*. By this Time the Son had shifted for himself, and the Father, through the Fright and Maltreatment, was fallen very ill, so that he could neither ride nor walk. The Troopers brought some Women to witness the old Man was sick, and the Prisoner was not the Person in the List, which sufficiently chagrined *Kennoway*. However, that Morning before the Sun rose, he and the Party with him drank Eight Pints of Wine and Brandy, and he swore the Prisoners should pay it. But the poor Man, Brother to him who escaped, when dismissed, fell into a Fever through the harsh Treatment he met with, and after that into another, and a Third, and in a little Time died.

The other Parties brought in but one young Man Prisoner, who was soon dismissed. *Kennoway* sat all the *Sabbath* drinking, and on *Munday* held a Court, and brought in many of the Country People, putting them to their Oath upon Reset and Converse, and fined the old Man above spoken of in Eight Dollars, forced an Heritor in *West-calder* to give him a Bond of 500 Merks before he would part with him, and committed many other Insolencies. We shall meet with him in the following Years. This Instance may give us some View of the State of the poor Country at this Time; and indeed innumerable such Instances might be given.



1681.

In the Southern  
Shires.

The Southern Shires were at this Time sadly oppress'd with Courts. The Method now taken, was to send out the Soldiers through a Parish, there to act as they pleased; they took up Informations, examined whom they would, and harried and spoiled Families and Persons without Controul. Then their Officers, clothed with these Commissions, appointed Courts at such and such Places, where they pretended to act a little more agreeably to Justice and Equity, but evidently counteracted both, and squared themselves just as they had Notices given them by the Informations taken up by their Parties, and got by Explication and Violence.

Cornet Gra-  
ham's Oppres-  
sions in Galloway.

Thus I find Cornet *Graham* holding a Court, in the Beginning of the Year, at *Dalry* in *Galloway*, and, I suppose, in most of the Parishes round. All Men and Women, above Sixteen Years of Age, were cited to appear, and such who came, were put to declare upon Oath, and sometimes under very odd and strange Imprecations, which I shall not narrate, whether they had ever been at Field-meetings, or countenanced such who haunted them, or were married, or had Children baptized with such who preached at them. I say Nothing of the Unaccountableness or Unreasonableness of this Procedure, that when Probation failed, the Persecutors made the poor Country People turn Self-accusers, or run the Hazard, it may be, of Perjury. And when the Interrogatories as to themselves were over, they were next examined upon Oath, and under repeated frightful Imprecations, as to what they knew of any of their Neighbours, or any in the Parish, if they had heard, baptized, or married with Ministers who preached in the Fields, or had refect, or conversed with any who had done so. How hard a Matter was it to keep clean Garments in so perilous a Time as this!

Grierson of Lagg  
at Dumfries and  
Kirkcudbright.

About the same Time, Courts of the same Nature were held at *Dumfries* by that bloody Man, *Grierson of Lagg*, and Persons deputed by him; where People were brought in from all Quarters, and made to depone, as to themselves and their Neighbours, as above. Another Court was held at *Kirkcudbright* by the same Gentleman, and *Thomas Lidderdale* of *St. Mary's-isle*, who proceed and fined many Persons, for Crimes of which they found Methods to make them guilty. Great Numbers of Country People round about were cited in as Witnesses, and obliged Week after Week to attend their Diets, to the great Expence of the poor People, Loss of their Time, and Hurt to their Business and Labour.

Proclamation  
April 8. against  
Field-conven-  
ticles.  
App. No. 53.  
Remarks on it.

Perhaps some of these Courts might be held upon the Back of the Proclamation emitted by the Council, April 8. this Year, against Field-conventicles, which I have insert App. No. 53. Reflections upon such Papers, after we have met with so many of them, are almost needless. The Thread of this History leads me to notice, that at present there was almost no preaching in the Fields, only Mr. *Cargil* preached sometimes, and, generally speaking, but to a few, and in more remote Corners, so that, really there was no Occasion for this new Proclamation, unless it was to give a Colour (tho' indeed it does not seem to look back) and Pretext to persecuting Heritors and Sheriffs, to go back to what had been before the Date of this. The Narrative bears, that the unwary Commons, by Field-conventicles, had been bred up in Giddleness and murdering Principles. This is a groundless Reflection upon the Commons in Scotland at this Time, among whom, 'tis certain, these murdering Principles, as they are termed (owned by some few, whom Oppression forced to Heights) did not at all spread. Had the Penner of this Paper said, 'That the Insolence and Barbarity of the Soldiers, the oppressive and bloody Laws, with the Execution of them, and the Spite and Violence of the Clergy, did, drive the unwary Commons to Extremities,' it had been more agreeable to Truth and Fact. Next, the King is made to restore the just Rights of Heritors and Masters over their Tenants and Servants. What Rights they have over them to Servitude and civil Claims by their Tacks, I am not here to debate; but I know no Right they have, or could have, to impose upon their Consciences, and prescribe to them in religious Matters, or persecute them upon their differing from them, unless we suppose the King hath parcelled out to Heritors, his ecclesiastick Supremacy, and they, as well as the Bishops, are Sharers in that. Sad had the Case of the Commons at this Time been, had they taken their Rules and Pattern in Morals and Religion, from the most Part of their Masters, who bare down Conventicles. What Right is by this Proclamation restored to Masters, I know not, but sure, by former and present Bonds and Proclamations, the Rights of Heritors were sadly invaded, when they were forced to become Surety to the Government, for their Tenants and their Servants, in every Imposition made to please the Prelates. The Hands of Masters here indeed are strengthened in Persecution, and they are involved as Actors in all the Severities of the Time, by their being required (and under a swinging Fine) to acquaint the Sheriff within Three Days after a Field-conventicle; upon which Information he is to convene the whole Heritors of the Parish, and they are to make Trial who were at the Conventicle, and take Oaths thereanent; what they find is to be laid before the Sheriff, and he to fine as Law accords, and to have the Fines. Thus the Heritors, tho' the best Noblemen of the Kingdom, must be Underworkers to the Sheriff, ye, ault him in Poinding and Seizures, upon the Hazard of being equally culpable with the Delin-

Delin-



delinquents. If this be the restoring Heritors to their Rights, the Reader may judge. Accounts of Diligence in this are to be laid before the Council in July and December, and all is but Prejudice to other Persecutions. 1681.

May 4. The Council being informed, that Chapmen who travel up and down the Country, are the Persons who debauch and abuse the People, and convene them to Field-conventicles, resolve, That there shall be a Clause in the next Proclamation that is published, discharging them to travel without Passes under the Sheriff's Hands, that they are orderly Persons. At the same Time, they ordain that Schoolmasters, in Parishes where indulged Ministers are, who have not Licence from the Bishop, be removed by the Sheriff or Magistrate; and the Town Major of *Edinburgh* is warranted to apprehend such who teach Schools in *Edinburgh*, or the Suburbs thereof, without Licence, and abuse and corrupt the Youth in their Principles. Chapmen are to have Passes. Schoolmasters in Parishes where indulged Ministers are, to have Licence from the Bishop.

That same Day, upon Information that *John Gray*, with some other Rebels, had invaded the House of Mr. *George Gillespy*, Minister of *Tarboitoun*, and wounded him and his Brother in Law, the Council give Orders to summon the Parish to answer in Terms of Law, and send their Thanks to the Laird of *Craigie* for his Care in that Matter, and add him to the Jurists of the Peace in that Shire. Parish of Tarboitoun prosecuted for an insult on the Curate.

June 9. New Orders are given for Garisons in several Houses in the West Country; and Letters are writ, one to the Earl of *Lowdon*, to prepare the House of the *Sorn*; another to the Duke of *Hamilton*, as to the Castle of *Strathaven*; and a Third to the Earl of *Kilmarnock*, as to the House of *Dean*. I have formerly noticed, that those Garisons were the Instruments of many Severities. Garisons in the Sorn, Strathaven, and Dean.

The Council issue out a Proclamation for a Fast, June 16. The Causes of it are a little singular, the blasphemous and sanguinary Opinions of many who have left the Communion of the Church, the threatned Famine, and the approaching Session of Parliament, as they stand at length in the Proclamation it self, which I have added App. N<sup>o</sup>. 54. Proclamation for a Fast June 16. App. N<sup>o</sup>. 54.

June 21. Warrant is given to the Earl of *Queensberry*, Sheriff-principal of *Dumfries*, and his Deputes, to call before them several Merchants in *Dumfries*, and others in the Shire, for Conventicles, examine Witnesses and report: Mean while the Processes against them before the Council, are continued. Persons in Dumfries troubled for Conventicles.

It being represented to the Council, that many Persons in *Kirkcudbright*, *Wigtoun*, and *Dumfries*, who were in the late Rebellion, continue in their Houses, and intromit with their Estates, the Sheriffs and other Magistrates are ordained to seize and present them to Justice, and at the same Time to secure their Rents and Lands for his Majesty's Use: 'Tis likewise recommended to them to secure the Country from Field-conventicles, and punish such as are guilty, with Certification, that if they fail, the Council will send in Forces. New Orders against such as were at Bothwell.

In a little Time, those Orders are more generally extended to the Shires of *Lanerk*, *Air*, and *Galloway*, in a Proclamation, which because I have not seen in Print, and it contains a good many of such as were forfeited last Year and this, I have given it here from the Registers. Proclamation against them, October 8.

CHARLES, &c. Greeting. Forasmuch as the Persons underwritten, are by Decree of the Lords Commissioners of Justiciary, forfeited in their Lives, Lands and Goods, for their treasonable Rising in Arms in the late Rebellion at *Bothwell-bridge*, viz. *David White Smith* in *Lanerk*, *Gideon Weir* Gunsmith there, *David Gibson* there, *John Wilson* Writer there, Mr. *Thomas Pillans* there, *James Lawrie* Writer there, *Archibald Simpson* there, *Thomas Lauchlan* there, *William Fergusson* there, *John Semple* Mason there, *Thomas Inglis* there, *Alexander Anderson* there, *John Pumphray* there, *John Jack* in *Neruplair*, *William Padzean* Mason in *Lanerk*, *Robert Lockhart* of *Birkhill*, *James Weir* of *Johnshill*, *John Steil* in *Overwaterhead*, *John Haddow* in *Douglas*, *James White* there, *William Falconer* in *Hamiltoun*, *Arthur Tacket* there, *Gavin Wotherpoon* of *Heathrie-know*, *John Eastoun* Portioner of *Quarryneen*, *Robert Goodwine* Maltman in *Glasgow*, *James Cunningham* Merchant there, *Isaac Blackwel* Son to *Thomas Blackwel* there, *William Riddel* Feuar in *Rutherglen*, *Robert Fleming* of *Auchinfir*, *John Hamilton* Feuar in *Rogertoun*, *Thomas Craig* Feuar in *Jacktoun*, *John Miller* Feuar of *Longcalderwood*, *John Wilson* of *Highfleet*, *Robert Steven* Feuar of *Newland*, *John Steil* of *Windhill*, *John Cochran* of *Craigie*, *James Dykes* Portioner of *Halburn*, *John Cardus* Feuar in *Jacktoun*, *Thomas Paton* at *Old-kirk* of *Camethan*, *John Whytlaw* of *Bothwell-shiel*, *John Paterson* there, *John White* of *Newk*, *Thomas Lin* of *Blairachin*, *John Weddale* of *Chisdale*, *John Clyde* in *Kilbride*, all in *Lanerk* Shire; *Gilbert M'lewrath* of *Dumchory*, *Thomas Macjarrow* of *Bar*, *John Macjarrow* of *Penjurrow*, *Henry Macjarrow* of *Athalbany*, *George M'chir* of *Benman*, *Henry M'lewrath* of *Auchinshour*, *John Alexander* of *Dumchory*, *M'unken* Son to *M'unken* in *Hilkertoun*, *Alan Bowry* Son to *Bowry* of *Drumley*, *James Wood* in *Air*, *Patrick M'dougal* of *Freugh*, Mr. *William* and *Alexander Gordons* of *Earlstoun*, Mr. *William Fergusson* of *Kaitloch*, *Dunbar* younger of *Machirmoir*, *John Bell* of *Whiteside*, *John Gibson* of *Auchincher*, *Gibson* younger of



1681.

of Inglistoun,  
of Kilroch,  
of Irelandtoun,

Gordon of Dendeuch,  
McLellan of Larmagechan,

Grier of Dalgonar,  
Gordon of Craigie,

Smith  
Lennox  
David M.

culloch Son to Ardwell, William Whitehead of Milnhouse, John Fowbertoun of Auchinchrie, John Welsh of Cornley,  
Neilson of Corsack, Robert McLellan of Barscob, Samuel McLellan his Brother,  
Lirtoun of Nethermill, George Mackartney of Blacket,  
Gordon of Knockgray, Herron of Little-park,  
Gordon of Overbar, John Mcnaught of Culgnad,

Gordon of Garrery,  
Gordon of Holm,

Murdoch, alias Laird Murdoch,

Andrew Sword in Galloway, John Malcolm in Dalry, in Galloway. Which Persons (as we are informed) do notwithstanding live and reside at or near their dwelling Places, and, by themselves, or others, to their Use and Behoof, do uplift, possess, and enjoy their Lands, Rents and Goods, as if they were Our free and peaceable Subjects, in high and proud Contempt of Us, Our Authority and Laws: We therefore, with Advice of Our Privy Council, do hereby give and grant full Power, Authority and Commission to the Sheriff-principal of the Shires of Lanerk, Air, Dumfries, Steward of the Stewartry of Kirkcudbright, Sir Andrew Agnew of Lochnae, Sheriff-principal of Wigtoun, and their Deputies, to pursue, take, apprehend, imprison, and present to Justice the foresaid Rebels and Traitors, wherever they can be found in any Part of their Shire or Jurisdiction; and, in case of Resistance or hostile Opposition, to pursue them to the Death by Force of Arms, or drive them forth of the Bounds of their Shires and Jurisdictions; and, if Need be, are to call to their Assistance such Numbers of Our good Subjects, as they shall find necessary for their Assistance, who are hereby ordained to concur with, fortify and assist Our Commissioners foresaid in this Our Service, as they will be answerable at their utmost Peril. And if, in prosecution of the said Rebels and Traitors, any of them shall be mutilate or slain by any of Our said Commissioners assisting them, We declare that they shall never be pursued or called in question therefore, but that the same shall be reputed and esteemed good and acceptable Service to Us. Given under Our Signet, at Holy-rood-house, the 8 Day of October, 1681. and of Our Reign the 33 Year.

Subscribed *ut in Sederunt.*

New Orders  
about Garisons.

It seems, the former Orders about Garisons had not the Effect expected; and therefore, October 6. the Council appoint the abovenamed Houses, with the Castle of Dumfries, and House of Freugh, instantly to be made patent to receive Garisons; and the Commissioners for Supply are ordered to furnish them Provisions at the ordinary Rates.

Severity against  
No. comor-  
mills tempted  
some to turn  
Informers.

Thus I have noticed what offers in the Proceedings of the Council, this Year. This Severity against all Nonconformists, yea, all who were unwilling to be active in the Measures of the Times against them, gave great Occasion, and no small Temptation to many to turn Informers against serious and religious Persons. The People who had once professed to be Presbyterians, and had now apostatized, certainly had the greatest Opportunities to gratify the Managers, and too many such there were: But not a few others likewise lived upon this base and malicious Trade of informing against Presbyterians.

An Instance

One Instance of this I have from a Person of Honour, well vouched, and so I insert it here, instead of many others that might be given. Whether it was at this Time precisely, or some Time afterward, I am not positive, my Information wanting a particular Date; but the Fact is certain, and I find this scandalous Method was much countenanced by People in Power at this Time.

In Greenshiels,

There was an idle dissolute Fellow, a Weaver to his Trade, named Greenshiels, in the Shire of Renfrew, who, finding Informers were much caressed, went in to Edinburgh, and found Means to get Access to some of the Managers, Members of the Privy Council: To them he represents, he could be very useful in discovering and apprehending outed Ministers, Gentlemen, and others who entertained and heard them. Such a Proposal being very welcome, Orders were given to the commanding Officer of the Forces at Glasgow, to furnish Greenshiels with such a Number of Men as he required, with Power to him to give Orders to them.

Against the  
Laird of Dou-  
chal.

Accordingly, he comes with a Party of about Twenty Soldiers, to the House of Douchal, in the Parish of Kilmacomb, one Night about Midnight. The excellent and worthy Gentleman before named, and whom we shall afterwards meet with, was at Home, and desired to know what their Business was, and what Orders they had to disturb him and his Family, and attack his House at such an unreasonable Time. The Soldier of the best Fashion declared to the Laird, that indeed he knew nothing of the Matter, and that he was to receive his Orders from Mr. Greenshiels who was with them; and the Man added, Sir, Should he just now order me to shoot you dead in the Spot, I durst not be answerable to disobey.

Greenshiels then told Douchal, he had Orders to search his House, and accordingly the Doors were opened, and they made a very narrow Search through all the Rooms of the House.



House for Field-preachers, vagrant Ministers, forfeited Persons; and when none were found, he would needs lodge with his whole Party in the House. The Gentleman had nothing left but passive Obedience; and so for several Days they quartered upon the House. After a Day or Two's Stay, *Greenshiels* offered to retire, if they would give them a Sum of Money. *Douchal* being conscious of no Fault, peremptorily refused to give any thing. Whereupon they continued until they eat up most of the Family-provision; and then they rifled the House, took away the Silver Spoons and the Knives, and went off.

In Justice I must add, that the Government were afterwards so much ashamed of this Step, that they ordered *Greenshiels* to be apprehended, and *Douchal's* Silver Spoons being found on him, he was ordered to be whipt. What Punishment then did such deserve, who countenanced and employed such a Villain, or committed such unlimited Powers to him? I blush to set down such Practices, which look rather like a *Turkish* or *French* Government, than an Administration which had any Pretext to Law or Justice.

1681.

*Greenshiels* afterwards discovered and punished.

## S E C T. II.

*Of the Proceedings of the Justiciary this Year, against many Heritors, for alledged being at Bothwel, and their Process against John Spreul, with the Pleadings before them, upon Torture, and other Points.*

**I** Come now to lay before the Reader, the Procedure of the Criminal Court during this Year, and begin with the more general Processes of Forfeiture, wherein the Justiciary make very short Work. In March, the Heritors of *Lanerk* Shire are before them, and in April many from *Air* Shire; 'tis but a short Hint at both that I need to give.

Processes against Heritors alledged to have been in the Rising.

Upon the 18 and 21 of March, I find, by the Registers, great Numbers of Heritors in the Shire of *Lanerk* are present, and called: I may class them in Two Branches; some of them make a Resignation of their Lands, and are dismissed: and others of them stand their Trial, and are forfeited, many of them in Absence. Of the first Sort, *John Williamson*, Son to *Joseph Williamson* Heritor in *Holl*, *John Spreul* younger, Writer in *Glasgow*, *James Walker* younger of *Hacketburn*, *William Tweddale* late Bailie of *Lanerk*, *Hugh Weir* Merchant there, being pannelled, they have an Offer made to them of the King's Indemnity, and accept of it, and renounce and resign in favours of the King, Commissioners of the Treasury, and their Donators, all Lands and Heritages fallen to them, or which they had a Right to, before his Majesty's Act of Grace, and as to them the Lords desert the Diet in perpetuum. This was a Kind of Composition by voluntary parting with that Part of their Heritage, which they had a Right to in their own Person, and then at the Death of their Parents they came in to the rest of the Lands. Thus somewhat at least was preserved, but it was but few got this Favour.

In *Lanerk* Shire.

The far greater Number, who were, as the former, cited to this Diet, and indicted in common Form, as guilty of the Rebellion at *Bothwel*, met with harder Measures, as *David White Smith* in *Lanerk*, and other Forty six belonging to *Lanerk* Shire, whose Names are inserted in the Proclamation, of the Date *October 8.* just now inserted p. 159. These had Probation led against them in Absence, and all that is proven against most of them is Converse with Rebels, when they were going up and down that Shire, and lying in Camp there, in which the whole Shire was necessarily at that Time involved; and they are all forfeited in common Form, and ordered to be executed as Traitors, when they shall be apprehended.

A few others are brought off by the Verdict of the Assize, as not having their Indictment proven against them: Indeed the Probation against them who are forfeited is abundantly lame; but, it seems, the Advocate would have all, who did not resign their Lands, to be concluded under the same Condemnation, and threatened the People on the Assize, with a Process of Error; and I find *August 3.* a Process of Error raised against those who had been up on the Assize in March last, and had liberate some of the Heritors of the Shire of *Lanerk*, notoriously known to have been at *Bothwel-bridge*. There are in the Records very long and learned Debates, by the Lawyers, in Defence of the Assizers. The Matter is very intricate, and turns upon quiskous Points. At length, all the Assizers except Three, come off one way or other. Some of them decline their Defences, and come in the King's Mercy; the Advocate deserts the Diet against others. The Three whom he insists against, are *Alexander Gray*

Process of Error raised against the Assizers who brought off some of the Heritors of *Lanerk* Shire.



1681.

*Gray and James Bailie, Merchants in Edinburgh, and James Gray of Waristoun.* The Court decern them to have amitted all their Chattels, and other Moveables, to his Majesty's Use, and to ly in Prison a Year's Time. This was done in *terrorem*, and to fright all others, who should be afterward on the Assizes of persecuted People, heartily to fall in with the Measures of the Managers.

Process against  
Heritors in the  
Shire.

Upon the 5 of *April*, these who were alledged to have been concerned in *Bothwell Rising* in the Shire of *Air*, were indicted in common Form; a great many are delayed, and some have their Diet deserted. At this Time there are only *Gilbert M'lewarith of Dummochie*, *Thomas Macjarrow of Bar*, *John Macjarrow of Penjarrow*, *Henry Macjarrow of Anthalbanic*, *George M'lur of Bennam*, *Hugh M'lewarith of Auchinshour*, *John Alexander of Drummochrian*, *M'michan Son to M'michan of Killentrian*, *Alan Bowy Son to Bowy of Drumbog*. The last was at *Hamiltoun-muir*, but the Witnesses depone he wanted Arms. The Depositions against the rest, generally speaking, bear, that they were seen with the Rebels, when going up and down the Country, and very few of them are seen at *Hamiltoun-muir*. They are all forfeited, and when taken, to be executed as Traitors in common Form.

Remarks on  
some of these  
Forfeitures.

Some Papers before me say, there was no Proof against *John Alexander of Drummochrian* his being at *Bothwell*. The Earl of *Glencairn* had the Gift of his Estate, and made it over to *John M'levain of Grimmat*, who possessed the same till the End of the Year 1693. notwithstanding the Act 1690. rescinding Forfeitures. Some other of the forfeited Estates were possessed by the Donators, for some Years after the Revolution; so long did the Effects of these iniquitous Acts continue. *George M'lur of Bennam*, in the Parish of *Lar*, his Lands were about Three hundred Merks a Year, and his Moveables a Thousand Pounds; both were possessed by *Edmonstoun of Broich*: He himself was afterwards apprehended, continued in Prison about a Year, and died abroad. *Hugh M'lewarith of Auchinshour* was likewise taken, and by Money to the Advocate, and Composition with the Donators for his Lands and Moveables, and for procuring a Remission, expended, as appears by an Account before me under his Hand, about Seven thousand Merks, and yet his Lands were but about Two hundred Merks yearly Rent.

The same Day the Court desert the Diet against *Robert Fullartoun of Bennels*, *Robert Nisbet of Greenholm*, *Kennedy younger of Glenour*, and *James Aird younger of Milltoun*, who compeared upon the Pannel, and offered to abide a Trial. I may notice it generally in both these Processes, that Sentence passes only against Absents, and when Heritors appear and abide their Trial, few of them are found guilty. Indeed it was very easy finding People guilty, when not present to answer for themselves, which was the Case of the most Part.

Sufferings of  
James Aird of  
Milltoun.

I have before me a well vouched Account of the Sufferings of *James Aird of Milltoun*, lately got to Heaven. This worthy Man's Character needs scarce be given, he was so well known in the West of *Scotland*, for his eminent Piety, and unwearied employing himself for the Good of Souls; and the Loss sustained by his Death is truly very great. His Father, *John Aird*, was a Merchant in *Glasgow* since the Revolution, and he lived much at and near *Kilmarnock*, in this Period I am upon; they were both fined once and again, for not hearing the Episcopal Ministers. While Mr. *Aird* younger was at *Kilmarnock*, Mr. *Carnegie* Curate there, upon a Sabbath-day, which was very stormy, and the Church very thin, at the Close of the Afternoon's Sermon, having caused lock the Kirk Doors, called over the Names of the Parishoners, at least the Heads of Families, and whoever did not answer to their Names were marked absent, and his Name given up, and fined. In the Year 1678. Twenty four Soldiers were quartered upon him for Twenty Days, and after they removed, Twelve more for Fourteen Days. When before the Justiciary, Fifty five Witnesses were sworn as to his being at *Bothwell*, but nothing being proven, his Diet before the Justiciary was deserted, and he liberate. However, he was forced to agree with the Laird of *Broich*, who, upon the account of alledged Refet and Converse, got a Gift of his Moveables, and to give him a Thousand Merks, and his Charges before the Justiciary were upwards of Three hundred Merks; and yet, in a few Weeks after he was liberate, Parties were sent to his House in quest of him. He was for Forty two Nights forced to ly in the open Fields, and for several Years obliged to abscond, and put from looking after his Affairs. Many Times Parties came to his House, and rifled it of every Thing they could carry away. After all this Trouble this excellent Christian had Thirty Years of the Enjoyment of pure Gospel Ordinances, since the Revolution; and he used to say, One of the Gospel Days, and refreshing Communion we have since had, was more than a Reward for all the small Sufferings (as he was pleased to term them) he had endured.

Particular For-  
feitures of  
*Standhill* and  
*Bewly*, Jan. 31.

Having thus gone through the more general Forfeitures this Year, let me observe, that upon the last of *January*, *Thomas Turnbull of Standhill*, and *Walter Turnbull of Bewly* are forfeited in Absence in common Form, by the Justice Court; the Probation of their being in Arms at *Bothwell*, is pretty plain. Several other Heritors



in the *Merse* and *Berwick* Shire are cited to this Diet, and some compeared, and some not; but Probation fails against them, and so I need say no more about them.

1681.

I find upon the 16 of *February*, the Process of Forfeiture against *Alexander Hamilton* of *Kinkel*, which since *July* 1679. hath been still in Dependance, is deserted before the Council. And upon the last of *February*, *Kinkel* appears before the Justiciary, and produces an Act of Council bearing, 'That considering, *Alexander Hamilton* of *Kinkel* hath been long before the Justiciary, and the Advocate is not ready to institt, the Council order him to be liberate, he giving Bond to appear when called. Accordingly the Justice Court desert the Diet upon *Kinkel's* giving Bond and Caution to compear under Penalty of Ten Thousand Merks. The great Cause of this good Man's getting off thus, was, by former Oppression, Fines and Hardships, his Lands were brought so low, that they were scarce worth a Donator's while to seek after.

*Kinkel's* Process deserted.

I shall end this Section with an Account of the Process against *John Spreul*, Apothecary in *Glasgow*, who was before the Justiciary *June* this Year, and give it at some length, both because it was after Torture, and made no little Noise; and I have distinct and attested Accounts of it, and he continued more than Six Years a close Prisoner after Torture. This Gentleman is yet alive after all his fore Sufferings, and I know his Modesty will not allow me to give that Character of him which he deserves, and therefore I shall only relate his Sufferings as they stand in the publick Records, intermixing some other Hints which I have well vouched.

Process against *John Spreul* Apothecary in *Glasgow*.

*Mr. Spreul's* Troubles began very soon after *Pentland*. His Father, *John Spreul* Merchant in *Paisly*, was fined by *Middleton*, altho' he had suffered for his refusing the *Tender*; he paid the one Half of his Fine, and being prosecuted for the other, or rather his refusing the Declaration, he was forced, with many other worthy Persons, to abscond. When General *Dalziel* came, as we have heard, to *Kilmarnock* 1667. a Party of Soldiers were sent to *Paisly*, and took *Mr. Spreul*, whose Sufferings I am now relating, Prisoner, merely because he would not discover where his Father was. At that Time, after many terrible Threatnings of being shot to Death, roasted at a Fire, and the like, and some short Confinement, he was dismissed.

His Troubles 1667.

In the Year 1677. he was, with *Aikenhead* and many other Gentlemen, cited before a Court in *Glasgow*, of which some Account has been already given. Finding that Severity was designed against all that compeared, *Mr. Spreul* absented, and was with several other worthy Persons denounced and intercommuned, tho' nothing was laid to their Charge but mere Nonconformity.

1677.

This obliged him to quit his House and Shop, and go abroad, sometimes to *Holland*, *France* and *Ireland*, and merchandise. He was in *Ireland* with his Uncle *Mr. James Alexander* in *May* 1679. and came over to *Scotland* after the Scuffle at *Drumclog* in *June*, and went to his House at *Crawfords-dyke*, where understanding the Conduct of the West Country Army, he had no Freedom to joyn them, tho' his own Brother *James Spreul*, and two Cousins, *John Spreul* Writer, and *John Spreul* Merchant in *Glasgow*, were with them in Arms. His Business obliged him to be with some in that Army, but he never joyned them.

Did not joyn in the Rising at *Bothwell*.

After the Defeat at *Bothwell* he absconded again, however his Wife and Family was turned out of his House and Shop, and all the Moveables secured. Within a little he retired to *Holland*, and stayed there some time, where hearing of the continued Persecution in *Scotland*, and growing Divisions among the Sufferers, he came home 1680. with a Design to bring his Wife and Family to *Rotterdam*.

Goes over to *Holland*, and when returned

When lurking at *Edinburgh*, *November* 12. a severe Search was made for *Mr. Cargil* and his Followers, and *Mr. Spreul* was apprehended by Major *Johnstoun* when in his Bed, and his Goods he had brought from *Holland* seized by the Party, tho' none of them were prohibited. He was carried first to the General, and then to the Guard at the *Abbey*, where *Mr. Skene* and *Archibald Stuart* were Prisoners; with whom he was carried up to the Tolbooth next Day about Nine of the Clock when the Council was convened.

*November* 1680. he is apprehended at *Edinburgh*.

By the Council Registers we have seen he was examined *November* 13. but his Answers are not insert, and therefore I shall give the Substance of what passed as far as *Mr. Spreul* could remember. He was interrogate, Were you at the Killing of the Archbishop? *Ans.* I was in *Ireland* at that Time. *Quest.* Was it a Murder? *Ans.* I know not, but by Hearsay, that he is dead, and cannot judge other Mens Actions upon Hearsay. I am no Judge, but in my discrete Judgment I would not have done it, and cannot approve it. He was again urged; but do you not think it was Murder? *Ans.* Excuse me from going any further, I scruple to condemn what I cannot approve, seeing there may be a righteous Judgment of God, where there is a sinful Hand of Man, and I may admire and adore the one when I tremble at the other. *Quest.* Were you at *Drumclog*? *Ans.* I was at *Dublin* then. *Quest.* Did you know nothing of the Rebels rising in Arms when in Design? *Ans.* No; the first Time I heard of it was in coming from *Dublin* to *Belfast* in my Way home, where I heard that *Claverhouse* was resisted by the Country People at *Drumclog*. *Quest.* Was not that Rebellion? *Ans.* I think not; for I own the Freedom of Preaching the Gospel, and I hear, what they did was only in Self-defence. *Quest.* Were you at *Bothwell* with the Rebels? *Ans.* After my Return from *Ireland* I was at *Hamiltoun* seeking in Money, and clearing Counts with my Customers, so I went through Part of the West Country Army, and spoke

His Examination before the Council *Nov.* 13. 1680.



1681.

with some there, since the King's High-way was as free to me as to other Men; but I neither joyned them as Commander, Trooper, nor Soldier. *Quest.* Was that Rising Rebellion? *Ans.* I will not call it Rebellion, I think it was a providential Necessity put on them for their own Safety, after *Drumclog*. This Confession of his he was urged to subscribe, but absolutely refused it. By the Registers, I find, 'Mr. *Spreul* before the Council, *November 15.* confesseth he was in Company with Mr. *Cargil* in *Edinburgh*, but will not discover in what House, and adds, That there was nothing 'twixt them but Salutations.

Council's Act,  
Nov 15. for his  
Torture.

Mr. *Spreul* having come from *Ireland* in the Time of *Bothwell*, and being just now come from *Holland*, and owning he had been in Company with Mr. *Cargil*, the Managers were of Opinion, that he could give them more Information; and now being got into the inhumane Way of putting People to the Torture, and *A. Stuart* being examined this way, *November 15.* that same Day the Council pass the following Act. 'The Lords of his Majesty's Privy Council having good Reason to believe, That there is a Principle of murdering his Majesty, and those under him, for doing his Majesty Service, and a Design of subverting the Government of Church and State, entertained and carried on by the Fanaticks, and particularly by Mr. *Donald Cargil*, Mr. *Robert Macwaird*, and others their Complices, and that *John Spreul* and *Robert Hamilton* have been in Accession thereunto, ordain them to be subjected to the Torture, upon such Interrogatories as relate to these Three Points. 1. By what Reason and Means that murdering Principle is taught and carried on; who were accessory to the Contrivance of Murdering; who were to be murdered; and also as to the Archbishop of *St. Andrews*'s Murder. 2. If there was any new Rebellion intended; by what Means it was to be carried on; who were to bring Home the Arms; if any be brought or bought, and by whom; who were the Contrivers and Promoters of the late Rebellion at *Bothwell-bridge*. 3. Who were their Correspondents Abroad and at Home, particularly at *London*, or elsewhere; what they know of bringing Home or disposing of seditious Pamphlets, and such other Particulars as relate to those Generals: And give full Power and Commission to the Earls of *Argyle*, *Linlithgow*, *Perth*, and *Queensberry*, Treasurer-depute, Register, Advocate, Justice-clerk, General *Dalziel*, Lord *Collingtoun*, and *Haado*, to call and examine the said Persons in Torture, upon the said Interrogatories, and such other as they shall find pertinent upon the said Heads, and report.'

Accordingly he  
is tortured.

I find no Report in the Council-books, because nothing was expiscate by Torture, which was not before acknowledged. Indeed there was nothing in this Plot and murdering Design, but imaginary Fears, and therefore I shall, from other Papers, give some Account of this Torture, the Questions proposed, and Answers given by Mr. *Spreul*, as far as his Memory could serve him afterwards to write down.

What past at  
the Torture.

The Lord *Haltoun* was Preses of this Committee, and the Duke of *Tork* and many others were present. The Preses told Mr. *Spreul*, That if he would not make a more ample Confession than he had done, and sign it, he behoved to underly the Torture. Mr. *Spreul* said, 'He had been very ingenuous before the Council, and would go no further; that they could not subject him to Torture according to Law; but if they would go on, he protested that his Torture was without, yea, against all Law; that what was extorted from him under the Torture, against himself or any others, he would resile from it, and it ought not to militate against him or any others; and yet he declared his Hopes, GOD would not leave him so far, as to accuse himself or others under the Extremity of Pain.' Then the Hangman put his Foot in the Instrument called the *Boot*, and, at every Query put to him, gave Five Strokes or thereby upon the Wedges. The Queries were, Whether he knew any thing of a Plot to blow up the *Abbey* and Duke of *Tork*? who was in the Plot, and where Mr. *Cargil* was, and if he would subscribe his Confession before the Council? To these he declared his absolute and utter Ignorance, and adhered to his refusing to subscribe. When nothing could be expiscate by this, they ordered the old *Boot* to be brought, alledging this new one used by the Hangman was not so good as the old, and accordingly it was brought, and he underwent the Torture a second Time, and adhered to what he had before said. General *Dalziel* complained at the second Torture, That the Hangman did not strike strongly enough upon the Wedges; he said, He struck with all his Strength, and offered the General the Mallet to do it himself. Mr. *Spreul* was very firm, and wonderfully supported, to his own Feeling in Body and Spirit, during the Torture. When it was over, he was carried to Prison on a Soldier's Back, where he was refused the Benefit of a Surgeon; but the Lord blessed so the Means he himself used, that in a little Time he recovered pretty well. That same Day his Wife came to *Edinburgh*, but by no Means could she be allowed Access to him, to help him after his Torture.

He is indicted  
in Mar., out  
the Witnesses  
failing, is pro-  
cess is delayed.

When he was recovered, the Advocate sent him an Indictment, and, in *March* this Year, he was before the Justiciary; but the Advocate's Witnesses were not ready, and so the Process was delayed. Under this Dilature, new Witnesses were got in from the West Country; and Mr. *Spreul* was brought before some Counsellors, and the Witnesses confronted with him. Mr. *Spreul* protested against examining Witnesses extrajudicially, and not before his Judges and the Assize, and took Instruments in the Clerk's Hand. Mean while, he was informed by



by one present, that some of the Witnesses were threatned, and others of them had large Promises given them to bear Testimony against him. Yet, after all, the Lords themselves began to think the Probation would not reach his Life; but the Duke of York very much pressed their going on, alledging they were at much Pains about poor Country People, but Mr. Spreul was more dangerous than Five hundred of them.

1681.

He falls under  
new Trouble  
in March, for  
forming

In March, an Incident fell in, which brought Mr. Spreul to some more Trouble before his Trial, and it deserves a Room here. John Murray a Sailer was sentenced to die for his being at a Conventicle in Arms, as we shall hear. A good many had been already executed chiefly at the Duke of York's Instigation, and some of the Managers were willing to shew this Man some Favour. Accordingly, several Draughts of a Petition were proposed to him, which if he should sign, the Council would procure him a Reprieve: He refused them all, as what he thought imported a receding from his Principles. At length, Sir William Paterson calling Mr. Spreul, who was in the same Room of the Prison with John Murray, to another, told him, the Council inclined to spare Murray, and intreated him to deal with him to sign any Petition, and he would present it. Mr. Spreul was not willing to engage much in this Matter, lest he should be mistaken, and misrepresented; and John Murray would not direct any Petition to the Duke of York: However, at length he drew a Declaration with a petitory Clause added to it, which satisfied John, and he signed it. It was directed to the Council, and ran, 'Whereas I am sadly misrepresented to your Lordships, as if I were a Man of King-killing Principles, I declare I would kill no Man whatsoever but upon Self-defence, which the Law of God and Nature allows; I own the free Preaching of the Gospel, whether in the Fields or Houses, seeing 'tis written, *Without Faith 'tis impossible to please God, and Faith cometh by Hearing*. I also own Jesus Christ as the only Head of his own Church, and King of Saints, and disown all others pretending thereunto. May it therefore please your Lordships, to recal the Sentence against me, as if I were of dangerous and King-killing Principles, lest you bring innocent Blood upon your own Heads, this City, and Inhabitants thereof; for I declare I am no Papist, and hate and abhor all those Jesuitical, bloody, and murdering Principles.'

A Petition for  
John Murray  
under Sentence  
of Death.

When this Petition was read in Council, John Murray was asked, who drew it: With much Difficulty he was brought to tell; and straightway Mr. Spreul was called before them, and interrogate, if he knew any thing about a Petition presented by John Murray. He asked a Sight of it, and owned it his Writ, desired it might be read before him, and that he might know what was objected against it; and acknowledged he had drawn it at the Clerk's earnest Desire, and again intreated it might be read, that he might know what they quarrelled in it. This was not done, but the Duke of York rose up, and said with a Frown, Sir, would you kill the King? After a Pause, Mr. Spreul directing himself to the Chancellor, said, My Lord, I bless God I am no Papist, I lothe and abhor all those Jesuitical, bloody and murdering Principles; neither my Parents, nor the Ministers I heard ever taught me such Principles. A great Silence followed, and many expected that Mr. Spreul should have been sent to the Irons immediately. In a little, the Chancellor asked Mr. Spreul, if he had been at Bothwell, and some other Questions relative thereto; which the Pannel declined giving Answers to, since he was before the Justiciary. There was not one Word more of the Petition; but, 'tis probable, what he spoke at this Time made his Prosecution the more violent before the Justiciary, of which I now come to give Account from the Registers.

What past up-  
on this in  
Council, with  
Mr. Spreul's  
Answer to the  
Duke of York.

March 2. John Spreul, Apothecary in Glasgow, is indicted before the Justiciary for Treason and Rebellion, and the Lords continue his Process till June next. Upon the 6 of June I find him in the Pannel, and the Lords desert the Diet *simpliciter*; whether it was from some Informality in the Libel, or what was the Reason, I cannot tell, but upon the 10 of June, Mr. Spreul is brought again before the Justiciary, and the Advocate produces an Act of Council, dated June 9. ordering him to pursue a Forfeiture against the said Mr. Spreul; and accordingly presents an Indictment of Treason and Rebellion, for corresponding and being present with the Rebels at Bothwell. It runs in the common Form which is insert above, and so needs not be repeated here. Only I notice, that he is charged 'with keeping Company and corresponding with Mr. John Welsh and Mr. Samuel Arnot, the bloody and sacrilegious Murderers of the late Archbishop of St. Andrews;' which is an arrant Falshood, those Two Ministers having had no Share in that Fact.

His Process  
before the Ju-  
sticiary, March  
and June.

Indictments  
June 10.

The Pannel's Advocates are Sir George Lockhart, Mr. Walter Pringle, Mr. James Dacs, Mr. Alexander Swinton, and Mr. David Thoirs. In the Entry, the King's Advocate declares, he makes Use of the Pannel's Confession, when put to the Torture before the Council, only as a Mean of Probation to adminiculate the other Probation to be led, but does not insist upon that Confession at this Time, either as a Crime *per se*, or as a sufficient Mean of Probation, without being adminiculate, as said is. Mr. Pringle alledged, the Defender could not pais to the Knowledge of an Inquest, because 'tis offered to be proven, that he being examined before the Council for the same Crime, and having denied the same, and thereafter being tortured Two several Times, he still denied the same, and consequently, by the Law of this and all other Nations, he cannot be impannelled nor condemned for that Crime, upon any new Probation,

Pannel's Ad-  
vocates.

Debates whe-  
ther the De-  
fender can pais to  
the Know-  
ledge of an  
Affize after  
Torture.



1681.

King's Advocate's Replies.

Probation, and protests the Pannel may be heard upon the Relevancy of any pretended Confession, adduced as an Adminicle. The Advocate replies, That a Denial upon Torture cannot infer absolute Liberation, since no Man's Obstinacy should be of Advantage to him; and that were to make Disingenuity a Remission, and tempt Criminals to conceal Truth; nor does Torture in Law import any more than a Presumption of Innocence, & *adumbratam veritatis speciem*; but so it is, that in Law Presumptions may be taken off by clear Probation, *presumptio cedit veritati*; and Judges and Magistrates being forced to put suspect Persons to Torture, how soon they are apprehended, for preventing further Danger; if this Torture, by way of Inquisition, preclude future Probation, it will follow, That either Crimes must be left undiscovered, by not putting suspect Persons to Torture, or that Pannels be absolved and suffered to go unpunished, by wanting After-opportunities of leading just Probation against them; and (added he) how absurd would it be, that a Person guilty of burning a *Metropolis*, and yet denying this in a preparatory Trial, should be let go, when afterwards he might be convicted by plain Probation? By this Means wicked Persons might escape; but there can no Hurt follow from the Advocate's Position, that Torture only ought to prevent a new Trial upon *indicia conjecturæ*, and Presumptions, but not upon a clear Probation. He further asserts, That tho' most that can be pleaded in Law is, That no Man can be tried upon the principal and chief Grounds and Points for which he was tortured; but the Pannel was never tortured upon the Grounds he is now to be tried upon: That he was tortured upon his Accession to the King's Excommunication, Correspondence with *Cargil* and other Rebels in *Holland*; whereas now he is to be tried upon his being in Arms with the Rebels. He adds, That the Pannel, upon Torture, had neither cleared himself, nor satisfied the Judges, but continued in one insuperable Obstinacy; and therefore the Reason from the Torture ceases. And lastly, he alledged there could be no Necessity to examine the Pannel, as to his Accession to the Rebellion, since 'tis offered to be proven, that previously to his Torture, he confessed this Crime clearly and liquidly.

Sir George Lockhart's Duplies.

Sir George Lockhart duplies, That the Defence offered for the Pannel, is so much founded upon the common Law, the Law and Custom of Nations, the Opinion of the most eminent Criminalists, the Practice of the most famous Tribunals in *Europe*, that it cannot be elided; for 'tis not controverted, that if the Accuser in a criminal Process only make Use of a presumptive Probation, without putting the Pannel to Torture, the Law in that Case considers the Concourse of Adminicles and Presumptions, and in that Case *presumptio cedit veritati*, according to the Pregnancy of the Adminicles or Presumptions urged; but when the Accuser, not trusting to any Probation he is able to adduce, recurs to the extraordinary Remedy of Torture, as *medium explorandi & indagandi veritatem*, in which Torture, as being that which the Law looks upon to be *res fragilis*, and by which the Innocent is as oft oppressed as Necessity discovered; in that Case the common Principles of Law, and Custom of Nations, has proceeded with that Equality of Justice, that as in case an innocent Person, forced by Torture to confess the Crime, behoved to be condemned; so Parity of Reason requires, that if the Person *patientia sua vicerit vim tormentorum, absolvendus est, non solum ab instantia, sed etiam a crimine*. And the Reason is, because the Accuser, by recurring to the extraordinary and subsidiary Remedy of Torture, does place the whole Vigour and Effect of the Affair, upon what shall be the Effect of the Torture, and that whether the Pannel confess and be condemned, or by enduring, purge all Manner of Probation that was competent against him. Again, it is true, that if the Judge or Pursuer do not subject the Pannel to Torture, or in Torture do not interrogate him *super ipso crimine & facto principali*, but only *pro ulteriore veritate indaganda, vel circumstantiis delictum aggravantibus*, in that Case the Torture cannot operate as to the principal Fact; but that does not concern the Point in question, in regard it is offered to be proven, this Pannel was tortured, not upon any special Copy of particular Presumptions delivered to him, nor upon these special Points condescended on by the Advocate, but was tortured twice most violently *super ipso crimine*, and the principal Deeds libelled, and was particularly interrogate, if he was not present with the Rebels at *Bothwell-bridge*, *Hamiltoun-muir*, and *Glasgow*; upon all which he suffered Torture without any Acknowledgment. And what can be of more dangerous Consequence, than that Subjects accused of Crimes, be first, by way of Expiscation, subjected to the horrid Pain and Violence of Torture? and that, notwithstanding that many Times their Members be torn, lacerate, and disenabled for all their Lives, yea, may run the Hazard of their Lives, and after all shall not by enduring so much, redeem themselves from further Trial as to these Crimes, if this Doctrine be laid down, in all criminal Processes the first Enquiry shall still be by Torture, which the Law only allows as the last and extraordinary Remedy, and *in subsidium*: Yea, Torture is of it self of so extraordinary a Nature, as the Customs of many Nations do altogether reprobate it, and that even as the last Remedy; but no Law will allow it to be made Use of, and Parties still liable to further Inquiries, as to the same Crimes. And he adds, that there is no Prejudice hereby to the publick Interests, or to his Majesty, because the just and regular Way is still patent, and his Majesty's Officers are first to use their utmost Enquiry for Probation; and if this fail in *Treason & criminibus exceptis*, there is Room for



for the last Remedy: But 'tis the constant Opinion of all Lawyers, that when once Torture is used, it excludes all further Probation, and the Lords of the Justiciary are desired to cast their Eyes upon *Farin. Quest. 40. Clarus, Quest. 84. N<sup>o</sup>. 38.* where he says, that all the World is of Opinion, that Torture purges, *etiamsi delictum fuisset contra ipsum plene probatum*, and that if it were not so, double Punishment is undergone: And *Gomezius, Cap. 13. N<sup>o</sup>. 28. Carpzovius Quest. 125. Damaderius, Prax. criminal. Cap. 29.* And as there is no positive Law and Act of Parliament in Scotland for Torture, except in so far as it is founded on Custom and common Law, so the Effects of Torture must be interpret according to those; yea, the Practice of this Nation hath been exactly agreeable to these. In the Year 1632 and 1633. *John Toshach* being pursued as guilty of Statutory Treason, for wilful Fire, and burning the House of *Frendraught*, the Pannel being interrogate, not upon the whole Fact, as libelled, but precisely, whether he entred into the Vault with a Candle that Night the House was burnt, and upon this subjected to Torture, and denied it; and the Process continuing from *August* to *November*, and thence to *February*, and his Majesty's Advocate urging a new Probation, and the Pannel's Lawyers advancing his Torture as a Defence; the Lords of Justiciary sustained it, after advising with the Council, and long considering the Affair. The Practick holds much stronger in this Case, wherein the Pannel was tortured upon the formal Crime and Question. And as to the Pretence, the Pannel had confessed the Crime before Torture, as to himself, and was only tortured as to his Complices, and its Circumstances not now insisted upon. It is answered, this does not elide the Defence, but resolves in a Denial thereof, which mean while is offered to be proven: And further, no such pretended Confession is produced in Writ, under the Pannel's own Hand; and tho' it were, it is only extrajudicial, and cannot be a Mean of Probation before an Inquest; and it is not to be supposed, that after a Confession his Majesty's Advocate would put the Pannel to Torture: And further, it cannot be sustained without the Danger of all Mens Lives, that the Depositions of Witnesses may be made Use of to prove pretended Confessions, whereupon to infer Guilt, the Confessions not being extant. The Pannel indeed was desired to subscribe a Paper containing his Confession, but he absolutely refused the same.

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The Advocate produceth the Council's Commission for Torture, to shew he was not tortured on the Points libelled.  
Sir George Lockhart's Duplies.

His Majesty's Advocate consents, that it shall be relevant to the Pannel to prove, that he was tortured upon this very Point by Command of Council; and for verifying the contrary, the Commission it self, *November 15.* upon which he was subjected to Torture, is adduced, which hath been insert above, and needs not be repeated.

Sir *George Lockhart* duplies for the Pannel, that the Pretext advanced by the Advocate is irrelevant, that there can be no Necessity on the Pannel to prove that he was interrogate, as to the Crimes libelled by the Authority of Council. He was not in the least obliged to consider who interrogate him, there being a Committee appointed by Council, and he examined in their Presence; no more can be required but a Proof, that *de facto* he was interrogate upon the Crimes now libelled, as he offers to prove. To suppose he was otherwise interrogate than their Commission bears, were to stage the Committee of illegal Procedure; but it is certain the Pannel was interrogate on the Crimes libelled, and his Answers drawn up as his Confession; yea, the Council's Commission allows Particulars upon the general Heads set down.

Lords Interlocutor repelling the Defence of Torture.

After these Debates, the Lords, by their Interlocutor, 'find the Dittay relevant, and remit the Probation to an Assize, and repel the Defence founded upon the Torture, in respect the Commission of Council did not warrant the Pannel to have been questioned upon any of the Crimes mentioned in the Dittay, and continues the said Action till the Thirteenth Instant.'

New Debates July 13.

Upon the 13. Mr. *Pringle* alledged for the Pannel, that notwithstanding the Interlocutor and Commission produced, the Defence ought to be sustained, and takes Instruments upon the Production of the Commission, and contends notwithstanding of that, the Committee had Power to interrogate upon the Crimes libelled, by the Second Branch of their Powers, and the general Clause at the Close of the Third Branch; that agreeably to these, they might justly interrogate him if he was at *Bothwell-bridge*, and offers to prove he was accordingly interrogate. Mr. *David Thoms* adds, that the Committee are sole Judges of the Pertinency of the Interrogatories, and he having in Torture denied the same, he must be absolved.

Advocate's Replies.

The Advocate oppones the Commission and Interlocutor, and offers to prove, that it was argued and concluded in Council, that he should not be interrogate upon his Accession to *Bothwell-bridge*; and the Committee again agreed he should not be interrogate *simpliciter*, upon his being in the Rebellion, which is the only Thing now insisted on.

Sir George Lockhart's Duplies.

To this Sir *George Lockhart* oppones the Commission of Council, and the Pannel again and again takes Instruments, and protests it may ly and remain in the Clerk's Hand; and adds, that Commissions upon which so important Effects have followed, as Torture, ought not to be subjected *ex post facto* to Glosses and Interpretations; that the Alledgance of contrary Resolutions is no way relevant, because *tantum creditur judici, quantum apparet ex actis*, and the Commission under the Clerk's Hand, can never be redargued by any Probation of verbal Conclusions and Debates; and it is an unanswerable Argument, the Committee proceeded according



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according to their Commission, that 'tis again and again offered to be proved, that the Pannel was subjected to Torture the Second Time, because he refused to sign the Confession offered him, which, among other Things, contained an Answer to an Interrogatory as to his Accession to *Bothwell*.

The Lords adhere to their former Interlocutor, and remit the Libel to Probation.

The Deposition of John Laing.

The Lords having considered this, with the former Debate, ' find no new Matter alleged for the Pannel, and adhere to their former Interlocutor, and remit the Dittay to an Affize.' Their Names I omit for Brevity; after they are lawfully sworn, and the Advocate adduces his Witnesses.

*John Laing*, Chirurgion in *Hamiltoun*, depones, he was with the Pannel in June 1679. in *Hamiltoun*, about fitting Accounts 'twixt them, according to an Appointment made before the Pannel went to *Ireland*; that not being able to end them, the Pannel took his Horse, and rode away with Pistols and Holsters towards *Glasgow*, and that he used to see the Pannel before the Rebellion ride with Pistols, and that no Discourse passed 'twixt them as to the Rebels then in Arms, and this was about Eight Days before the Engagement, and the Pannel said he was come straight from *Ireland*.

David Caldwell, Objections against him as having already deposed on the Contents of the Libel.

*David Caldwell* in *Monkland* is next adduced. Mr. *Pringle* objects against him, in regard, that since the Pannel was cited upon this Libel, he hath been examined, and deposed upon the Contents of the Libel, and by no Law can any previous Inquisition be made, or Witnesses examined after a criminal Pursuit is raised: And Sir *George Lockhart* adds, That this Matter is of the last Importance as to the Lives of People, that after Pannels are accused, the Witnesses shall not be adduced or examined but in Judgment, and in Presence of the Pannel and Inquest. The Reason is plain, because the Pannel is to be confronted in *omni actu judiciali*, which concerns his Life, with the Witness, and he to be interrogate upon the mutual Interrogatories of the Pannel, which may tend to clear the Pannel's Innocence, and the Witness is not to be predetermined, by Depositions upon Oath, without calling the Pannel, which in Law is *proditio testimonii*. This was determined by this Court, January 8. 1672. in the Case of the present Justice-general, and the *Johnsouns* of *Carshago*, and my Lord Advocate in his Criminals sets down and approves the said Decision. The Advocate answers, That *proditio testimonii* is only reprobate by Law when ultroneous, and not when Oath is given before a Judge, which can be no Prejudice to a Pannel, and is necessary in many Cases, especially that of Rebellion, which is so horrid a Crime, that many Things are stamped in a Process of that Nature, not allowed in other Cases, such as *socii criminis*; and 'tis necessary in this Case, that it may be known what Witnesses are to be secured, who otherwise would not come. Besides, in *March* last, after a solemn Debate, this very Defence was repelled in Council, and the Justices commanded to examine, and did so. He added, that as there is no Hazard in doing so, the Hazard to the Common-wealth is great, if this be neglected; that honest Witnesses upon Oath will depone nothing but Truth, and that still any Depositions probative must be in the Party's Presence, and this Court is not to regard any Depositions but what are before them: That the previous Trial does not hinder the Pannel from propounding his Interrogatories, which is the Reason of the Act of Parliament; and tho' after the Libel is given, nothing can be further done by way of Inquest, and further burdening the Pannel, yet Oaths may be taken for clearing what Witnesses ought to be secured, lest they abstract themselves for being in the same Crime, otherwise sometimes a Hundred of the Lieges behoved to be secured at once: And lastly, the Advocate declares he makes no Use of the previous Deposition. Sir *George Lockhart* replies, the Objection stands in full Force; for altho' in *indicio inquisitionis*, before a Person be cited as guilty, there is Room to hear the Declarations of Witnesses, yet in *indicio accusationis*, and when the Party is indicted, there is no Room for proceeding, but where the Party is present; and 'tis of no Effect for the Lord Advocate, to declare that he makes no Use of the former Depositions, for they have already had their Effect prejudicial to the Pannel, viz. to limit and predetermine them, so that they cannot depone otherwise than already, without Infamy and Perjury: And 'tis not to interpret but to subvert the Act of Parliament, *Act 90. Parl. 11. Jam. VI.* to say that Witnesses may be first examined upon Oath, the Pannel being absent, and then examined again in his Presence, after they have deposed. As to this, Points being already determined in the Point of *Lanerk* Heritors, *March* last, 'tis answered, The Pretence is groundless, and 'tis peremptorily asserted, that since the Foundation of this Court, there was never a Witness examined upon Oath in the Pannel's Absence, after he was accused, and there can be no Exception, except when the Pannel, after Citation, is contumaciously absent. And even in that Case, there can be no further Procedure made, not so much as to examine Witnesses to ly in *retentis*, except in the Case of open Rebellion and publick Sedition, and that only by virtue of a late Act of Parliament, before which Witnesses could not at all have been examined.

Advocate's Answers.

Sir George Lockhart's Duplies.

The Lords repel the Objection.

After this long Debate, the Lords ' repel the Objection founded upon the Depositions taken by Order of Council, in regard they do not allow his Majesty's Advocate to adduce them as a Probation, and ordain the Witnesses to be received.' Sir *George Lockhart* takes Instruments, that it is acknowledged there were other Depositions taken of the Witnesses out with



th the Prefence of the Pannel. Another Objection is made against the same Witness as *fo-*  
*us criminis*; but the Lords repel it, because he hath taken the Bond appointed by the  
demnity, and the Procefs is of Treason. Sir George Lockhart takes Instruments, that it is  
knownledged the Witness was in the Rebellion, and has taken the Bond.

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Then David Caldwell depones, he thinks he saw the Pannel riding in Arms half a Mile from  
Hamiltoun, the Friday before the Defeat at Bothwell; that there were some Men with him  
whom he knew not to be Rebels, but some of them had Arms; that he never saw the Pan-  
nel before that he was half a Mile from the Body of the Rebels; that he does not know if  
the Pannel was reputed one of the Rebels; that he met the Pannel in the High-way at the  
Mederwall, in the Way from Hamiltoun to Edinburgh; that he never saw the Pannel since,  
but he thinks he is the Man he saw there; that he knew none in Company with the Pan-  
nel, except one Ruffel, whom he saw frequently in Company with the Rebels.

Deposition of  
David Caldwell

James Hamilton in Hamiltoun, called *Nepos*, depones, he saw Mr. Spreul in June 1679. go-  
ing alone through Hamiltoun to an Apothecary's Shop, with a walking Sword about him; that  
he never heard him reputed among the Rebels at that Time.

James Hamil-  
ton

James Millar in Millbeugh depones, in June 1679. he saw one designed Mr. Spreul riding  
with Arms on a gray Horse, up to the Rebels in Hamiltoun-muir; that the Pannel is like  
the Man designed Mr. Spreul, but dare not depone he is he; that he never heard that af-  
ter that Mr. Spreul was among the Rebels.

James Millar.

John Spreul, Writer in Glasgow, depones, that he, being in Company with the Rebels, met the  
Pannel and another in his Company upon the Road, half a Mile from the Haggs some Days  
before Bothwell; that he did not see the Pannel in Company with the Rebels in Hamiltoun-  
muir, nor any where else.

John Spreul

John Aird, Merchant in Glasgow, depones, that he and the Pannel, with another Woman,  
were in Company in the Deponent's House at Glasgow with Mr. John Welsh. A vast number  
of other Witnesses are sworn, but they have nothing in their Depositions worth while.

John Aird.

When the Probation by Witnesses was ended, the Advocate, for further Probation, adduced  
the abovementioned alledged Confession in presence of Council. Sir George Lockhart alled-  
ged for the Pannel, that the pretended Confession before the Council could not be repeated  
as a Mean of Probation in this Procefs, because that 'tis not signed by the Pannel, but, when it  
was offered to him, was disowned and disclaimed by him, and what he would not sign;  
that 'tis most unreasonable that a Confession, not acquiesced unto by the Pannel, and drawn  
up *ex post facto*, and after a long Interval of Time, should be made to militate against him, by  
any Witnesses whatsoever, and the Reason is because a Confession, importing what concerns  
a Man's Life or Fortune may be mistaken by Witnesses as to the Tenor, and Phrases, and  
Manner of Expression, all which may make a vast Difference as to the Meaning and Import of  
such a Confession; and nothing can be of worse Consequence in Criminals than to lay down  
this Foundation, that what is deponed by Witnesses may be taken for a Man's own Confes-  
sion, especially *ex post facto*, and after a long Interval of Time; yea, tho' the said Confession  
were signed by the Pannel, yet being extrajudicial, and not *coram competente judice* as to  
the Procefs and Crime, it cannot be sustained; since such extrajudicial Confessions, even in  
Writing, and incontinently taken, are in Law revocable, & *fidem non faciunt in processu*  
*criminali*, as appears from *Matthæus de Crim. p. 370. Clarus, Quest. 54.* and the most that such  
Confessions can operate is only *indivium ad torturam*, which the Pannel has endured, and  
was subjected to it, because he refused to own the said pretended Confession. Further, ac-  
cording to the Practice of all Nations, 'tis statuted, *Act 90. Parl. 11. Jam. VI.* that all Writs and  
Documents used in Probation, shall be taken in face of the Inquest, and consequently before  
the Judges competent, whereas this Confession was *extra locum juris*, and the Privy Coun-  
cil are not proper Judges in this Procefs. All which Defences the Pannel propounds, as *separa-*  
*tim* relevant.

Mr. Spreul's  
Confession ad-  
duced as a fur-  
ther Proof.

Debates upon  
its not being  
signed, and dis-  
claimed, and  
Extrajudicial

His Majesty's Advocate replies, That the Pannel's not signing the Confession, says nothing,  
because it was read to him, and it shall be proven, that he could not disown the Confession;  
and the Pannel's Contumacy cannot be of Use to him, and ought not, unless one Crime be  
made to defend another; and the constant Custom has, upon good Reason, made unsigned  
Confessions valid; and Skene, Stuart, and others died upon such Confessions: That the  
Confession was written and read *ex incontinenti* to the Pannel; and it is offered to be proven,  
that he, being advertised of his Danger, and the Articles read one by one, acquiesced in  
them all, except that he would not say he was in the Rebellion; and *exceptio firmat regu-*  
*lam*. He adds, That following the merciful Example of the King his Master, and being un-  
willing to stretch any debatable Point, he hath only adduced this Confession against the Pan-  
nel as an Adminicle, and a Presumption joyned with other pregnant Grounds, and insists,  
That it is a very strong Argument; for who can know a Man's Accession so well as himself?  
Writs may be forged, Witnesses may be false, but a Man will never confess falsely to his own  
Hurt: And therefore a Confession *coram judice incompetente* is valid, unless the Confessor  
can shew what made him err. *Mascard. Conclus. 352. N. 2. Clarus, Quest. 55. N. 40.* 'Tis  
proven that he was upon the Spot, and conversed with the Rebels; and all that is wanting,

The Advor-  
cate's Replies.



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is, Whether it was *animo delinquendi*. And certainly his own Confession must be owned the most solid Evidence of this. To which it may be added, That the Pannel is universally known to be of these Principles which led Men to *Bothwell-bridge*, and to be the great Ringleader there, and that he will not yet call it a Rebellion: And how can it once be thought, that he who wished so well to that Party, trafficked so much for them, was so oft with them, and will not yet disown it, to the Hazard of his Life, being proven to have been there in Arms, and confessed it, who will think, that in *materia verisimili*, that the Confession should not operate against him, and adminiculate, as said is?

Sir George Lockhart's Duplies.

Sir George Lockhart duplies, That the Pannel's Procurators are not straitned by the Instances of Skene and other Traitors, which do not concern the Point in Hand; yea, they resort these Instances, in so far as they were sifted before the Justices, and did repeat their Confessions before them and the Inquest, and ran to the highest Transports of Fury and Treason, disowning the King and his Judges, and were in *crimine flagrante*, and owning and committing Treason in face of the Court. He further ailets, there cannot be one Instance given, wherever a Confession, importing Forfeiture of Life and Estate, not signed by the Person, or Judge, when he cannot write, but offered to be proven by Depositions of Witnesses, was ever heard of before, or sustained; and contends, this is reprobate by the general Principles of Law, and the Statutes of the Kingdom in *judicio civili*, and pecuniary Matters, in which *nuda emissio verborum* will not be admitted to be proven by Deposition of Witnesses, in a Sum of an Hundred Pounds Scots, and can it be admitted in a Matter of Life and Fortune? He adds, that 'tis notour, That a pretended judicial Confession before the Lords of Session, in the Case of Osburn and Buchanan, tho' produced under the Clerk's Hand, was not sustained to be binding in a Matter of Debt, because not subscribed by the Party; and it would be a strange Stretch indeed, if the Subscription of a Clerk, or Deposition of Witnesses, should be admitted in a Matter of this Importance, when cast as to the meanest pecuniary Matters: In short, what is advanced, that extrajudicial Confessions *coram iudice incompetente*, may be adduced in *modum adminiculi, nisi doceatur de errore*, comes not at all up to this Case, because that is only true, where *constat & apparet de veritate actus*, by Production of the Confession it self; in which Case 'tis acknowledged, that both in judicial and extrajudicial Confessions, if the Party be able *docere de errore*, he may retract, and be heard against the Confession; but here the Point debated is, that the Confession *de natura sua requirit scripturam*, which is not in this Case, and is not probable by Witnesses: And as to the Concurrence and Qualifications of the other Adminicles insisted on by his Majesty's Advocate, they are neither proper to be debated nor answered *hoc loco*, and may be represented to the Inquest, where they shall be sufficiently taken off. Mr. David Thoers adds, The Decision of the Court in the Case of Robertoun Soldier, who having confessed a Murder before the Three Commissioners of the Justiciary, the Advocate, and Clerk, the Court refused to sustain the Confession either as *plena*, or *semiplena probatio*, in respect it was not taken by Four of the Justices, who are only a *Quorum pro tribunali sedentes*.

The Lords refuse to sustain Confessions proven by Witnesses. Mr. Spensel interrogate if he thinks Bothwell to be Rebellion, with his Answer.

The Lords having considered this Part of the Debate, 'refuse to sustain the Confession to be proven by Witnesses, as a Mean of Probation either plenary, or adminiculate.' Then the Advocate moved the Pannel might be interrogate, If he thinks the being at *Bothwell-bridge*, Rebellion. The Pannel answers, That he conceives that he is not obliged to answer, because it is not the Crime libelled, and he may be as well interrogate upon any Point of Treason. The Lords having interrogate the Pannel, if he acknowledged the Rising at *Bothwell* to be a Rebellion; he answered, that was no Part of the Libel, and his After-life should witness him to be both a good Subject and good Christian. The Advocate closed his Probation, and protests for an Affize of Error, in case the Inquest assilvie the Pannel.

Verdict of the Affize, that the Libel is not proven.

The Lords ordain the Affize to inclose, and return their Verdict to Morrow; which they did, and when opened, was as follows. 'The Affize having considered the Depositions of the hail Witnesses led against John Spreul, una voce find nothing proven of the Crimes contained in the Libel, which may make him guilty.'

Neil Stevenson Chanc.

Act of Council discharging him to be liberated upon any Sentence of the Justiciary.

Whereupon the Pannel and his Procurators take Instruments, and crave he may be liberated: But his Majesty's Advocate produced an Act of Council, Edinburgh, June 14. 1681. 'The Council give Order and Warrant to the Justices, notwithstanding of any Verdict or Sentence, upon the criminal Dittay lately pursued against John Spreul, to detain him in Prison until he be examined upon several other Points they have to lay to his Charge.'

Pat. Menzies.

And so Mr. Spreul was sent back again to Prison. I have given the fuller Account of this Process, and as distinct a Detail of the Reasonings as I could form, because I was of Opinion,



pinion, the Debates which fell in in this Case, are in many Branches of them, upon Heads common to several other Sufferers in this Period; and the Pleading of such noted Lawiers on both Hands, will afford no small Light to the Cases of Torture, of extrajudicial Confession, the Refusal to sign Confessions, and other Points not uncommon in this Period. Besides, the Weight of the Case of Torture it self, which deserves a Room here, the Method of treating Pannels, and the Pains used to make every thing turn to their Disadvantage, with the Vigour now used in the Prosecutions, will appear; and if such Efforts were made in this Process, when so many able Lawiers were Procurators for the Pannel, we may easily guess what sad Work was in the more ordinary Processes, with poor ignorant Country People.

1681.

Upon the 14 of July, I find Mr. Spreul, and William Lin Writer in Edinburgh, brought before the Privy Council, for being present at Field-conventicles; and they are found guilty of hearing Presbyterian Ministers preach, when some of the Hearers were without Doors, as likewise of Refet and Converse with intercommuned Persons. The Matter was referred to their Oaths, which they refusing, are found guilty. Mr. Spreul was out of the Kingdom at the Times libelled as to Conventicles; and each of them is fined in Five hundred Pounds Sterling, and sent to the Bass. Mr. Spreul lay Six Years in the Bass, and we shall again meet with him there after this; and, from his long Continuance in that Place, he has yet the Compellation of Bass John Spreul, whereof he needs not be ashamed.

Process against Mr. Spreul, for Field conventicles; he is fined in 500 Pounds Sterling, and sent to the Bass.

I find, joyned with Mr. spreul in the same Process, upon the 10 of June, Robert Ferguson of Letter-pin; he is indicted as guilty of Treason and Rebellion, by his being at Bothwell-bridge. His own signed Confession is adduced as Probation, and the Lords delay passing Sentence against him till November. I find no more about him in the Registers; and, by some Composition or other, I suppose the Matter was dropt.

Process against Ferguson of Letter-pin.

Thus I have gone through what I meet with this Year before the Criminal Court, relative to the Subject Matter of this History. I come now to the Trouble particular Persons are brought to by the Council, and otherwise.

### SECTION III.

Of the Sufferings of particular Gentlemen, Ministers, and others this Year, not unto Forfeiture or Death.

THE Persecution of Presbyterians being now advancing to a great Height, I shall bring in a Detail of the Sufferings of severals taken or proceeded this Year, who, in the former Years, had no small Share of Trouble, with some other Hints concerning particular Persons in the Council-books.

In the Beginning of this Year, I find some Presbyterian Ministers in Ireland, who had been forced to flee thither from Scotland, by the Persecution, fall under no small Trouble. Popery was making great Advances, especially in Ireland, and the Meeting of Ministers in Logan, drew up Causes of a Fast, and with their People kept it, February 16. 1681. a Copy of which is before me. For this, Mr. William Trail, Mr. James Alexander, Mr. Robert Campbell, and Mr. John Hart, were called before the Justices of Peace at St. Johnstown in April, where they acknowledged their Accession to the said Causes, and in June they received Summons to appear before the Lord Lieutenant and Council at Dublin. A Copy of Mr. William Trail's Examination is in mine Eye, first before the Lieutenant and Council, June 20. and then before a Committee of Council, June 22. in both which he acknowledges their appointing that Fast, gives his Opinion very frankly upon the Oath of Supremacy, declares himself willing to sign the Confession of Faith of the Church of Ireland, and fully vindicates himself and his Brethren, in Point of Loyalty. The Questions and Answers are so large, that I do not insert them, since they fall not so directly before me in this History. The Four Ministers were referred to the Assizes at Lisford, where they were fined in Twenty Pounds Sterling each, for appointing a Fast, and ordered to give Bonds to pay it, and for their good Behaviour in Time coming, or go to Prison. The Ministers not knowing the Import of the Bond required from them, chose to go to Prison, where they were moderately dealt with, and had Liberty to preach every Lord's Day. They continued under Confinement from August this Year, till July 1682. when their Fines, by an Order from the Exchequer, were reduced to 20 Shillings, and they were liberate.

Mrs. Will. Trail, James Alexander, Rob. Campbell, prosecuted in Ireland, 1681 & Fast, Dec. 16.

In March this Year, James Gray of Chrystoun, in the Parish of Calder, for his alledged

Ac-



1681.

*Chrystown* aff-  
follied of Ac-  
cession to  
*Bothwel*.

His Suffer-  
ings since the  
Year 1677.

Accession to *Bothwel*, was brought to the Knowledge of an Assize, and affolied; yet his Trouble ceased not after his Delivery, and it grew worse next Year. I shall here, as I have done in some other Instances, give a Detail of the former Sufferings of this judicious Heritor, and singular Christian.

In the Year 1677 and 1678. his House was many Times rifled and searched, upon pretext (for they had no Probation) of his Concurrence with, and Encouragement of the Preaching of the Gospel by Presbyterian Ministers. The Militia quartered upon his House for several Weeks together, for not subscribing the Bond, called the *Highland Bond*, to his great Loss, and he himself was forced to retire and wander. In Summer 1679. about Twenty Dragoons, for several Weeks, lay at his House, and he with his Family were obliged to remove, and shift for themselves; all he had in his House and Barns was utterly spoiled and eaten up, and his Tenants abused; and when the Soldiers went off, they carried with them all his Cattle and Sheep, and broke and burnt what of his Household Furniture they could not carry with them.

All this, with the Insolencies and daily Quarterings of Soldiers upon his House, in the Months of *March* and *April* 1679. run up to a prodigious Loss; and yet, all this Time, there was neither Citation, Probation, or Sentence against him; and when he was forced to remove from his own House, such was the Kindness of those Guests, that many Times his Wife and Children were forced to leave the House, and stay in the Fields all Night. At the Circuit holden at *Glasgow*, *October* 1679. without any Order of Law, and contrary to Law, he was declared Outlaw and Fugitive; and in *February* 1680. put to the Horn, and denounced Rebel; so that he could no more keep his own House, and his Family enjoyed little Quiet in it; and he and his eldest Son, who was killed at *Airs-moss*, were reduced to the greatest Straits and Difficulties in their Hidings and Wandrings.

1679.

1680.

And though, in *March* this Year, Mr. *Gray* was affolied by an Assize, and relaxed from the Horn, which cost him a great deal of Money, and restored to the Peace; yet he could scarce enjoy any Benefit thereby. His known Aversion to the Prelates and their Underlings, because of their Profaneness, and persecuting Spirits, discovered in his continued refusing Subjection to them, or Conformity with them, made him still the Object of their Malice, Fury, and Violence. And tho' he was, by their own Law, freed from all that could be laid to his Charge, as to pretended Rebellion and Disloyalty, yet this same Year in *October*, his House was again pillaged, at the Instigation of the Clergy, who were indeed the Authors and Procurers of all his Hardships. As an Heritor, he had his full Share of Dragoons sent to his House to be quartered; and, over and above these, Captain *Strachan* sent his own Servants and Horses to be maintained at *Chrystown*, well knowing, nothing, how iniquitous soever, would be blamed, which was done to a Person disliked by the orthodox Clergy. Their Incivility and Rudeness was so great, that his Family was again obliged to quit the House, save his Wife who stayed in one of the Rooms, with a young Girl who waited on her. Mean while, the Soldiers took the Keys of the House and Barns, and entertained themselves and Horses as they pleased, threshing and carrying away the Crop, as they saw good: Yea, they would not allow Meat to Mr. *Gray's* Horses, with which he was to have plowed his Ground, but turned them out to the open Fields in the Winter Time; and it was with Difficulty his Wife could obtain so much Straw as to feed one Cow, upon whose Milk she lived. At this Rate they continued at *Chrystown* about Three Months. In the Beginning of the next Year, he was seized, with which I shall end my Account of the Severities this excellent Person underwent.

*James Pettigrew*  
in *Camnethan* his  
Sufferings.

Another Instance, is of *James Pettigrew* in the Parish of *Camnethan*; he was alledged to have been at *Bothwel*, but no Probation adduced. The Year after he was quartered upon by one *Fergusson* a Donator, who continued with his Party of Soldiers living at Discretion till the said *James* paid him the Sum of Three Hundred Merks, beside all the Loss he sustained by Quartering. In *May* 1681. he was seized by Captain *Inglis*, and carried into *Edinburgh*, where he continued Prisoner three Months, and before he could be liberated, paid Five hundred Merks to *Gavin Muirhead* of *Lauchop*, and afterward he was again oppressed by the Laird of *Meldrum* in the Year 1683. and was forced to pay near Two Hundred Merks for Horses taken from him, besides frequent Quarterings of Soldiers.

Those of *Alexander Smith* in the  
same Parish.

*Alexander Smith*, in the same Parish, was about the same Time carried in Prisoner to *Edinburgh*, for alledged being at *Bothwel*. He got out of Prison in Women's Clothes, and was afterwards taken, and rescued, as we may hear, at *Inchbelly-bridge*. And in the 1685. he was again seized and sent to *Dunnoter*, whence he made his Escape; and was again taken in the Year 1687. and continued Prisoner till the Revolution.

And *Robert Russell*.

About the same Time *Robert Russell*, in the same Parish, against whom nothing could be objected, met with a Party of Soldiers on the High-road, and refusing to answer their Interrogatories, and declining to pray for the King, alledging it was an owning of him in persecuting the People of God, they threatened him with present Death; but this being not yet so common as afterwards, they only carried him Prisoner to *Edinburgh*, where he lay near two Years



in Irons. These are but a few Hints of many Instances which might be given in the West Country at this Time.

April 6. The Council, upon a Petition from Mr. *Archibald Riddel*, allow him to go and see his dying Mother, upon Caution to return to his Confinement against the 25 of April. And June 9. I find him cited before the Council, and charged with breaking his Confinement to the Parish of *Kippen*, keeping Conventicles, and baptizing Children, upon which he is sent to the *Bass*, and, as we heard, continued there three Years.

1681.

Mr. *Archibald Riddel* sent to the *Bass*.

The same Day the Reverend Mr. *John Blackader* is taken, when living peaceably in his House at *Edinburgh*, and sent to the *Bass*. In this Place I shall give the Reader a View of this useful Minister his Sufferings, from original Papers, and other Accounts communicated to me by his Sons, Mr. *Adam Blackader*, and the honourable Colonel *Blackader* Governor of *Stirling* Castle, as briefly as I can, with some Hints of the Hardships his Family underwent,

Mr. *John Blackader* taken and sent to the *Bass*.

Mr. *John Blackader* was Minister of the Gospel at *Traquair* near *Dumfries* before the Restoration, and singularly useful in the Work of the Ministry. When the rest of his Brethren were turned out, a Party of the Guards came from *Dumfries* to seize him, but he was out of the Way, and his Wife and Children, to whom the Soldiers were very rude, were forced to retire to *Barndennock* in the Parish of *Glencairn*, a House belonging to *Craigdarroch*: There Mr. *Blackader* and his numerous Family met with further Trouble. In the Year 1665. a Party of Sir *Janes Turner's* Men came in Quest of Mr. *Blackader*, but he and his Wife were happily at *Edinburgh*, and attacked the House in the Middle of the Night with the utmost Fury, and most terrible Oaths and Execrations. The Children were turned most barbarously out of their Beds, and one of them was forced in his Shirt to hold the Candle till they searched the House, and went through Mr. *Blackader's* Books and Papers, where they took what they listed, none being in the House but a Servant, a Nurse, and the Children. They flugged all the Beds with their Swords, and threatened to roit the Children in the Fire, and forced one of them to run from the House with nothing on him but his Shirt, about half a Mile in dark Night: After this, Mr. *Blackader* was forced to leave that House, and to scatter his small Family; his Children were sent to different Houses where People could be prevailed with to run the Hazard of entertaining them. But kind Providence looked after them, and brought them through many Difficulties. When they came up to some Years, severals of them met with harsh enough Treatment for their worthy Father's sake. His Son Mr. *Adam*, when but Sixteen or Seventeen Years, was imprisoned five Weeks at *Stirling*, only because his Master was alledged to have been at Conventicles, where the Magistrates would not liberate him till his Brother Dr. *Blackader*, brought repeated Orders from the Council. He was afterwards imprisoned in *Blackness*, for waiting on his Father; and in the Year 1684. he and a young Gentlewoman he married in *Sweden*, were brought to great Difficulties when they returned to *Scotland*. But I shall confine my self to the Father's Sufferings.

A Deduction of his Sufferings.

1665.

Mr. *Blackader* was among the Ministers who preached first in the Fields, and frequently joyned Mrs. *Wells*, *Semple*, *Arnot*, and others. In his Opinion he was against the Indulgence, but preached and joyned with his Brethren of different Sentiments, as he had Occasion: He preached at that noted Conventicle at the Hill of *Beeth*, before noticed; and there, and at other Sermons he preached in *Fife*, a Seed was sown which God very much blessed. I have before me several well vouched Instances of his remarkable Success in his Sermons. He continued preaching in the Fields and Houses, as he had Access, till the Year 1678. when he went over to *Rotterdam*, and proved very useful in healing of the Breaches 'twixt these Two excellent Ministers at *Rotterdam*, Mr. *M'waird* and Mr. *Fleming*. In the Time of *Bothwell* he was at *Edinburgh*, and after it very serviceable to the Prisoners in the *Grayfriars*.

1681. April 6. he is apprehended and examined by a Committee of Council.

So useful a Person could not escape the Fury of this Period, and so Major *Johnston* having got Notice of him, apprehended him April 6. this Year, and carried him first to General *Dalziel*, and then to the Guard, whence he is brought up Prisoner to a Committee of the Council, consisting of the Chancellor, General, Advocate, and Bishop *Paterfson*. His Examination is before me, of which I shall give an Abstract. After Mr. *Blackader* had owned he was a Presbyterian Minister, ordained to *Traquair* 1653. the Chancellor asked him if he had excommunicated the King, or was at *Torwood*? Ans. I was not at *Torwood* these Four Years. Chanc. But do you approve of what was done there? Mr. *Blackader* was as free to have declared his Disapprobation of what was done there, as to declare that he had not been there, but perceiving that they were about to impose upon him by ensnaring Questions, he resolved to make a Stand at first; and answered, I am not free to declare my inward Sentiments and Opinions of Things and Persons, and therefore I humbly beg to be excused; you must form a Libel against me, and I shall endeavour to answer it as I can. They frequently urged him to answer, and he declining, the Chancellor said, But do you approve of shedding the King's Blood, and damning him in Soul and Body? Ans. I do not, and no good Man will. Chanc. You have done your self a Favour in saying so: But we hear you keep Conventicles since the Indemnity. Ans. My Lord, I am a Minister of the Gospel, tho' unworthy, and under the strictest Obligations to exercise my Ministry, as I will be answerable at the great Day. I did still, and do count it my Duty to exercise my Ministry



1681. as I am called thereunto. *Chanc.* But you have preached in the Fields, that is to say, on Muirs and Hill-sides. I shall not ask if you have preached in Houses, tho' there is not Liberty even for that. *Ans.* I place no Case of Conscience, nor make any Difference betwixt preaching in Houses and the Fields, but as it may best serve the Conveniency of the Hearers, nor know I any Restriction as to either in the Word; my Communion reaches to Houses and Fields, within and without Doors. *Chanc.* No doubt you know and have seen the Laws discharging such preaching. *Ans.* My Lord, I have, and am sorry that ever any Laws were made against preaching the Gospel. *Chanc.* Not against the Gospel, but Sedition and Rebellion. *Ans.* I preach no Sedition and Rebellion. The Advocate came to the Prisoner, and told him, He was sorry to see him upon the Reserve, and difficulted about the Excommunication. Mr. *Blackader* answered, He was no way straitned in that, but had kept on the Reserve, because he thought himself only obliged to speak upon Facts relative to himself, and that it was hard to be obliged to declare his Opinion as to others. The Chancellor asked if he had kept Conventicles in *Fife*, which he did not deny. And after he had owned himself of the Family of *Tulliallan*, and the nearest Representative alive of that Family, they removed him, and he was carried to the Guard. In the Afternoon the Council sat, and he was brought up, and continued among the Soldiers in the outer Room from Three to Six, but was not called before the Council, who, without hearing, sentenced him to go to the *Bast*.

Carried to the  
Bast April 7.  
where he con-  
tinued till June  
1685.

Thither he was carried April 7. When in the Way at the *Fisher-row*, there was a Gathering of People upon some Occasion or other, which, when the Captain perceived, he apprehended it might be for rescuing Mr. *Blackader*, and came to him, and said, If those People have a Design to rescue you, you are a dead Man, for upon the first Attack I will shoot you through the Head. Mr. *Blackader* told him, he knew nothing about it, and there was no such Design. He continued in the *Bast* till he contracted a deep Rheumatism, the Air of that Place being much the same as that aboard a Ship; and a Petition was given in to the Council, June 20. 1685. with the Attestation of Physicians, that he was in Hazard of Death, and could not recover till brought to Land. He was liberate from the *Bast*, and confined to *Haddingtoun*, under Bond of Nine thousand Merks, to re-enter Prison when he recovered his Health. But it pleased the Lord to remove him very soon to the glorious Reward of so much Suffering and Service, as he had enabled him for; and he died at *Haddingtoun* in much Serenity, being aged about Sixty five Years, and lies buried at *North-berwick*.

Mr. *Alexander Symers* professed.

May 4. the Committee for publick Affairs report, 'That upon Information that Mr. *Alexander Symers*, who haunts in the Isle of *Combray*, being formerly an orthodox Preacher, but now turned vagrant, and apostatized, and debauches the Country, they had given Orders to the Laird of *Kelburn* to call him before him, and proceed against him according to Law, and if he persist, that he send him into *Edinburgh* Prisoner, or take Bond of him to appear before the Council.' I have observed no further about him in the Registers.

Mr. *John Wardlaw* denounced.

Upon the 2 of June Mr. *John Wardlaw* having been cited before the Council that Diet to answer for Preaching, and keeping Conventicles, and not compearing, he is put to the Horn. Upon the 16 of the same Month Mr. *Alexander Hastie* being cited to appear that Day, and not compearing, the Council find, that after he had been imprisoned last Year upon Suspicion of his being concerned in the Rebellion at *Bothwell*, he was liberate March last, and yet since that Time he hath kept Conventicles, in Sense of Law, Field-conventicles: He is now denounced, and ordered to be put to the Horn. The same day *John Row*, Chamberlain in *Carrington*, being cited for keeping of Conventicles, and not compearing, is denounced and put to the Horn.

As are Mr. *Alexander Hastie*,

And *John Row*.

Mr. *Gabriel Semple* taken, July 26. liberate on Bond Octob. 1.

July 26. the Council being informed, that Mr. *Gabriel Semple* is taken Prisoner in the House of *Blackcastle*, they order him to be brought in to *Edinburgh*, and require the Justices to call him before them, and see what he has to say, why the Sentence of Forfeiture should not be executed against him; and ordain *Blackcastle* to be prosecuted for resetting him. October 1. the Council grant Warrant to liberate Mr. *Semple* upon Bond to compear when called, under the Pain of Ten thousand Merks. December 22. Mr. *James Scot*, Sheriff-clerk of *Edinburgh*, his Cautioner is called to present Mr. *Semple*, and he not compearing, the Council declare he hath forfeited his Bond, and order Letters to be directed against Mr. *Scot* for that effect, at Six Days Charge. November 3. Sir *Patrick Hepburn* of *Blackcastle* appears before the Council, who find him guilty of an high Crime in resetting, conversing with, and harbouring a declared Rebel Mr. *Semple*, being taken in his House near *Old Hamstocks* by a Party of the Guards. Sir *Patrick* confesseth his Libel, and the Council fine him in Two hundred Pounds Sterling, and order him to Prison till he find Caution to pay the Fine in Six Days. This is what I meet with as to Mr. *Semple* in the Registers.

Mr. *Scot* his Cautioner prosecuted.

And Sir *Patrick Hepburn* of *Blackcastle* fined in Two hundred Pounds Sterling for resetting him.

Further Accounts of Mr. *Semple*, from other Papers.

This reverend and worthy Person, who endured so much Trouble, and was so useful under this Period I am describing, as well as since the Revolution, deserves a larger Room here; and I shall give the Reader some Account of him from Papers under his own Hand,

com-



communicated to me by his Son in Law, the reverend Mr. G. Gillespie Minister at Stramiglo.

1681.

Mr. Gabriel Semple was a Son of Sir Bryce Semple of Catrart, and ordained Minister of Kirkpatrick-durham; and after the Revolution he was transported to Jedburgh, where he continued very useful in the Work of the Ministry there, till the Year 1706. when he got to the Joy of his Lord. The Papers before me contain a great many remarkable Passages concerning this good Man in his Youth, and when at the Schools, which I pass, and come to his Sufferings since the Restoration.

When Minister at Kirkpatrick-durham, he was reached by the Act at Glasgow. Some Days before his Removal, he acquainted his People that they had called him to be their Minister, and now Authority required him to leave them; but if they would invite him to continue, and run Hazard with him, he would do it. None of them importuned him to stay, and so he left the Manse, and went to the House of Corsack, where Mr. John Welsh likewise came and stayed some Time. This House lay as convenient for Mr. Semple's Parishioners as the Kirk, if not more. The first Sabbath, Mr. Semple preached to such as came, in the Hall of Corsack; next Day, the Hall not holding them, in the Clofs; the Third Sabbath, that not containing them, in the Garden; and that not answering, they went to the Fields, Multitudes coming from all Hands. All this Time, Mr. Welsh preached not. In a little, when the Act of Council came out, discharging Ministers to be in one Parish, Mr. Semple left Corsack House to Mr. Welsh, and went to his Friends in the West; and Mr. Welsh kept up these Meetings in the Fields from Necessity; and this was the first Field-meeting in Scotland. In a little Time, Mr. Semple returned to Galloway, and joyned Mr. Welsh, and continued preaching till Pentland. He was at the Engagement, as we have seen, and intercommunicated, and declared Rebel after it.

His Carriage after he is turned out, preaches at Corsack in the House, and then in the Fields; and Mr. Welsh succeeded him.

After Pentland, Mr. Welsh continued about a Year preaching, as Opportunity served, in the South; and then went over to Ireland with Moncrief and Sundierwell, whom he terms Two of the most eminent Christians that ever he knew; the First died there. In Ireland he met with great Kindness, as all the Banished did. In a little Time, he came back to Scotland, and went to the Border of England, where, for some Time, he absconded, and at length ventured to preach at Haselridge, where Henry Hall of Haugh-head was, and there dispensed the Supper, having Dr. Rule, and another Minister at Berwick helping him: They had Mr. Justice Ogle with them, and many other serious Christians in that Neighbourhood. In some Time, their Meeting increased much about Ford, and the Incumbent there being simple, and many times under Melancholy, and the Gentlemen belonging to that Place friendly, because the Resort of People was beneficial to the Place, Mr. Semple, for several Years, had Possession of the Church of Ford, and dispensed the Sacraments to great Multitudes in the Neighbourhood, and from Scotland. He observes, that the Gospel had extraordinary Success among the rude Borderers. He continued there, till his excellent Wife, Daughter to Sir Walter Riddel of that Ilk, died; when the Persecution turned hotter, and he sickly, and a little before Bothwell returned to Scotland.

He goes to Ireland after Pentland:

And after his Return, went to the Border, where he preached, and had Communion for many Years in the Church of Ford.

He remarks in his Papers, That he would not joyn in Bothwell Rising, because he saw that Robert Hamilton and his Party would either command all, or mutiny. And when he was urged to go, that he might be useful to heal their Divisions, he answered, 'There were many worthy Men there, as Mr. Welsh and Mr. Hume, and where Division turns a Plague, the Lord only can cure it, and ordinary Means will not do, and he feared that was the Case then.' At this Time, he stayed with his Nephew Blackcastle at Old Hamstocks. There he continued mostly, till he was taken, as has been observed, by a Party of the Guards.

Mr. Semple not at Bothwell, and why.

Mr. Semple was very much indisposed of an Ague, when seized, and not able to ride; nevertheless the Council, tho' his Case was represented to them, give Orders to bring him in to Edinburgh. When the Orders came, he could not ride alone, but was obliged to ride behind, and hold by his Nephew William Semple, till he came to Haddington, where he got the Lady Stevenstoun's Calash: He was carried into the Canongate Tolbooth, where he continued till the Parliament was up. The Duke of York was so well satisfied with the Procedure of that Parliament, that he was in better Humour than he used to be in Council; and when Mr. Semple's Supplication for Liberty, because of his Sickness, was presented, it was granted, as we have seen.

Taken when ill of the Ague, and imprisoned in Canongate, and liberated.

In a little Time, he was called before a Committee of Council, merely, as he afterwards found, to draw Money from him to the Advocate and Clerks. The Pretext made use of, was, That his Supplication was forged, and not genuine. At this Committee the Lord Maitland was very friendly to him, and kept Bishop Paterson from proposing some ensnaring Questions. His Supplication was read to him, and, in reading, the Clerk added some Words which were not in it, such as, That the Rising at Bothwell was a desperate Rebellion, and others, with a Design to make him disown the Supplication, and get him back upon that to Prison. When it was read, he was interrogate if he owned that Supplication. Mr. Semple desired a Sight of it; and, upon viewing it, he observed that it had not been vitiate, and was just what he had given in, tho' otherwise read by the Clerk. He returned it, declaring that

Called again before the Council, where a Trick was put on him, which he evaded.



1681.

Paper was the very same he had written, and given in, and thanked them for the Favour granted him on it; and prayed for the Spirit of Grace and Government to his Majesty. Thus he was dismissed, and the Snare laid for him evited, and, very providentially, he was not required to renew his Bond of Compearance; so that in Law he was freed from it.

Retires into  
England.

In a few Weeks, upon some new Pretext or other, he was again cited to appear before the Council; and, upon Knowledge of their Designs against him, and advising with his Friends who were engaged for his Compearance, and finding they would, in the Issue, be safe, he did not compear, but withdrew to *England*, where he continued till King *Charles's* Death.

Thomas Lawrie

August 6. *Thomas Lawrie*, Merchant in *Edinburgh*, is before the Council: Last Sabbath he had been taken at *Leith*, at a House-conventicle, early in the Morning. The Council liberate him, upon Caution to compear when called, under the Penalty of 2000 Merks. August 11. the Advocate reports to the Council, he had examined *John Spreul* Writer in *Glasgow*, Prisoner in the *Canongate*, and finds him free of Conventicles. The Council order him to be liberate. I have no Doubt, but this good Man paid for this Liberation.

John Spreul  
Writer in Glas-  
gow liberate.

John Drysdale,  
James Wharrey,  
James Pollock,  
and John Ander-  
son, banished.

October 11. *John Drysdale*, *James Pollock*, *James Wharrey*, and *John Anderson*, Prisoners for alledged Field-conventicles since the Indemnity, are brought before the Council. For Probation, the Advocate refers the Matter to the Pannels Oath; they refusing to give it, are banished, according (as the Council's Sentence has it) to Act 2. Sess. 2. Parl. 1. Char. II.

Nov. 3. Process  
against Mr.  
Jo. Hutchison,  
Mr. Jam. Veitch,  
and Mr. Rob.  
Miller, indul-  
ged Ministers,  
for breaking  
their Instructi-  
ons; and in  
Absence they  
are denoun-  
ced.

Little more offers as to particular Sufferers, needful to be insert here, save a Process before the Council, against some of the indulged Ministers. The Clergy were hasting to be rid of them, and prevailed with the Managers, to process some of them now and then. And, November 3. Mr. *John Hutchison*, indulged at *Dundonald*, Mr. *James Veitch* at *Mauchlin*, Mr. *Robert Miller* at *Ochiltree*, were libelled, not only for breaking their Instructions, but also for their having pronounced the Sentence of the highest Excommunication, upon all who have taken the Declaration, or signed the late Bond for Peace, or, having taken the Covenant, have deserted the same, debarring such from the Lord's Table; and that they had preached to the People the Observance of the said Covenant: And they not compearing, are ordered immediately to be denounced, and put to the Horn.

Remarks on  
their Libel.

This is all mere Mistake; these worthy Ministers knew better Things than to pass the highest Sentence upon such Grounds as these. That, in safe Generals, they might debar from the Lord's Table, all Breakers of Covenant, and Takers of unlawful Declarations and Bonds, I do not doubt; and, it may be, upon some Occasions, they might have some Things in their Sermons, that might tend to confirm the Obligation of the Covenants; but they had preached nothing that came up to the Terms of this Libel.

Nov. 24. Mr.  
Veitch petitions  
the Council;  
the Advocate  
gives in an ad-  
ditional Libel  
against him,  
from which  
Mr. Veitch pur-  
ged himself,  
and is repo-  
ned.

November 24. this Year, I find Mr. *James Veitch*, Minister at *Mauchlin*, appears before the Council, and petitions that he may be reponed against the abovementioned Sentence. Whereupon the Advocate gives in an additional Libel, which runs thus. 'Mr. *James Veitch*, you are libelled, besides the Crimes mentioned in the former Libel, further, for debarring from the Sacrament of the Lord's Supper, by publick Commination from the Pulpit, (which is understood to be the latter Excommunication) all Persons who had taken the Declaration, or signed the Bond of Peace, or, having taken the Covenant, had turned their Backs thereupon: You are further charged, that ordinarily in your baptizing of Children, you take the Parents obliged to educate their Children conform to the national Covenant, and solemn League and Covenant: You further have not only broken your Confinement, but, at your House and other Places in the Shire of *Air*, you, with other indulged Ministers, kept classical Meetings, where you did treat and determine concerning Church-discipline, the ordaining or licensing young Men, and keeping a Correspondence among your selves, anent Church-matters, contrary to your Instructions.' The Advocate referred all to his Oath. Mr. *Veitch* denied all the Articles of the Libels, as they stand libelled, and no Probation being ready, he was assolied; and Mr. *Hutchison* being absent, the Council ordain Letters of Caption against him, and discharge the Payment of his Stipend.

Mr. Hutchison,  
when he com-  
pears, bath his  
Indulgence  
declared void,  
and is fined in  
5000 Merks.

Yea, Mr. *Hutchison* got not so well off, some Months after, when he compeared. For, July 4. next Year, I find him before the Council, and an additional Libel offered, just as in Mr. *Veitch's* Case; and he is peremptorily required to purge himself by Oath; and refusing to swear, he is holden as confest, and his Indulgence is taken away, and he fined in 5000 Merks.

Thomas Crawford  
for 1.  
Thomas Archer

November 24. 'Thomas Crawford, who has been a long Time in Prison, and no Witnesses appearing against him, is liberate upon Caution to appear, and to live orderly. And Thomas Archer (probably Mr. Thomas, whom we shall afterwards meet with) Prisoner, is appointed to continue some time in Prison, that Probation and Witnesses may be brought in against him.'



I shall end this *Section* with the Trouble Mr. *James Frazer* of *Braes* met with in the End of this Year, before the Council; and before I enter upon it, several general Remarks as to the Severities upon Presbyterian Ministers, and their Circumstances at this Time, offer themselves to me, with which I begin.

When the Managers were balked by the excellent Earl of *Argyle's* Escape, just upon the Back of it, they fall foul upon Presbyterian Ministers who fell into their Hands. No doubt they had the Project in their Head for some time before, but now they got Leisure to bring it to some Bearing against them; and since the Rising of the Parliament, and when the Duke of *Tork* and his Creatures had the whole Management in their Hands without any Disturbance, the Reader cannot be surpris'd to find the Persecution against the Presbyterians, and particularly their Ministers, increasing, yea, growing very hot.

Presbyterian Ministers, not indulged since *Bothwell*, had very much forbore preaching in the Fields, partly from the Severities and Harassings of the Country for some time after that Engagement, and partly in hopes of getting Access to preach in Houses, at least more Liberty that way, of which they had some Intimations and Promises made them; and lastly, from the Excesses run to by the Two Ministers who did preach in the Fields last Year and this, and the Extremes People were running upon.

But when once they fell out of the Road of preaching in the Fields, they could never come into it again; Times grew still worse and worse on their Hand, and when they were put from Field-meetings, in a little Time they were almost wholly forced from House-meetings also.

And at this Time the Duke of *Tork*, for his own Ends, which were now no Secret to such who did not shut their Eyes, mightily caretled the Bishops, and supported them in all their harsh Measures against Presbyterians. And every Body must expect that Papists will do what they can to make Protestants bite and devour one another; and work their Work, the Destruction of the whole, to their Hands. Accordingly, there was now scarce one Presbyterian appeared before the Council, who had any Favour shewn them.

This appeared in the Case of the reverend Mr. *James Frazer* of *Braes*. We left him libe- rate after *Bothwell-bridge*, and Sir *Hugh Campbell* of *Calder* Cautioner, to present him when called: I come now to give some Account of his Second Imprisonment, mostly from his own Papers before me.

Mr. *Frazer*, since his Liberation, had been much in the North. This Summer and Harvest, when he came South, he had preached in Houses, wherever he had Opportunity, and the last Time before he went North, to a very numerous Auditory. Some evil-minded Persons informed against him for a Field-conventicle: Whereupon he and his Cautioner were cited before the Council in *November*; but some of the Members of the Council being told, and assured, it was only a House-conventicle, the Citation slept.

Mean while Mr. *Frazer* had gone North to his Wife and Friends, and there fell very ill of an Ague. His Cautioner came to the same Country a little after him, and found him very ill; whereupon he proposed to *Braes* Writing to the Advocate, or the Bishop of *Edinburgh*. This Mr. *Frazer* violently opposed, and assured Sir *Hugh*, that if the Prelates heard of his Sickness, they would press his Citation the harder, with a View, that upon Noncompearance his Bond of Five thousand Merks should be forfeited, or if he did compear, his Health might be in Hazard at that Season of the Year. This had no Weight with the Gentleman, but he relying upon his Friendship, and the Reasonableness of the Thing, acquainted the Bishop of *Edinburgh*, that Mr. *Frazer* had not preached in the Fields, as was laid, and that he was now dangerously ill.

According to *Braes's* Suspicion, so Matters happened: As soon as Bishop *Paterf'n* had got Sir *Hugh's* Letter, his Brother being Clerk to the Council, next Day his Citation was renewed. Mr. *Frazer* observes in his Life, that the Managers had a Prejudice at his Cautioner, whose Name, says he, was odious to several great Men, being a Gentleman of a good Estate, and engaged in Cautionry for Presbyterian Ministers, for upwards of Seventeen hundred Pounds *Sterling*; and in their Citation they chose that Time they reasonably thought would be severe for a Man who had the Ague to travel in; and ordered him to appear the 22 of *December*, when they did not expect his Compearance, and hoped to reach his Cautioner, and make him forfeit his Bond.

Both Mr. *Frazer* and his Friends wanted not Fears, that the Council intended his Life. He was not indeed guilty of preaching in the Fields, which was Death by Law; but by Law likewise, tho' the Minister and Body of the People were within a House, yet if any were without Doors, it was a Field-conventicle. Now it was not what Presbyterian Ministers had Freedom to do, neither was it many Times in their Power, either to know or hinder People from hearing them at Doors and Windows. Besides, they were sensible how far the Earl of *Argyle's* Case was stretched at this very Time, far more surely than if Mr. *Frazer* had been found guilty of a Field-meeting, for one or Two their being without Doors when he was preaching in a House, he might have been staged for his Life; and he was informed

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Mr. *Frazer* of *Braes*, in Case Dec. this Year

General Remarks on the Se. ca. as a good Presbyterian Minister at this Juncture.

Field-meetings much abated from by them since *Bothwell*, with the Restless.

And they are quite put from House-meetings also.

Duke of *Tork* supports the Bishops in their Persecution of Presbyterians and none else now the great loss the Council.

Mr. *Frazer* is libe- rated after *Bothwell*

His Carriage since his Liberation.

He falls sick in the North.

And the Council the 22 of December

And the Council the 22 of December



1681.

Yet he appeared at the Day:

some Notes of his Sermons were in the Prelates Hands, and he did not know how far they might wire-draw some Expressions, tho' never so well meant.

All this was discouraging enough; but he resolved at all Hazards to appear, and not to suffer his Surety to come to Trouble upon his Account, and was much encouraged by a sudden Recovery of his Health, after Six Weeks of a sore Ague; so that he was, to his great Surprise, in Case to venture upon a Journey, for any Thing I know, upwards of an Hundred and fifty Miles, at such a Season of the Year: And he came to *Edinburgh* the Day of his Appearance, Two Days after the Earl of *Argyle's* Escape, and with his Cautioner presented himself when the Council were in a very ill Humour.

And is fined in Five thousand Merks, and sent Prisoner to Blackness.

The Bishops and Council were not a little surpris'd to see him at the Bar. All I find about him in the Registers is, 'December 22. Mr. *Frazer* of *Braes* is this Day produced by the Laird of *Calder*, and he being an Heritor, fine him in Five thousand Merks for Conventicles, and send him to *Blackness* till he pay the same, and engage he shall not keep Conventicles.' But I come to give a larger Account of what pass'd, from his own Papers.

Larger Account of what pass'd from his own Papers. His Indictment.

He observes, that, after some Silence, the Clerk was ordered to read an Indictment against him, wherein he was charged 'with preaching in the Fields, and without Authority, and, venting pernicious, seditious, and rebellious Doctrines and Principles, intending to alienate the Minds of his Majesty's Subjects from his Government, and concluding, that upon all these Accounts he ought to be severely punished, to the Terror of others.' For Probation the Advocate referred all to his Oath, and immediately the President commanded him to depone, whether he had preached in the Fields or Houses, since he came out of the *Bass*.

His Desire of a Delay for a few Days, refused.

Mr. *Frazer* modestly desired a few Days Respite to answer to his Indictment, in regard of the long and tedious Journey he had been oblig'd to at such a Season of the Year, and after a sore Sickness, in obedience to their Lordships Summons, and that he was but just now come to Town, and had never seen the Indictment till it was now read to him. One would have thought this was a very reasonable Desire, and yet it was peremptorily refused, and he was presently ordered to give his Oath, otherwise they knew what to do.

Gets Liberty to speak before the Council.

He answered, he was ready enough to give his Oath, that he was innocent in all the Points of the Indictment just now read to him; but humbly craved to speak a little before their Lordships, which they were pleas'd to allow him, and he had a very handsom extemporary Discourse, for upwards of Half an Hour, without any Interruption. He observes in his Papers, That his Design in it was, if it might be, to prevent the Torment of their Questions, which, as hath been noticed in his former Process, they vexed him with, and to state the true Grounds of his Sufferings, and to essay to vindicate himself and others, from the Imputations charged upon them. The Reader, I persuade my self, will be satisfi'd to have the Sum of his Discourse, as far as he himself could recollect it.

His Discourse in answer to his Indictment.

After he had returned his hearty Thanks for the Liberty they had given him to speak in his own Defence, he protested, 'That it was his Endeavour to discharge what he conceived to be his Duty, with as little Offence to Authority as he could, and that, were the Things he was called in question for, such as he could come and go upon, relating either to his Person, or Interest in the World, he would be very loth to be heard with their Lordships, but refer himself and those Matters wholly to their Disposal, and that now he would be short, ingenuous, and clear in his Answer for himself.'

His Answer as to preaching in the Fields.

'As to the first Head, of preaching without Authority, and in the Fields; he acknowledged he had preached, and was neither ashamed nor terrified to own this; but asserted, he had not preached in the Fields since he came out of the *Bass*; neither had he preached without Authority, seeing he was called of God, and by such of his Servants as he really believed had Power from *Christ* for that effect: Therefore, he conceived the first Article of his Indictment was answered and elided.'

His Authority to preach.

Not guilty of seditious Principles.

'As to his preaching seditious Principles, that he was able, with all good Conscience, to deny it, because he and others were slandered and defamed, as Persons of disloyal and antimonarchical Principles. He said, He would presume to give some Account of what Principles were maintained by himself and others, and of his own Practice.'

His Principles as to Doctrine.

'That as to Doctrine, dogmatical Points, and Articles of Religion, his Faith was contained in and according to the Scriptures of the Old and New Testament, that he was of the reformed Protestant Religion, and did approve, and was ready to subscribe the Confession of Faith penned in King *James VI's* Time, and, he supposed, ratified in this current Parliament.

As to the King's Power.

'That as to the King's Majesty's Power, he acknowledged Magistracy an Ordinance of God, and owned the King's Authority; his Subject he profess'd himself to be, and reckon'd himself oblig'd to submit to him, and highly to reverence and esteem him; and was never resolv'd to resist, for any thing relative to his Person or Estate; but how far his Majesty's Power was extended, or in what Subject it was placed, and how conveyed, he thought it not so much his Part, as that of Lawyers, to determine.'



‘As to the King’s Power in Ecclesiastical Matters, he acknowledged the Persons of Ministers, and other Ecclesiastical Persons subject to him, and that he had a Jurisdiction Civil, reaching not only to Civil Things, but likewise Spirituals, which he was to judge, that so he might, as the nursing Father of the Church, either encourage, or punish and restrain in a coercive Way, and that not implicitly, relying upon the Judgment of others, or seeing with their Eyes: That his Majesty might call Synods when and where he pleased, and propose his Mind to them, whose Duty not only it was, but Wisdom, to take the Magistrate’s Concurrence, where it might be had: But still it remained undeniable, that this Power of the Magistrate was not privative of any intrinsecal Power of the Church, granted her by Christ, for preserving or edifying her self; which therefore, in case of the Magistrate’s Opposition to the Truth, or Want of Access to him, through Distance of Place, or other casual Emergencies, she might exercise without him, as was clearly seen in the Times of the heathen, and Arian Roman Emperors.’

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Magistrate’s  
Power in Ec-  
clesiastical  
Matters

‘That as to the Government of the Church, it was true he did not close in with that Form of Government by Archbishops, &c. now established in this Kingdom; and therefore could never concur with, or submit to the same, any manner of Way; but whatever was his Dissatisfaction therewith, or Opposition thereto, he never opposed it but by spiritual Weapons.’

As to Church-  
Government

‘And as for his Practice, he had endeavoured to keep a good Conscience both before God and Man, and to live unblameably and peaceably, giving to God what was God’s, and to Cesar what was Cesar’s: That he was never in any Insurrection, Rebellion, or Conspiracy against his Majesty’s Person or Government, neither ever stirred up others thereunto, but rather to live peaceably, and by Repentance, Reformation, bearing Testimony for God, Quietness, Confidence, and other spiritual Means, to expect Deliverance, than by irritating the Rulers to make their Bonds heavier, or by taking the Sword, and resisting by Force; and these Things he inculcate both publickly in Sermons, and privately in Discourse.’

His Practices

‘These then (added he) being our Principles, which we are not ashamed to own, but ready to defend, it is a Wonder to me how I, or any sober Person of our Way, can be charged for seditious Principles or Practices, or charged with them; and if these Principles be innocent, then is the second and great Branch of my Libel, referred to my Oath, elided likewise. He ended with his Prayers for the King, that the Lord would bless his Majesty with all Blessings spiritual and temporal, that he may be a Terror to evil Doers, and an Encourager of those that do well, and the Throne established in Righteousness.’

After this Discourse, to which very close Attention was given, the President asked Braes, Whether he had preached since he came out of the Bass. He answered, that he begged Leave to reply to what he was charged with in his Indictment, which he humbly conceived was, Whether he had preached without Authority, and seditiously; and this he denied. They enquired very pressingly, Who ordained him. He answered, ‘He had no Freedom to answer that Question, since it concerned others whom he was not to stage; but assured them, his Ordainers had lawful and good Authority; and he supposed their Lordships could not compel him to answer to that, neither was he obliged, since it was *res habitaus judicata*, for which he was formerly questioned; and (as we have heard) had satisfied the Law; and therefore could not be questioned for the same Fault. And seeing his Ordination to preach was before the Act of Grace, any Crime therein (if any was) was now purged; and, in a Word, this was not in his Indictment.’

Further Inter-  
rogatories, and  
his Answers.

When Mr. Frazer was removed, there was a considerable Debate among the Counsellors, most of them being very much taken with his Discourse, and willing to liberate him: But the Bishops insisted, that he was a dangerous Person, and behoved to be made an Example of. The drawing of the Sentence was left to them and the Clerk. He being called in, it was intimated to him, to this purpose, ‘That he be sent to Blackness Prison, there to continue till he paid his Fine of 5000 Merks, and give Surety either to preach no more, or go out of the Kingdom.’ And till a Guard was got ready, he was ordered to remain in Edinburgh Tolbooth.

His Sentence

Many of the Onlookers, for considerable Numbers got in that Day to the Council-house, were surprized at the Severity of the Sentence; yea, several of the Counsellors themselves said openly enough, That he had met with very hard Measure. He continued some Time in the Tolbooth, and was used very discreetly, and had abundance of Visits, and much Peace in what he had done. On the Lord’s Day he preached to the Prisoners, which was refreshing to him. He twice supplicated the Council for Liberty, but was refused, the Prelates still opposing it; and he remarks, That Sir William Paterson Clerk to the Council, Bishop Paterson’s Brother, was his great Enemy, tho’ he had never done him any Injury.

Remarks on it.

After he had been six Weeks in Edinburgh Prison, he was sent to Blackness Castle, under the Convoy of a Party of the Guards, and there continued about Seven Weeks. The Governor at first kept him close Prisoner, which was not in the Council’s Order; and a Soldier

After being  
Six Weeks  
Prisoner in E-  
dinburgh, he is  
sent to Black-  
ness.



1681.

Liberate after  
the D. of Tor's  
going to Eng-  
land, upon his  
Friends Bond  
that he should  
leave the King-  
dom.

dier had still the Key of his Room, tho' he opened it when he called for him. At the Beginning he was put in a very bad Room; but the Governor's Lady, a Child of little more than Thirteen Years, and a Gentleman who came in, prevailed to get it altered.

About Six Weeks after, the Duke of York went for England, and Bishop Paterfon and his Brother waited upon him. Mr. Frazer's Friends took this Opportunity, without so much as acquainting him, to apply to the Council, that the Fine might be remitted, and that he might be liberate, and begging a competent Time to order his Affairs in Scotland, and promised in his Name, he would submit to their Sentence of Banishment. His Friends bound themselves Caution for him, that he should go out of the Kingdom in a Month, and not return without the King and Council's Liberty. The Council, now that his Enemies were absent, went in to the Proposal; and the first Account he had, was the Order sent to the Governor to liberate him.

And goes to  
London.

This Deliverance, without any sinful Acknowledgments and Compliances upon his Part, or by his Cautioners, he observes, as no less sweet than it was unexpected by him; and this holy Man, in his Life, takes Notice of the Kindness of Providence in this, in a very affectionate Way. Next Year he went off for London, where he was not free from Sufferings, as I shall observe afterwards.

## S E C T. IV.

*Of the Sufferings unto Death, and the publick Execution of Mr. Donald Cargil, and a great many others, this Year 1681.*

Several Per-  
sons this Year  
condemned for  
Treason com-  
mitted in face  
of Court.

WE have, in the former Sections, some View of the Severities, and Oppression, and the Forfeitures of a Number of good People, whose Lives were this Year taken. Against them it was alledged, and indeed it was all that could be said, That they committed Treason in face of the Court before which they were staged; but if we consider their Circumstances, the Views they had of Matters, and the Hardships they were brought under, certainly great Charity must be exercised towards them; and altho, according to the present Laws, they were found guilty of Treason, yet their Blood-shed will, by After-generations, be reckoned innocent Blood; and the Courses taken with, and Inhumanities exercised towards them, must certainly be abominated by all sober Persons.

Upon the last Year I gave some Account of their Case, and of the Condemnation and Execution of severals of Mr. Cameron and Mr. Cargil's Followers, for disowning of the King, and hearing them at Field-conventicles; and upon this Section I shall put together the Accounts of near Twenty more, with Mr. Cargil himself, who suffered this Year, just in the Order of Time they fell out.

The Cunning  
and Severity  
in dealing  
with these  
poor People.

And when entring upon this melancholy Subject, I cannot but regret the cunning and unprecedented Severity of the Persecutors, with a great many of these People who came before them. It is certain, the Managers had more to say in their own Defence as to the Treatment of these now under their Hand, than in many Processes before and after this, when Persons were taken in actual Resistance, upon the Back of a Kind of Declaration of War against the King; then the Prelates and Persecutors triumphed in the Necessity and Justice of cutting them off, and yet it was but a very few who were thus taken, Two or Three at *Airs-moss*, who were attacked, and obliged to defend themselves; but the greatest Part who suffered now were such who were discovered by their bribed Informers, and alledged to have been at Field-meetings; and when brought before them at *Edinburgh*, a Confession was extorted by Boots and Thumbkins from some of them, and the rest, when brought before the Justiciary, Council, or Committees of it, were ensnared by captious Questions, upon Subjects common People could not be supposed to understand; and upon their Answers they were condemned and executed.

Their Sense  
of disowning  
the King's  
Authority.

True it is, they did disown the King's Authority, wherein I have already declined to vindicate them: But the Reader, who may be a Stranger to those Times, would know, that by owning the Authority, the poor People understood a virtual Approbation of all that was done by the King since his Restoration, the rescinding of the excellent Laws and Constitution we once enjoyed in Scotland, and the Severities against, and the Persecution of the People of God following thereupon. And this was in the poor Country Women and Men  
now



now put to Death, a Matter of Opinion and Conscience misinformed indeed by the unwarrantable Expressions of some who were sowed by the Rigidity of the Times, and, it may be, likewise by some unguarded Expressions they might have heard at some Sermons in the Fields since *Bothwell*; but then it is certain, this was such a Misinformation and Ignorance of Facts, as they could scarce ever be brought from under; and indeed, except in an Instance or Two, no Care was taken to inform them, but they were hurried from the Council to the Justiciary, from them to the Prison, and in a few Hours into Eternity.

Mean while the Government could be in no Manner of Hazard from a Handful of those People, and if any Thing of this Nature could breed Disturbance, it was the barbarous Extremities they ran to with such of them as fell into their Hands: But it was easy to have secured the Peace against Ten Times their Number, by gentler Methods, than butchering so many Scores of otherwise serious and religious Persons; this, with many other unaccountable Measures now taken, did very much lessen the King, fully his Reign, and made the Administration burdensom and grievous to Multitudes of his best Subjects.

Sometimes indeed the Council in their good Mood, would offer the Country People their Life, upon Acknowledgments and Declarations, which at first View seem very low and reasonable; but if narrowly considered, these were imprestible by the People to whom they were made, in their present Circumstances, and under the uptaking of Matters which they had: And I must observe, that it was only to the warmer and more ignorant Sort such Offers were made, probably under the Prospect they would not be accepted, since the Sense the People took the Managers Proposal in, did import a receding from bearing Witness against the Evil of the Times; yea, most of them did think the accepting of the Managers Proposals included an Approbation of what they had been, and were at present doing. In short, the Cruelty the Sufferers remarked in one Process after another, and the whole Conduct of this Time, and the subdole Fetches and Cunning used to carry them off their Feet, made them jealous of every Thing proposed; and their warm Zeal for and Love to the Truth, the small Prospect they had of any End to their daily Snares and Troubles, together with a generous Kind of *tadium vite*, in such a wicked Age as this, did prevail with them to stand out. And all these some way heightened the Wickedness of the Managers, in putting them to Death, of which I come now to give some Account.

The Instance of the Trial and Execution of Two poor Women, with which this Year begins, is a flaming Proof of the Iniquity of this Period. Upon the 17 of January, I find *Isobel Alison*, a young unmarried Woman, who lived in *Perth*, and *Marian Harvey*, a Servant Maid in *Borrowstounness*, where sometimes Mr. *Cargil* haunted, staged for their Lives before the Justiciary. This is an Evidence of what was just now said. What Hazard could the Government be under from Two such Persons, against whom nothing could be adduced but their Opinions, which they had taken up from the Severities of the Clergy at *Perth*, as the first owned, and the Violence of the Soldiers? Their private Sentiments, I am persuaded, could have a very small Influence, and would scarce ever have been noticed, had not the Severity of the Managers brought them upon the Stage, evidently to their own Reproach and Shame.

Their Interrogatories and Speeches are printed in the *Cloud of Witnesses*, and I shall give a Hint of their Trial before the criminal Court, from the Records, if once I had noticed a few Things concerning them and their Treatment before the Council.

*Isobel Alison* lived very privately in the Town of *Perth*, and was of a sober and religious Conversation: She had now and then heard Mr. *Cargil* preach in the Fields, and some few others before *Bothwell*, but not very often, Field-conventicles not being common in that Country. Upon her Nonconformity at *Perth*, and speaking against the Severity used upon some religious People there, she was seized, and nothing else could be laid to her Charge, till she was brought before some of the Magistrates, and in her Simplicity voluntarily confessed Converse with some who had been declared Rebels. When the Managers are informed of this, a Party of Soldiers seize her living peaceably in her Chamber at *Perth*, and carry her into *Edinburgh*. When she is brought before the Council, the Interrogatories were invidious and ensnaring, and knowing they had no Probation but from what was elicited from her, they essayed sometimes by Commendations and Promises, and sometimes by Threats, to bring her to confess she had conversed with *Rathillet*, *Balfour*, and the Two *Hendersons*, said to be concerned in the Primate's Death; and when some very trivial Things were owned by her, they jested her, and acted the Buffoon rather than Privy Counsellors, as may be seen in their Interrogatories.

*Marian Harvey* was taken up in the Road, when going to some Sermon or other, and was soon ensnared by the Questions put to her. She was scarce Twenty Years when brought into *Edinburgh*, and sisted before the Council. They had nothing to lay to her Charge but what she owned, to wit, her being at Field-conventicles. When interrogate as to *Sanquhar* Declaration, and the *Queensferry* Paper, she knew nothing about them, but being read to her, to ensnare her, she said she owned them, because she thought them agreeable to the Scriptures. Some of the Counsellors told her, *A Rock, a Cod and Bobbins, would set her better*

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The Government really in no Hazard, from them.

Allowances and Offers made generally to the more ignorant Sort, with the Indulgences or their falling in with them.

*Isobel Alison* and *Marian Harvey* procured criminally.

Their Interrogatories in the *Cloud of Witnesses*.

*Isobel Alison* her Carriage before she was seized.

Remarks upon her Examination before the Council.

Remarks on *Marian Harvey*, her Examination before the Council.



1681.

than these Debates, and yet they cast them up to her, and murder her upon them : And by the way it may be noticed, that the Bishops were the great Proposers of Questions to these poor People, which helped to exasperate them, especially when urged to give them their Titles, they looking on them as at Bottom of all their Persecution.

Their Process  
before the  
Justiciary.

After they were examined before the Council, they are brought before the criminal Court. This was the constant Practice at this Time, the one Day to bring such as fell into their Hand before the Council, and there engage them by captious Questions into a Confession of statutory Crimes, and next Day to pannel them before the Justiciary, where, if they were silent, they were asked if they would quit the Testimony they had given Yesterday. Both of them were indicted for hearing at Field-conventicles, harbouring Mrs. Cargil, Cameron, Douglas, and Welsh, for owning Rugland and Sanquhar Declarations, Queensferry Covenant, and treasonable Opinions. For Probation, their Confession before the Council is adduced. Isobel Alison, being interrogate on several Heads before the Assize, answered, She was not obliged to answer, for she did not look upon them as Judges, declined their Authority, and the King's, by whom they sat there, because they carry the Sword against the Lord. In their Interrogatories they come and go, and act like Persons thirsting after Blood, who resolve she shall be guilty. She owned Converse with one they alledged was at the Primate's Murder, she owned the Sanquhar Declaration, and Bond of Combination spoke of last Year, and Queensferry Covenant, when read to her, because, she said, she saw nothing in them against the Bible, and refused to sign. Marian Harvey, before the Justiciary, owns the Fourth Article of the Queensferry Paper, disowns the King's Authority, abides by the Sanquhar Declaration, says, it was lawful to kill the Archbishop of St. Andrews, when the Lord raised up Instruments for that Effect, adding, He was as miserable and perjured a Wretch as ever betrayed the Church; blest God she heard Sermons in the Fields, and approves of Mr. Cargil's Excommunication. She refuses to sign what she had said, and protests they had nothing to lay to her Charge, but her Opinion, and owning Christ and his persecuted Truths.

Assize bring  
them in guilty

When the Assize was sworn, it was observed that some of them trembled and would not swear, this Process against two Women being every way extraordinary : However they got as many as served their Purpose. The two Confessions, as writ by the Clerk, were read to the Inquest, and, in a Discourse to them, the Advocate aggravated every Particular, and endeavoured to prove them guilty of Treason. Some of the Assize urged there was no Fact proven against them, and they had not signed their Confessions. The Advocate answered, what they had said was Treason, and charged them to Act according to Law, otherwise he knew what to do. The Assize find them both guilty of Treason by their own Confession. The pronouncing their Doom is delayed till January 21. when they are both sentenced to be hanged in the Grass-market upon the 26 Instant.

I find the Council allow Presbyterian Ministers to converse with these two Women ; but this was only a Feint to rub off the Odium of this Affair, the Council did not so till, after the Sentence was past, they could have no Prospect of any great Benefit to the Women who did not desire this Conversation, the Ministers were unfavoury to them because sent by the Council, and Reasoning could have but very little Influence in their Circumstances, and upon Subjects above their Capacity.

They are executed  
January  
26.

These two young Women were executed upon the 26. according to their Sentence. The Cloud of Witnesses narrates a Passage, which, if it be vouched, gives an odd Idea of Bishop Paterfson, and is not disagreeable to the Opinion not a few had of him at this Time, as a Man of a light and profane Temper. Just when they were going out to the Place of Execution, probably in the laigh Council House, whence Malefactors used to go to the Gibbet, the Bishop came in and said to Marian Harvey, You would never hear a Curate, now you shall hear one pray before you die, and ordered One who was attending to pray. The poor Women thus jettied upon, could not retire, and the one said to the other, Come, let us sing the 23 Psalm, which they did, and soon drowned the Bishop's Curate, imployed either in Jest, or to vex these poor People. I am informed they were executed with some three or four wicked Women guilty of Murdering their own Children, and other Villanies, which was very grievous to these two. One of the Episcopal Ministers of the Town, who waited upon the others on the Scaffold, railed bitterly upon these Sufferers, and assured them they were in the Road to Damnation, while he, without any Evidence of Penitence, was sending the other wicked Wretches straight to Heaven : However Isobel Alison and Marian Harvey were not commoved, but sang some suitable Psalms on the Scaffold, and prayed, and died with much Composure and Joy.

Process criminal  
against  
John Murray.

In March I meet with a new Process against some more of the People who adhered to Mr. Cargil. I need only give a few Hints from the Records, the Course now with all of them being much the same. Upon the 2 of March, John Murray of Borrowstounness, is indicted of Treason in common Form. The Advocate now gives himself no further Trouble, than to adduce the Confessions made by these Persons when examined before the Council, in presence of the Justiciary and Assize where they are examined upon them, and sometimes the Confessions are only read to the Inquest, who bring them in guilty by their own Confession, and so they are sentenced. In John Murray's Case, he had confessed he was at the Conventicle at Tor-  
wood



*wood with Arms*; and indeed Mr. *Cargil's* Followers being daily hunted for, were obliged to carry Arms with them wherever they went, for their own Defence. When he is interrogate, it he owns the King's Authority, he answers, He owns all that is from God, and to be owned, and adds, That while the King observed the Covenant, his was from God, but since he has broke that, he knows not what to say. As to the Archbishop's Murder, he says, If they were sent of God to execute Judgment on him, he will not judge them nor their Actions. He judiciously owns his Confession, but refuses to sign it. And having a printed Copy of the *Queensferry* Covenant and *Sanquhar* Declaration given him to consider on, after some Days he owns them.

1681.

The same Day *Christopher Millar*, Weaver in *Gargonnock*, is indicted as above: His Confession before the Council is adduced, where he acknowledges he was in Arms at *Bothwell-bridge*, and thinks he may lawfully rise in Arms against the King for the Covenant; declared he cannot write. Before the removing of the Assize, the Advocate threatens them (as still he does now) with an Assize of Error. They bring both in guilty by their own Confession; and the Court sentences both to be hanged in the *Grass-market* upon the 11 Instant.

And Christopher Millar in Gargonnock

Upon the 8 of *March*, *William Gougar* in *Borrowstounness*, and *Robert Sangster* a *Stirling* Shire Man, are indicted, as above, before the Justiciary. The Probation is their Confession. The First acknowledges he was at *Bothwell-bridge*, and refuses to take the Bond; that he was at *Tor-wood*, and owns Mr. *Cargil's* Excommunication, and says, He thinks it lawful to kill the King's Servants, because they are Enemies to Christ; owns the *Sanquhar* and *Queensferry* Papers; and refuses to sign. *Robert Sangster* owns *Bothwell* Rising, and *Tor-wood* Excommunication, as lawful, disowns the King's Authority, says, it is lawful to kill him and the Judges, in as far as they are against God, and adds, He thinks they are God's Enemies. He refuses to sign. The Assize bring in both guilty, and they are sentenced to be hanged at the *Grass-market*, the 11 Instant.

William Gougar and Robert Sangster

*John Murray*, *June 2.* is recommended by the Council to the King's Clemency, as being rather misled than malicious. The other Three were executed. *William Gougar* had a short Paper in his Bible, which he designed to have delivered as his Speech to the Spectators; whether it be that which is printed, and goes under his Name, I know not; for I find it remarked at this Time, that *Gib* and his Followers, both put some well-meaning Prisoners to Heights they would not otherwise have gone to, and corrupted and made Additions to Papers which went under their Name. This Paper, it seems, fell into the Hands of some of the Soldiers at the Ladder-foot, and enraged them, and made them treat him very harshly. They tied his Hands very strait before he went up the Ladder, and when gone up, and beginning to speak, the Drums were ruffled, and he was turned off the Ladder, without Time so much as to pray: Such was their Barbarity upon the least Provocation.

John Murray's Paper, and the other Three executed, March 11.

Another Process is intended before the Justiciary, *July 11.* against Three Country People in *Fife*, *Adam Philip*, *Lawrence Hay* a Weaver, and *Andrew Pittilloch* Land-labourer. There was no Act of Rebellion, nor Field-conventicles alledged against them. These Three had joined in a Society for Prayer and Conference in *Fife*, when they had not the Gospel preached to them by any they could hear. Their Society, in *June* last, had agreed to, and signed a Paper, which they called *A Testimony against the Evils of the Times*: Whether they published it, or how it came into the Hands of the Managers, I have no Account, but I find them indicted for publishing an infamous Paper, the 11 of *June* last, called by them the *Sixth Month*, disowning the King and all the Ministers of this Church, excepting Mr. *Donald Cargil*. The Paper was produced, and they acknowledged they had signed it. They are found guilty, and sentenced to be hanged at the *Grass-market*, upon the 13 Instant, and their Heads to be severed from their Body, and affixed to the Tolbooth of *Cowpar*. The last Two of them are named in the *Cloud of Witnesses*, and their Speech or Testimony set down. I know no further about them. The Paper, by the Citations from it in their Process, is very wild, and seems to smell of *Gib* and his Delusions.

Process criminal against Adam Philip, Lawrence Hay, and Andrew Pittilloch for a Paper drawn by them.

Sentenced to be hanged, July 13.

I come now to give some Account of the Trial of Mr. *Donald Cargil*, and Four others with him, who were executed the 27 of *July*, the Day before the Meeting of Parliament, this Year. It hath been noticed in the former Part of this History, that it was not unusual to grace that Solemnity with the Execution of some of the persecuted Party.

Mr. Donald Cargil's Trial.

We have already heard much of Mr. *Cargil*, and I shall not offer here any Account of this good Man, and successful Preacher of the Gospel. 'Tis but a Hint or Two at Matters of Fact concerning him that I can give, leaving the Vindication of several singular and peculiar Steps he took, towards the End of his Ministry, to such who approve all that he did. There were not a few remarkable Steps of Providence in his Call unto, and Settlement in the Parish of the Barony of *Glasgow*, some time before the Restoration, which being out of my Road here, I pass with a Regret, that none have been at Pains to collect and publish a well attested Account of remarkable Providences towards Ministers and Christians in the Church of Scotland, since our Reformation from Popery. Many likewise were his wonderful Preservations in his Wandrings and Sufferings, since the turning out of the Body of Presbyterian Ministers, and under the particular Spite and Malice exercised against him; of which, with those of others

Some Hints at his Circumstances before his being taken



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thers in this Period, had I good Attestations, I would reckon a Collection of them would be a very agreeable and useful Appendage to this Work.

Mr. *Cargil's* Sufferings are what I am now concerned in. We have already heard, he was, for his Freedom in his Sermons, after the King's Restoration, and refusing to solemnize the anniversary Day appointed by Parliament, particularly the Object of the Persecutors Rage, and continued under many and inexpressible Difficulties till after *Bothwell*. The Measures he took after that, at *Queensferry* and *Tor-wood*, have been narrated, and 'tis evident the Government was particularly imbibited against him by these Steps. No sooner were any Notices got of his being in a Place, but presently all the Soldiers round were in Arms, and searched all the Country about for him. Upon the 5 of *May* this Year, he kept a Fast in the Fields, near *Loredonhill*: The Soldiers at *Glasgow* getting Notice of this, immediately seized all the Horses in Town, and about it, and mounted in quest of him; but he got off at this Time: Yea, such was their Haste and Fury, that one of them who happened to be behind the rest, and furiously riding down the Street called the *Stockwell*, in the Middle of the Day, rode over a Child, and killed her in the Spot.

Seized and brought in to Glasgow in July.

Remarkable Judgment upon one who mocked him there.

However, Mr. *Cargil* escaped them not much longer. The Circumstances or Place of his seizing I have not; but I find, *May 15.* next Year, *James Irvin* of *Bonshaw* petitions the Council, for the Reward promised in their Proclamation, for his taking Mr. *Cargil*, and is recommended to the Treasury: And some Time, *July* this Year, Mr. *Cargil* was brought in to *Glasgow* by a Party of Soldiers, in great Triumph, and put in the Guard-house there. Multitudes came in to gaze upon him, and among others, one *John Nisbet*, an Hater of Godliness and the truly Religious, a besotted Drunkard, and Mocker at Piety, and at present the Archbishop's Factor: This profligate Wretch addressed himself to Mr. *Cargil* in a Way of Mocking, and said, Mr. *Donald*, will you give us one Word more? alluding to an Expression Mr. *Cargil* used in his pathological serious Way of Preaching. Mr. *Cargil* looked on him a little with Regret and Sorrow, and then addressed him thus, *Mock not, lest your Bands be made strong; the Day is coming when you shall not have one Word to say tho' you would.* This came very shortly to pass; not many Days after, the Lord was pleased to lay his Hand upon that ill Man: At *Glasgow* where he lived, he fell suddenly ill, and for Three Days his Tongue swelled; and tho' he seemed very earnest to speak, yet he could not command one Word, and died in great Torment, and seeming Terror. Some yet alive know the Truth of this Passage.

Brought in to Edinburgh, and examined before the Council, July 15.

From *Glasgow*, Mr. *Cargil* was carried in to *Edinburgh*, where, *July 15.* I find him examined before the Council, and his Confession then, in answer to his Interrogatories, I set down from the Records.

*Edinburgh, July 15. 1681.*

MR. *Donald Cargil*, being interrogate if he owns the King's Authority, and the King as his lawful Prince, answers, As the Magistrate's Authority is now established by the Act of Parliament anent Supremacy, and explanatory Act, denies the same. Being again interrogate, if he owns the King as his lawful Prince, yes or no, he refuses to give any other Answer than as aforesaid; confesses, that in *October 1680.* he preached in the Fields in *Tor-wood*. Being interrogate, if he excommunicated the King there, answered, That being merely a Question about an Ecclesiastical Matter, he cannot answer it before the Council, being a civil Judicatory; and that he was content privately to give an Account of all the Reasons of all his Excommunications that ever he made or pronounced; being pressed to a direct Answer, refuses to make any further Answer. Being interrogate, when he saw any of those who killed the Archbishop, or if he knew any thing of the Intention of it before it was done, declares he knew nothing of the Intention before it was done; confesses he knew *Balfour*, *Henderson*, and *Russel*, but thinks he did not see *Balfour* these Two Years, but did see the other Two within these Twelve Months, or thereby, to the best of his Knowledge. The Copy of the Sermon alledged to have been by him preached at *Tor-wood*, being produced, and he asked if that was the Copy thereof, desires a Time to consider thereof before he answer. Being interrogate, if he thinks the Rising at *Bothwell-bridge* was a Rebellion against the King and his Authority, declares he owns defensive Arms in case of Necessity, and thinks these who rose at *Bothwell* were not Rebels, and thinks they were oppressed, and rose in their own Defence. Being interrogate, if he was with those who were in Arms at *Airs-moss*, refuses to answer, and desires it may be made out against him. The same Answer as to *Bothwell-bridge*. Being interrogate, if he was at the emitting the Paper at *Sanguhar*, denies he was. Being interrogate, if he had any Hand in drawing of that Paper, refuses to give Answer thereupon, but declares he did not see it till after it was proclaimed. Being interrogate anent that Paper, if he owned the Principles therein, refuses to answer, and desires a Time to consider thereof, not being unwilling, upon Time given him, to declare his Judgment thereof: Gives the same Answer as to the Paper called *Cargil's Covenant*, or the *Fanaticks Covenant*, when read to him. Being



ing interrogate, if, when he preached at *Tor-wood*, his *Lecture* was upon *Ezek. XXI.* 25, 26, 27. confesses it was. Being interrogate where his *Text* to his Sermon was, declares he remembers not. Being interrogate, if he thinks the killing of the Archbishop of *St. Andrews* was Murder, declares he cannot give his Sense thereof; but that the Scripture says, *That the Lord giving a Call to a private Man to kill, he might do it lawfully*; and instances in *Jael* and *Phineas*. Being interrogate, if he thinks the King, by his falling from the *Covenant*, hath lost his Civil Right as King, declares he thinks this an Ecclesiastical Matter, and cannot answer here, but that he is not obliged to obey the King's Government, as it is now established by the Act of Supremacy. Being interrogate, where he was the Night before and after he was at *Queensferry*, declares he does not now remember; but seeing it may concern others, he thinks he is not obliged to answer. Being interrogate, when he was in *Fife*, confesses he was there *Friday* was a *Twenty Days* or *Month*, and preached in *Devan-common*. Being interrogate, if any of the *Hendersons* were there, confesses there was one *John Henderson*, a Man about *Thirty Years* of Age. Being interrogate, when he was in *Stirling* Shire or *Craigmade*, declares he was not there these *Eleven Months*, and denies he was in *Angus* these *Three or Four Years* past.

D. Cargil.

Ch. Maitland I.P.D.

He was again called before the Council, *July 19.* and his Interrogatories and Answers are as follow.

His second  
Examination,  
*July 19.*

Edinburgh, *July 19.*

IN Council being interrogate, if he owned his Sermon at *Tor-wood*, in which the King, &c. were excommunicated, he could not answer for it, but before an Ecclesiastical Court, being an Ecclesiastical Act. Being asked, if he owns the Excommunication of his Majesty, under the Name of *Charles Stuart*, and as a Tyrant, refuses to answer. Being interrogate, if he owns the Principles in the *Queensferry* Paper, declares he has not yet had sufficient Time to consider it. Being interrogate, if he owns the Principles in the Paper called the *Sanquhar* Declaration, he will not answer, but declares he did not see it before it was published. The Sixth Article of the *Queensferry* Paper being read, he refuses to answer about it. Being interrogate, who was the Author of that Paper, and who wrote it, refuses to answer.

Upon the 26 of *July*, the Managers resolved to put an End to Mr. Cargil's Troubles, by a Sentence to be executed next Day; and accordingly he is pannelled before the Justiciary; and he, with Mr. *Walter Smith*, and Mr. *James Boig* Students of Theology, and *William Thomson* in the Shire of *Fife*, and *William Cuthil* Seaman in *Borrowstounness*, are indicted in common Form, as being at *Bothwell-bridge*, and denying the King's Authority. All of them were to have the same Fate, and the Procedure against them is much the same.

*July 26.* he  
with Mrs. *Wal-*  
*ter Smith*, and  
*James Boig*,  
*William Thom-*  
*son*, & *James*  
*Cuthil*, are be-  
fore the Just-  
iciary.

The above Confessions before the Council, are adduced against Mr. Cargil by the Advocate. When they are read before the Justiciary, he declared in the Face of the Justices, that the Word *Act* explanatory, in his Confession, is to be understood thus, 'That the Act explaining the King's Supremacy, gives him a Right to the Authority of *J. sus Christ*, and that Supremacy given him by Act of Parliament is against Right; and further declares, that those who rose in Arms at *Bothwell*, were not Rebels, but raised by Oppression.' After the Confessions are read, the Lord *Haltoun* depones, these are Mr. Cargil's true Words at Examination; and *Hugh Stevenson*, one of the Clerks, declares the Paper produced is his Writ, and that he wrote it at the Council-table, as Mr. Cargil did dictate it. I take these Attestations to relate to the Paper, *July 19.* which is not signed. And further, Two Witnesses depone they saw Mr. Cargil in Arms with the Rebels at *Bothwell-bridge*. This is the Probation against him.

Probation a-  
gainst Mr. Car-  
gil.

Mr. *James Boig*, Son to *James Boig* Merchant in *Edinburgh*, comes next, and his Confession before the Council, *July 15.* is adduced against him, which in short contains, 'That he was taken in Company with Mr. *Donald Cargil*; that he owns the Principles of those who are persecuted for the Truths of God; that these People who were defeated at *Bothwell-bridge*, were the People of God, and were fighting for God. Being interrogate, if the Rising in Arms at *Bothwell* was lawful, declares it was, for the Defence of the Truth, and that it was lawful, and those are his Principles. As to the Archbishop's Murder, declares, he thinks he is not obliged to answer for the Actions of others. And being interrogate, if

Against Mr.  
*James Boig*.



1681. he owns the *Sanquhar* Declaration, declares he does. And being desired to sign his Declaration, declares this would be an owning of the King's Authority, which he disowns; and refuses to do it.' When this is read before the Justiciary, he adheres to all that is in it.

Mr. Wal. Smith.

Mr. *Walter Smith*, Son to *Walter Smith* in the Parish of *St. Ninians*, was an eminent Christian, and good Scholar; he studied under the famous *Leusden*, who had a great Value for him. Against him the Advocate adduceth his Confession before the Council, *July 15.* wherein he declares, 'He heard Mr. *Cargil* preach in the Fields; confesseth he was at *Tor-wood*, where he heard the King and his Royal Highness excommunicated; declares he does not think it lawful to rise in Arms against lawful Authority. Being interrogate, if he owns the King and his Authority as lawful, declares he cannot acknowledge the present Authority the King is now invested with, and the Exercise thereof, being now clothed with a Supremacy over the Church. Being asked, if he was at *Bothwell-bridge*, refuses to answer; declares *James Ruffel* was at the Conventicle lately held at *Devan*; that about Twelve Months ago, he saw *Balfour* of *Kinloch* in *Holland*; that he did not see *Hendersen* lately. Being interrogate, if the King's falling from the *Covenant* looses him from his Obedience, and if the King thereby loses his Authority, answers, he thinks he is obliged to perform all the Duties of that *Covenant*, conform to the Word of God and the King is only to be obeyed in the Terms of the *Covenant*. Being interrogate, if he thinks the Excommunication of the King lawful, refuses to answer. Being interrogate, how he liked the Reasons of the Excommunication when he heard them, declares he thinks the Reasons were just. A Copy of Mr. *Cargil's* Sermon being read to him, in that Part of it, bearing these Words as one of the Reasons, viz. *Because the King is still working for the commanding of Armies, to destroy the Lord's People, who were standing to their own Defence, for their Privileges and Rights, against Tyranny, and Oppression and Injuries of Men; for the Blood that he hath shed in Fields, and Scaffolds, and on the Sea, of the People of God, upon the account of Religion.* He owns the same as a just Reason and Ground of Excommunication, and thinks the Excommunication, and the Grounds thereof, ought not to be judged by this, but an Ecclesiastical Court. As to the Bishop's Murder, and King's Authority, he answers as Mr. *Boig*. And further, the Advocate adduceth his additional Confession, *July 19.* 'where being interrogate, if he owns the *Sanquhar* Declaration, and it being read, he owns the same in all its Articles, except that he does not look on these Persons as the formal Representatives of the Presbyterian Church, as they call themselves. And as to that Expression, *The King should have been denuded many Tears ago*, does not like the Word *denuded*, but says, what the King has done justifies the People's revolting against him. And as to that Part declaring War, he does not know if they were called, or in a Capacity to declare War; and thinks that they thereby intended only to justify the killing of any of the King's Forces in their own Defence, when assaulted, otherwise it might have been esteemed Murder. As to these Words, where the King is called an *Usurper* and a *Tyrant*, declares, he knows certainly the King is an *Usurper*, and wishes he were not a *Tyrant*. This Confession not being signed, is proven by the Depositions of the Lord *Haltoun*, and the Council-clerks.

William Thomson.

*William Thomson*, Servant in *Frosh*, comes next, and against him is adduced his own Confession, when examined before the Committee for publick Affairs. *Edinburgh July 12.* 'That he was at *Bothwell*; that he hath not taken the Bond; that he assisted to the Relief of Two Prisoners in the Town of *Airth*. As to *Bothwell* Rising being Rebellion, the King's Authority, and the Archbishop's Death, he refuses to answer. Being asked if it was lawful to kill the Officers of the Army, he asked at the Committee, if it was lawful for them to kill the People of God, adding, that if they pleased they might lay the one to the other. Being asked, if to save his Life, he will say *God save the King*, answers, he will not buy his Life at so dear a Rate, as to commit any Sin.'

William Cutbil.

*William Cutbil* Seaman, hath his Confession likewise brought as Probation against him, 'That he was taken by some of the Earl of *Mar's* Men, with Two Pistols and a Durk about him; being interrogate, if it be lawful to kill the King, answers, the King has broken the *Covenant*, and presses others to do so by his Forces, and therefore he thinks he deserves to die, and denies his Authority upon that account: As to the Murder of the Archbishop, he thinks the Persons who did it, had the Glory of God before their Eyes, and refuses to sign.'

Verdict and Sentence.

Both the last spoken of owned their Confessions before the Justiciary and Inquest; and the Affize bring in Mr. *Cargil* guilty of treasonable declining the King's Authority, and being at *Bothwell*, and the other Four as guilty of owning the treasonable Principles in *Sanquhar* Declaration, and disowning of the King's Authority: Whereupon the Judges pass Sentence, that they be hanged to Morrow the 27 Instant, and the Heads of Mr. *Cargil*, Mr. *Boig*, and *Smith*, be placed on the *Nether-bow* Port, and the Heads of the other Two on the *West* Port; which was pronounced for Doom.



It is but very little Account I can give of these Persons. Their Speeches, and some other of their Papers are published in the *Cloud of Witnesses*. Mr. Cargil had a Design to have left behind him a large Paper, giving an Account of his Principles and Practices, and had writ some Part of it; but they were all hastned to Eternity, sooner than any Body almost was expecting; and the Night after his Sentence, Mr. Cargil had all his Papers seized, and Pen and Ink denied him. However, some way or other he got Access to write, and sign the short Paper I have insert *App. N<sup>o</sup>. 55*. I need make no Reflections on it, the Reader will perceive in it, he abstracts much from publick Matters, and presses Regeneration and the Exercise of Godliness; and when he comes to state his disowning the King, as he had done in this Examination, so now he puts it on this Bottom, *the Magistracy I have rejected, is that founded on the Supremacy, and that because invested with Christ's Power*. When he was upon the Scaffold, he discoursed much to the same Purpose, with what is in the fore-said Paper. He was frequently interrupted by beating of the Drums. He declared his full Assurance of Faith, as to his own everlasting Happiness, his Fears of a Stroke coming upon Scotland, his Cheerfulness in suffering, and says, He is going up the Ladder with less Fear and Perturbation, than ever he entred the Pulpit to preach. He forgave all Wrongs done to him, and died in the Lord with a great deal of Sweetness and Composure. These Hints were taken from his Mouth, and printed shortly after his Death; but the Confusion of the Soldiers was so great, that much was lost. In short, he was a Person of very deep and sharp Exercise in his Youth, and had a very extraordinary Outgate from it; the Account of both is too large to be insert here. Afterwards he lived a most pious and religious Life, and was a zealous and useful Minister, and of an easy sweet natural Temper. And I am of Opinion, the singular Steps he took towards the End of his Course, were as much to be attributed unto his Regard to the Sentiments of others, for whom he had a Value, as to his own Inclinations.

1681:

They are executed July 27.  
Mr. Cargil's  
Carrage and  
short Paper at  
his Death.  
App. N<sup>o</sup>. 55.

After Mr. Cargil, Mr. Walter Smith was next executed; he stated his disowning of the King's Authority upon the same Foot with Mr. Cargil. At his last he spoke without that Heat, and these Heights, which, in some Cases, he had discovered in the former Part of his Life. Upon the Scaffold he was frequently interrupted, and there he repeated much of the Paper he left in Writing. He disclaimed the unlawful Exercise and Tyranny of Authority, and gave very solid and pleasant Advices to the Spectators, as to their Practice, and making their Calling and Election sure; and as in his Testimony, so now he presses them to beware of a Spirit of Bitterness, Peremptoriness, and ignorant Zeal; and refers, for his Judgment in many Things he would not now dip into, to a Paper drawn up by him some time ago, entitled, *Some Steps of Defection, &c.* and cautions against Division, in adhering to some Points, anent which, he himself, it seems, once had protested.

Mr. Walter  
Smith.

Mr. James Boig was next dispatched. I have nothing further about him, than what is contained in a Letter of his to his Brother, the Day before his Death, which, tho' it be already printed, yet having Matters of Fact in it I have not observed elsewhere, I have annexed it *App. N<sup>o</sup>. 56*. Both he and Mr. Smith died under much Comfort, Joy, and full Assurance; and the Reader will remark a considerable Difference 'twixt the Papers they left behind them, and many others unwarily published in the Book I last cited. I have little to add as to the Two Country People, who suffered with them, probably not without a Design in them who ordered it so. William Thomson was taken at *Alloa*, when coming from a Sermon of Mr. Cargil's, in the End of June last; what they had to lay to the Charge of these Two Men we have seen. Both of them run much higher in the Papers they left behind them, than any of the other Three; and certainly, Allowances ought to be made for the different Character and Capacity of the Persons.

Mr. James Boig.

His Letter before his Death.

App. N<sup>o</sup>. 56.

William Thomson  
and Guthrie.

These Five in one Day, and the Day before the new Parliament met, were but a melancholy Preface, and ought to have been a moving Spectacle to these Law-makers. One would have thought they might have been very much satiate with Blood, and this Day's Executions might have scared from any more; but that was not the Design, but rather to harden them in making sanguinary Laws, and imposing new and contradictory Oaths, which would bring me to the next Section; but I have yet before me some more Executions, near a Kin to these I have been describing, after the Parliament is up.

In the Beginning of October, by the Registers, I find Six more before the criminal Court; and the Account I give of them, shall be from these and some original Papers before me. *October 7*. I find Robert Garnock Hammerman in *Stirling*, Patrick Foreman in the Parish of *Alloa*, David Fairie, James Stuart, George Lapsley, and Alexander Russel. We heard of Robert Garnock before, since *Bothwell-bridge*; he has continued now Two Years in the Irons. The Case of James Stuart was really lamentable, and a fresh Instance of their Barbarity. He was a young Man, I might almost have termed him a Boy, of good and serious Inclinations, who had never been, as far as I can learn, engaged in any Thing for which the Law could have reached him. He came in from the West Country, to see a Relation of his in Prison at *Edinburgh*; by what Means, I know not, the other got out, and he was found in the Room whence the other escaped; whereupon he was brought before a Committee of Council, and

Criminal Pro-  
cess against Six  
more, Oct. 7.



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soon ensnared by their Questions. When he was silent in some Heads, and would not answer, some Papers before me bear, That Sir George Mackenzie threatened to take out his Tongue with a Pair of Pincers. Precisely upon his Answers he was condemned, and in a few Days after, he was taken, and executed with the rest at the Gallows-lee.

Robert Garnock.

Robert Garnock's original Indictment being in my Hands, and it being a little out of the Road of the Indictments given since Bothwell, and that of the rest condemned with him being much of the same Tenor, tho' I know not if they joyned in Robert Garnock's Papers or not, I shall here insert an Abbreviate of it. He is indicted, that 'Whereas the Deniers and Decliners of the King's Authority, are to be punished by Forfeiture of Life and Fortune, by Act 129. Parl. 6. Jam. VI. and Act 2. Sess. 2. Parl. 1. Char. II. nevertheless, the Pannel did, before the Council, upon the First of October instant, decline the Authority of the King and Council, and called the King and Council, Tyrants, Murderers, perjured, and man-sworn, declaring that it was lawful to rise in Arms against them, and kill them, and gave in a most treasonable Paper, termed, *A Protestation and Testimony against Parliamentari*, Wherein he terms the Members of Parliament Idolaters, Usurpers of the Lord's Inheritance, and protests against their Procedure in their Hell-hatched Acts; which Paper is signed by his Hand, whereby he is guilty of the Crime of Treason: That further he gave in a signed Declaration to the Council, wherein the said Robert Garnock disowns the King's Authority and Government, and protests against the Council as Tyrants. Therefore, &c. in common Form.' This was now the ordinary Way of their Indictment, when, by their Severity, they were driven to Heights, or by Cunning they had elicite Confessions, their own Papers and Confessions were turned into an Indictment, without any Matter of Fact, generally speaking, to lay to their Charge; and they were sentenced merely upon the wild Opinions, which one way or other they were brought to own before them.

There was no Difficulty of Probation against this Pannel; his own Declinature and Protest signed by him were produced before the Assize, and Lords of the Justiciary, before whom, again he renews his Declinature of the King and them, and adheres to his former Papers.

Patrick Foreman.

Patrick Foreman is indicted for disowning the King. The Probation is his Declaration before the Council, October 1. where he confesseth, 'That a Knife was found on him with this Inscription, *For cutting Tyrants Throats*. Being asked, if that was to kill the King, answers, if the King be a Tyrant, why not cut his Throat, and if the Council were true Judges, they would have that Posie on their Swords. Being asked by his Royal Highness, if he owned the King's Authority. He answered, Not. Being asked, if he knew that was Treason, he asked, Against whom? And it being answered, against his Sovereign the King. He said, he disowned the King for his King and Sovereign.' All this he adheres to before the Justiciary, and repeats his disowning the King.

David Fairie.

David Fairie is the sameway dealt with. His Confession before the Council bears, 'That he disclaimed the King's Authority, that he calls him a Tyrant, asserts it is lawful to kill Murderers; says, the King is a Murderer, because he hath murdered the People of God.' James Stuart and Andrew Russel, plainly disown Authority. Hugh Stevenson Clerk-depute, and Sir William Paterson depone, these were their Expressions, and they all know their Declinature of the Lords of Justiciary, and are remitted to the Assize.

James Stuart.  
Andrew Russel.The Pannels  
Protestation  
given in to the  
Assize.

Before the Assize went aside, the Pannels delivered to the Inquest, a Paper containing a Protestation and Warning to them, if they brought in an unlawful Verdict against them. A Copy of it is before me, signed by the Six Pannels; and indeed it is not so much out of the Road, as some other Protests given by some of them. 'They advise them to consider what they are doing, and upon what Grounds they pass a Sentence upon them; they declare they are no Rebels, that they disown no Authority which is according to the Word of God, and Covenants which the Land is bound by. They charge them to consider how deep a Guilt Covenant-breaking is, and put them in Mind they are to answer to the great Judge of all, for what they do in this Matter; and say, they do this since they are in Hazard of their Lives, only because they cannot in Conscience yield to the iniquous Laws of Men; and acquaint them, it is a dangerous Thing to pass a Sentence on Men, merely because of their Conscience and Judgment; that they are free Subjects, never taken at any Action contrary to the present Laws; and add, that now these whom they once thought would rule for God, have turned their Authority for Tyranny and Inhumanity, and make out both in destroying the Laws of God, murdering his People against and without Law, adding, as we ourselves can prove and witness, when brought in before them: After Two Years Imprisonment, one of them most cruelly and tyrant-like, rose from the Place of Justice, and drew a Sword, and would have killed one of us, but Providence ordered it otherwise, however, the Wound that was received is yet to be shewn; the like Action was never heard or read of. Some time since they cruelly murdered David Finlay at Newmills, guilty of nothing they could call a Crime, living peaceably at his own House, without a Witness, or any Shadow of Law; when brought by a Party before them, he was shot immediately. What they did in Mr. Mitchel's Case, after his Life was granted under the publick Faith, to break which they perjured themselves, is publickly known: And James Learmont they like-



wife murdered, after he had been Three Times freed by the Affize. They add, that after such Murders which deserve Death, they cannot see how they durst own them as Judges. After all, they charge them solemnly to notice what they do, and assure them their Blood will be heavy upon them. They put them in mind of Mr. John Ellies, who pleaded against Mrs. King and Kid, how terrible this was at his Death; and conclude with Jer. xxvi. 15. and charge them not to take innocent Blood on their Heads: And subscribe all at Edinburgh, October 7. 1681. David Fairie, James Stuart, Alexander Ruffel, Patrick Foreman, Robert Garnock, George Lapsley.

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Notwithstanding of this Paper, the Inquest brought them in guilty of the Crimes libelled, by their own Confession. George Lapsley is delayed until November 7. where I find the Diet is deserted against him, simpliciter as to Treason. The Occasion of this Difference, I hear, was, that George Lapsley, when interrogate as the rest were, disowned Authority, and other Things they disowned, with this Qualification, according to the Word of God, and our sworn Covenants. He got out of Prison afterward when it was broke: But the other Five are sentenced to be hanged 'twixt Leith and Edinburgh, upon the 10 instant. Foreman's Hand is to be cut off before Death, and the Heads and Hands of the rest are ordered to be cut off after they are hanged, and set up upon the Pleasance Port.

Verdict and Sentence.

The Sentence was executed against all of them at the Gallow-lee, 'twixt Leith and Edinburgh. The Reason of this Change of the Place, was, the Multitude of Executions at the Cross and Grass-market, drew so many Spectators, and the Carriage and last Speeches of the Sufferers, when allowed to have them, made such Impressions, that it was found adviseable to take the Sufferers out of the Town, to a Place where some of the most notorious Criminals used to be executed; and I am told, that several Times they carried them down thither early in the Morning, and at Hours when they expected few would come out of Town. I have nothing further upon this Process, unless it be that their plain upbraiding Popery as Idolatry, and the Duke of York as a Papist, heightened the Fury of the Managers against them. And after the Acts, we shall in the next Section find the Parliament passed making it Treason to speak against the Succession of the Duke of York, tho' a Papist. This was a new Handle against the Sufferers, many of them speaking boldly against him as a Papist, and the Author of all their sufferings.

Executed Oct. 10. at the Gallow-lee. Reason of the Change of the Place of Execution.

Thus I have put together all these Sufferers unto Death this Year. The Heights some of them ran to, are Proofs what Lengths the Oppression of such a Period puts less knowing People upon, and will never entirely vindicate the Severity with which they were treated. It is Time now to take a View of the new Laws made this Year.

S E C T. V.

Of the Laws and Acts made in the Parliament, which met July 28. this Year, in as far as they relate to the Church.

It is now about Nine Years since we had a Parliament in Scotland, and it may be, considering all Circumstances, the Kingdom was at no great Loss. Other Ways were now fallen upon to manage Affairs than by these, which were none of the King's darling Courts, tho' he had no Reason to be much displeased with our Scots Parliaments, since his Restoration; only the Country Party last Session thwarted a little with him, or rather the Duke of Lauderdale; yet, in every Matter which tended to advance the Oppression and Hardships upon Presbyterians, they had been abundantly obsequious to his Majesty and his Bishops. This was King Charles's last Parliament, and the next we shall find summoned by him, who is Commissioner to this, James Duke of Albany and York.

No Parliaments in Scotland for Nine Years.

There was no great need of a new Parliament from the Untowardness of the former Members, but after so long an Interval, Decency required a new Election, and so a Proclamation, of the Date Whitehall, June 8. indicting a Parliament to be held at Edinburgh, July 28. is emitted.

Proclamation for a Parliament.

Another Proclamation Edinburgh, July 19. is before me, wherein his Royal Highness his Majesty's High Commissioner, by the Lyon King at Arms, warns the Members to convene at Holyrood-house July 28. by nine of the Clock in the Forenoon, the Lords furnished with their Gowns, Robes, Horfes, and Foot-mantles, the Commissioners of Shires with their Horfes and Foot-mantles, to attend his Royal Highness on Horse-back in his going to the Parliament

Another so. Members riding in their Robes.



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House, and in his Return, and ordering all, having Commissions from Shires and Borroughs upon the 25 instant, to deliver them in to the Register in the Parliament House.

Great Parade was made at the Riding of this Parliament. The Manner and Order of it was printed by Authority, which was kept, and every Thing very splendid. When they met, the King's Letter to this Parliament was read, which stands *App. N<sup>o</sup>. 57.* Papers of this Nature readily contain as much of the Mind of the Ministry and Minions about the King, as his own, and so I make no Reflections upon it. The Commissioner's Speech came next, and is annexed *App. N<sup>o</sup>. 58.* Therein he expresses a very great Concern about his own Succession to the Crown. From both these Papers we may easily gather the two great Designs in View this Meeting of Parliament, to bear down Separation, *that is*, Presbyterians in Scotland, and to secure the Duke's Succession, *that is*, Popery in Britain. The first is pretty plausibly pressed in the King's Letter; and the second is plainly insinuate in the Duke's Speech; tho' one would think the Business of the Succession would have come as gracefully from his Majesty as the Duke; but Papists stick at nothing to promote their own Designs.

The first Thing the Parliament fell upon, was the making a Return to the King's Letter, and upon the first of *August* an Answer was read and approved, which I have insert *App. N<sup>o</sup>. 59.* Every one who knows the Method of penning these publick Letters of Compliment, will easily perceive, that in common Course a Return of this Nature would follow such a Letter at such a Juncture, from so loyal a Parliament, under the Management of a Popish Commissioner; therefore very little needs be said upon it.

Generally speaking, it is just a Repetition of the King's Letter, with turning the Compliment upon him and his Brother, which is the plain *Scots* of the Royal Family. Indeed I cannot but wonder a little at their Modesty, when they pretend to give his Majesty's other Kingdoms a Pattern to maintain the native Succession, which, they add, cannot be invaded without subverting the fundamental Laws. The Reader, I apprehend, will be at a Loss to know where these are which oblige Protestants to bring upon themselves and Posterity the Yoke of *Popery*, and a Popish Successor. They plainly add, they rather venture upon this than upon Presbytery, which, they alledge, brought Confusion and Slavery in the last Age; whereas Order and Liberty were never so much known in *Scotland*, as when Presbytery was in its Height and Vigour.

Next, they make a Compliment to the King upon his Concern in the Protestant Religion; where I cannot help thinking they came near a Self-contradiction to their Declaration which follows, of their Intention to support the Royal Family, *that is*, the Duke of *Tork*, a virulent Papist, in his Claim to the Succession. Then they take on an Engagement, to declare their Acknowledgment of the Prerogatives of the Crown in its lineal Descent; which they did with a Witness in their succeeding Acts, as shall be observed. Mean while they promise never to depart from the Royal Family, and their Commissioner the lawful Successor, and conclude with Compliments to him.

From such Beginnings we may easily guess what will be the Tenor of the Acts of this Third Parliament, and I need not insist long upon them. Their first Act ratifies all former Laws for the Security of the Protestant Religion. It is but short, and I have added it *App. N<sup>o</sup>. 60.* This Act came in common Course, and agreeably to the ordinary Form of the King's Instructions. Most Parliaments, since the Reformation, have begun with what they thought had a Reference to the securing Religion. The Lords of *Articles* used to enter their Work by appointing a Committee for Religion, out of their Number, which they did at this Time. Of this Committee that excellent Person, *Archibald* Earl of *Argyle*, of whom more this Year, was a Member, and a very worthy Member, seeing he really had the Protestant Religion at his Heart.

I am told this Committee did prepare an Act securing the Protestant Religion, the Draught of which I have not seen; but I am informed it ratified Act *Parl. Jam. VI.* approving the *Confession of Faith*, and Act *Parl. Jam. VI.* containing our Coronation Oath to be taken by all our Kings at their Coronation, and Regents before their Entry to and Exercise of their Government. It was indeed less hard upon the Successor as to his own Profession, but every way as peremptory, if not more, than these Acts, as to the publick Exercise of the Reformed Religion, and contained a *Test* to exclude Papists out of Places of Trust; and because the Penalties to be incurred, by their acting in such Places without taking this Test, would be precarious in the Event of the Sovereign's being a Papist, without their being exacted, therefore they were not to come to the Treasury, but the one Half to the Informer, and the other Half to pious Uses, and a plain Way was laid down for their being exacted. But when this Project took air, the Commissioner stormed extremely, and the Committee for Religion after this was discharged to meet. Somewhat of this Nature was aimed at in the Act for the *Test*; but it was, as we shall hear, so managed, as its Edge turned only upon Protestants.

Instead of such an Act as *Argyle* had in his Eye, the Lords of *Articles* agreed upon this short and general Draught, and brought it into the Parliament without the Clause, and all Acts against, *Popery*, so tender were they of the Duke. But when it came to be read in the House,

King's Letter, App. N<sup>o</sup>. 57.Commissioner's Speech App. N<sup>o</sup>. 58.Parliament's Answer to the King's Letter. App. N<sup>o</sup>. 59.

Remarks on it

Act 1. for the securing the Protestant Religion.

App. N<sup>o</sup>. 60.

Another Act relating Religion, proposed, but stopped by the Commissioner.

Clause added to the Earl of Argyle.



House, that noble Earl moved the Addition of the abovenamed Clause. The Motion was opposed as unnecessary, by not only the King's Advocate, but also some of the Bishops, and seconded by Sir George Lockhart, and Sir James Dalrymple President of the Session, and was yielded to without a Vote. This Motion, with some Appearances the Earl made about the Act anent the *Test*, drew the Commissioner's Indignation upon him, so that nothing but his Blood would satisfy him, tho', before this Appearance for the Protestant Interest, *Argyle* was as much in Favour with him as any Protestant in the Kingdom.

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After all, there was no great Hazard to the Commissioner's Religion, from this Act and Clause; it was but a fair General, and we shall find much the same Surety granted at an after Parliament, by the Courtiers, when they were about to rescind the penal Statutes. Indeed little real Security can be expected to the Reformation, from a Popish Commissioner and Claimant to the Crown; and in my Opinion, tho' a Security had been intended in the Act, yea, given in much stronger Terms, it was quite taken away by the following Act, which was a Stroke at the Root of the Reformation, and an Opening of the Door to bring in One who by his Religion is bound to rescind this Act, and all it refers to, as soon as he could have an Opportunity.

Their second Act then is, *asserting the Right of Succession to the Imperial Crown of Scotland*. Which it is very proper I insert *App. N<sup>o</sup>. 61*. This Act is of so high flying a Strain, that I could wish to see Remarks upon it by some Lawier and good Hand. To me it appears to run cross to all our Law and Practick since we had any Parliaments. Every Sentence of it breathes the Language of Slavery, and so is exactly adapted to introduce Popery, by bringing a Popish Successor to the Throne.

Act is upon the  
Succession,  
App. N<sup>o</sup>. 61.

The Kings of Scotland are said to derive their Power from God Almighty alone; a Phrase unknown in Scotland till the Restoration, and contrary to the constant Practice of Parliaments, and the *primores regni*, who frequently unmade Kings when they had declared themselves unfit for Government, and Tyrants, and consequently claimed the Power of making them, as well as the breaking of, and diverting from the lineal Succession.

Remarks upon  
it.

This is now so fully set in its Light, from our Records, ancient Monuments and Papers, that it is undeniable. The learned and industrious Antiquary, Mr. James Anderson, hath published Two unanswerable Evidences of this in his valuable Essay upon our Independency, *App. N<sup>o</sup>. 24 and 25*. the Declaration of the Estates of Scotland, concerning the Settlement of the Crown, and the Act of Parliament for the Security of the Kingdom, in the Days of King Robert Bruce. I hope, from his curious and diligent Researches into our History, we shall yet have further Proofs of that noble Spirit of Liberty which prevailed in Scotland, both before and since our Reformation from Popery.

The Connection 'twixt this Assertion and what follows, is as unnatural as the Position was false in Fact. Kings deriving their Power thus, do succeed lineally thereunto, according to the known Degrees of Proximity in Blood. There is but one Instance of a Succession of Rulers deriving their Power from God alone, the Judges under Israel's Theocracy; and sure no lineal Succession can be pretended there: For my Share, were I of the Principles advanced here, I would be ready to think this Derivation of Power from God alone, natively requires a divine Designation, reaching to each who enjoys it, and so bears heavy upon the lineal Succession, which appears to me to stand better upon the Foot of the People's Choice, if they shall be such Fools as to tie themselves down to it, tho' it should be a lineal Succession of Fools and Madmen, or *Papists*, which takes in both.

Next, 'tis added, That this lineal Succession cannot be interrupted, suspended or diverted by any Act or Statute whatsoever. This is clever Work, and an everlasting Act to secure the Jacobite Interest against all Revolutions: But one, meanwhile, must think this might have saved the Parliament's Pains in making this Act, who, if they could not suspend by the same Rule, could not confirm such a wonderful Succession. And greater Stretches were made in explaining Laws during this Period, than if I should say this Clause was high Treason in the Sense of our Scots Law, and a Declaration flatly contrary to the Power and Privileges of Parliament, and consequently these Gentlemen were *Felo's dese*.

They further declare all Attempts to alter the lineal Succession, do involve Perjury and Rebellion, and expose to a Civil War. How Deviations from the lineal Succession involve Perjury, I comprehend not, never having heard of any Oath whereby Subjects were knit down to the lineal Succession; surely the Gentlemen who made this singular Act, cannot have any Eye to the national, or solemn League and Covenants. Rebellion this might be against the Duke of York, who, I fancy, took all the Laws and Actings in Scotland, since his great Grandmother was set aside for Popery and other Crimes, and confined to Lochleven Castle, to be a Tract of Rebellion; but it was no ways against the Laws of the Land. This the best in the Three Kingdoms perceived, when their Eyes came to be opened, by the Actings of a lineal and Popish Prince, a few Years after this; and had I at that Time been in case to make any Judgment of Things, I would not have been so apprehensive of the Numbers of *Papists* in Britain, as to have dreaded a Civil War. When the lineal Popish Successor



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for was set aside, we had no great Proofs of the Courage of the *Papists*, with the Hereditary-right and Lineal-succeſſion Gentlemen.

After this Narrative they declare, *That by inherent Right and Nature of the Monarchy, and fundamental and unalterable Laws of this Realm, the Succeſſion is lineal.* Some Things here need a Commentary before I can underſtand them; and all I remark, is, That if they had known thoſe Laws they mention, 'tis very probable they would have ſtrengthened their Act by citing them. They next declare, *That no Difference in Religion, no Act of Parliament made or to be made, can divert the lineal Succeſſion;* which is much the ſame as they had ſaid. The Kingdom never could, and never would be able to ſecure themſelves from *Pope-ry*. All this is our *Scots* Proteſtant Parliament, with Prelates in it to look after the Security of Religion, their Declaration. At length they take in the King with them, and make it *high Treason in any Subject, by ſpeaking, writing, or any other way to endeavour to alter the lineal Succeſſion;* that whoever did any Thing to prevent a *Papiſt's* coming to the Crown, was guilty of Treason. After this we need not wonder to find Multitudes condemned by this *Iniquity eſtabliſhed by a Law.*

Act 3. for a Supply to the King.

Having thus ſettled their lineal Succeſſor, they come, by their Third Act, to offer a new Supply to the King. Therein I only remark, That they reſume and give their Parliamentary Sanction to the Narrative of the Act made by the Convention of Eſtates, 1678. imposing the Cefs, *viz.* 'Beauſe of the Danger the Kingdom was in, by ſeditious and rebellious Field-conventicles, and to ſupport the Army in bearing them down.' The Parliament now conſidering, that the Danger from the foreſaid Cauſes doth much increaſe, do renew their Offer. Then they lay down the Method and Manner of raiſing the Money, much the ſame with what the Convention had done; only they diſcharge all free Quartering of Soldiers, tranſient or local, after the Firſt of November this Year, becauſe of the many Inconveniencies which ariſe therefrom to the Subjects. There are Two Things obviously offered here, that the alledged Reaſon from Field-conventicles did not hold at this Time. It hath been noticed, that, excepting a few which Mr. *Cargil* kept, there have been none ſince *Bothwel*: Now they are rid of him, and there was no more for ſeveral Years. The other is, That notwithstanding of this Diſcharge, the Country was as much almoſt as ever troubled with free Quarter; and when Redieſs was ſought, none could be had from thoſe who could give it.

Act 4. for ſecuring the Peace of the Country.  
App. N<sup>o</sup>. 62.  
Remarks on it.

Their Fourth Act is, *for the ſecuring the Peace of the Country*, which I have added App. N<sup>o</sup>. 62. Many Obſervations might be made upon it. The Act begins a little ſtrangely, with a Ratification of *all Acts and Laws made for ſecuring the Church, as now eſtabliſhed.* Whereas really it was the eſtabliſhing of Prelacy, and the Practices of Prelates and their Underlings, with the ſevere Laws, in their favours, they had got made, which theſe Twenty Years were the Occaſion of all the Diſpeace and Diſquiet that was in Scotland: For, the *further ſecuring of Prelacy*, called the Church and the State, is, for the Faſhion, thrown in with it. This Act itatutes, *That all Tenants and Servants, delated upon the Informer's Oath of Calumny, within Three Months, ſhall be held as confeſt, and guilty of being at Field-conventicles, or of Reſet and Converſe, as more fully in the Act.* This is a ſummar Way of Probation, eſpecially when the Informer is to have Half of the Fine. Another terrible Clauſe is added, to make this of more general Influence: After the Perſon is found guilty, the Judge is to *intimate his Name to the Landlord or Maſter, who muſt pay the Fine, providing the Perſon found guilty have Goods which will pay his Rent; and if not, he is to diſmiſs him preſently out of his Land and Service, with his Family, or preſent him to Juſtice.* This makes all Heritors and Maſters, Executioners in the Crime of Field-conventicles. It was well there were but few for ſeveral Years; but this made terrible Work as to Reſet and Converſe: And, as if all this was not enough, theſe who afterwards receive ſuch, are made liable to pay *Three Years Rent or Fee to their Maſter or Landlord who diſmiſſed them, and a Hundred Pounds to the King.* The Unaccountableneſs and Hardſhips here are plain, unleſs a publick Stigma had been put upon ſuch as were diſmiſſed.

By this ſame Act, the Fines for Field-conventicles are all doubled, and Burgeſſes, beſides their former Fines, are to loſe their Burgeſſhip, and be baniſhed the Town. One would think, the former Severities for bearing down of the Goſpel, were ſufficient, and more than enough; but evil Men wax worſe and worſe. In the laſt place, the King, by this Act, is impowered to name Perſons for puniſhing Conventicles, and irregular Baptiſms and Marriages. This is a new Handle to the Managers to give Commiſſions, and gratify whom they pleaſed thereby, to uplift the Fines. This way, the Council's and the Biſhops Underworkers, in all Places of the Country, were rewarded, and not a few of them enriched with the Spoil of Men more righteous than themſelves; but an evident Curſe was in what they got this way.

Act 14. againſt Affaſſinations.

Remarks.

Their Sixth Act is anent the *Teſt*, which made ſo much Noiſe, and was ſo great a Handle to Perſecution, that I thought it deſerved a Section in this Chapter, by it ſelf, which I ſhall come to, if once I had taken a little Notice of the Fifteenth Act of this Parliament, *againſt Affaſſinations.* The Matter of it, in the general, is certainly very good, and no Body can abo-



abominate them more than I allow my self to do; but the Scope of this Act, is to insinuate, many of the now persecuted Party maintained this vile Principle. Several Things have been already noticed for their Vindication; and I now add, that the poor People who were driven to the greatest Heights at this Time, whatever rash Threatnings they used, and wrong Conclusions they drew from the horrid Violence done them, yet many of them, when they came to step into Eternity, most solemnly declare themselves against Murder and Assassination.

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This Fifteenth Act is shut up with a very ample Testimonial the Parliament are pleased to give to Bishop Sharp, who, by his treacherous betraying of Presbyterians, and violent persecuting them, and no otherwise that I know of, *deserved well of the Prelatich Church*, and went very great Lengths to advance and carry forward arbitrary Power in the State. By a pretty singular Step, they appoint weekly Searches to be made by the Sheriff of Fife, for his Assassines, when they were all out of his Reach, and ratify all Acts of Council formerly made against them.

I find no other Acts of this Parliament which relate to the Subject I am upon; unless it be the Twenty sixth Act, *concerning publick Debts*, whereby, how justly, I leave to Lawyers, the Debts contracted for the Service of the Kingdom, when in imminent Danger, are all discharged by this Parliamentary Sponge; and yet in such a Way, as to tempt those concerned, to swallow down the unlawful Oath of the *Test*. They are pleased to except the late Duke of *Roths* his Heirs, because of his eminent Services to his Majesty.

These Acts, and particularly that anent the *Test*, laid a Foundation for a new Scene of Persecution, which I shall consider, if once I had taken some View of the *Test* imposed at this Time.

## SECT. VI.

*Of the Imposition of the Test, its Explications, and the begun Persecution upon it, this Year 1681.*

I Have delayed the Consideration of the *Test* to this Place, as of too great Importance to be intermixed with my cursory Remarks upon the Acts of Parliament this Year. The Imposition of mixed and State Oaths, upon the Subjects of these Nations since the Reformation, would afford Matter for a very large and black History; and their violent cramming down Peoples Throats, hath had very dismal Consequences: But this complex and self-contradictory Oath of the *Test*, indeed wants its Parallel among all the Oaths that ever were forced upon a Protestant Nation. For many Years it became an Handle for persecuting, even to the Death, great Numbers, and some of them of very considerable Rank, and oppressing Multitudes of Noblemen, Gentlemen, and others, who could not comply with it.

Mixed State-oaths of all consequence since the Reformation, the *Test* worse than any Imposition before.

Many flaming Instances of this we shall meet with in the following Years. In this Place I am only to give the Reader some View of its Nature, and the Act imposing it, with its After-explications, and the Stir it made among the Episcopal Clergy, and some begun Persecution occasioned by it this Year.

Upon the last of *August*, the Parliament pass their Act anent *Religion and the Test*, which I have added *App. N<sup>o</sup>. 63.* The Oath it self, which, in the After-part of this History, comes under the Name of the *Test*, deserves a Room here.

Act about Religion and the *Test*. *App. N<sup>o</sup>. 63.*

*The Oath to be taken by all Persons in publick Trust.*

I solemnly swear, in presence of the eternal God, whom I invoke as Judge and Witness of my sincere Intention in this my Oath, That I own and sincerely profess the true Protestant Religion, contained in the *Confession of Faith*, recorded in the first Parliament of King *James VI.* and that I believe the same to be founded on and agreeable to the written Word of God: And I promise and swear, That I shall adhere thereunto during all the Days of my Life-time, and shall endeavour to educate

The Oath called the *Test*.



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cate my Children therein, and shall never consent to any Change or Alteration contrary thereunto; and that I disown and renounce all such Principles, Doctrines, or Practices, whether Popish or Fanatical, which are contrary unto, and inconsistent with the said Protestant Religion, and *Confession of Faith*: And, for Testification of my Obedience to my most gracious Sovereign *Charles II.* I do affirm and swear, by this my solemn Oath, that the King's Majesty is the only supreme Governor of this Realm, over all Persons, and in all Causes, as well Ecclesiastical as Civil; and that no foreign Prince, Person, Pope, Prelate, State or Potentate, hath or ought to have any Jurisdiction, Power, Superiority, Preheminency, or Authority Ecclesiastical or Civil, within this Realm: And therefore, I do utterly renounce and forsake all foreign Jurisdications, Powers, Superiorities, and Authorities; and do promise, that from henceforth I shall bear Faith and true Allegiance to the King's Majesty, his Heirs and lawful Successors; and, to my Power, shall assist and defend all Rights, Jurisdications, Prerogatives, Privileges, Preheminencies, and Authorities belonging to the King's Majesty, his Heirs and lawful Successors: And I further affirm and swear by this my solemn Oath, that I judge it unlawful for Subjects, upon Pretence of Reformation, or any Pretence whatsoever, to enter into Covenants or Leagues, or to convocate, convene, or assemble in any Councils, Conventions, or Assemblies, to treat, consult, or determine in any Matter of State, Civil or Ecclesiastick, without his Majesty's special Command, or express Licence had thereunto, or to take up Arms against the King, or those commisionate by him; and that I shall never so rise in Arms, or enter into such Covenants or Assemblies, and that there lies no Obligation upon me from the *national Covenant*, or the *solemn League and Covenant*, (so commonly called) or any other manner of Way whatsoever, to endeavour any Change or Alteration in the Government, either in Church or State, as it is now established by the Laws of this Kingdom: And I promise and swear, that I shall, with my utmost Power, defend, assist and maintain his Majesty's Jurisdiction foresaid, against all Deadly; and I shall never decline his Majesty's Power and Jurisdiction, as I shall answer to God. And finally, I affirm and swear, that this my solemn Oath is given in the plain genuine Sense and Meaning of the Words, without any Equivocation, mental Reservation, or any manner of Evasion whatsoever; and that I shall not accept or use any Dispensation from any Creature whatsoever. So help me G O D.

Remarks on it.  
It is complex,  
and extensive,  
and far above  
the Reach of  
many on  
whom it was  
pressed.

Observations upon this Oath are almost needless, especially when I shall just now give some of the Difficulties that were raised against it. From a cursory View of it, without entering upon the Papers now handed about, for and against it, the Reader cannot but remark the Hardship, in violently pressing such a vastly extensive and complex Oath, upon Multitudes of poor ignorant Country People, who cannot be supposed to know the Things affirmed and sworn in it, and running them down even to the Death, when they stuck at it, as what, at first View, and to every Body's uptaking, overturned our solemn Covenants, and for ever excluded the Presbyterian Establishment.

Turned from  
a Test of Office  
to a Test of  
Loyalty.

As an Historian, I must further remark, That tho' at first this Oath was only pretended as a *Test* and Tie to such who were in, or should come to Places of Trust and publick Office, and, it may be, was designed so by the Parliament; yet, when the Duke of *Tork* and the Managers had once got the Edge of it turned from Papists, and found that the best of Protestants stuck as much at it as they, it was turned to be a general *Test* of Loyalty; and every Body were suspected Persons, in the Eye of the Government, who were not willing to take it, except the Papists, who were more employed than ever. Thus, vast Numbers of Gentlemen came to have it put to them, and when they refused it, were fined in Sums equivalent to their Estates; and no Way was allowed to any, except Papists, to purge themselves of Disaffection, but by taking of this Oath; and the doing of that cleared, from all Crimes almost, those who had a wide enough Throat for it.

A Medley of  
Popery, Prelacy,  
Rastianism,  
and Self-contradiction.

Mean while, the very reading it over may discover it is a Medley of Popery, Prelacy, *Rastianism*, and Self-contradiction; and it appears to have been framed, or at least so loaded with Amendments, as no Body might take it. It opened a Gap for Popery, by renouncing the *national Covenant*, the great Bulwark of *Scotland*, against that wicked Idolatry, and obliging the Swearers to receive a Popish Successor. Prelacy is so plainly approved in it, and sworn to, that I need say nothing of this. The Supremacy, and the utmost Extent of the King's Power in all Causes, is again and again affirmed and asserted; and the Contradiction 'twixt the Confession sworn to in the Entry, and the subsequent Branches of the Oath, 'twixt the maintaining the Protestant Religion, and the introducing of a Papist to the Throne, yea, 'twixt the King's Supremacy and the present Establishment of the Prelatical Church, at least in the Opinion of some of the best of its Members, hath been many Times discovered.

It involves an  
Approbation  
of the inde-  
fensible here-

It appears further necessarily to involve Approbation of, and Subjection to the pretended divine, indefeasible, hereditary Right of Kings, asserted in the late Act of Parliament, and the lineal Succession, which by no Statute can be diverted, and the rest of the Nonsense formerly



merly mentioned, which is necessarily included in his Majesty and his Successors Jurisdiction, Privileges, &c.

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It plainly makes the Swearer renounce defensive Arms, against the greatest Oppression a Subject can be under, and clearly enough condemns the late glorious Revolution, and binds down to an unlimited Obedience to all the then iniquous Laws, and obliges the Person in no Case to decline the King's Authority. And after all this, I need not add, That no Presbyterian could take it, yea, even such who were of other Principles, and had any remaining Sentiments of Freedom and Liberty, justly scrupled at it.

ditary Right of Kings.

With a Renunciation of defensive Arms.

After all, it may be enquired how so many fell in with this Imposition; and indeed I can give no Account of this, unless it be, that many of the Branches of this Oath had been insensibly and gradually threaded in upon Persons in Places of Trust, by these Oaths, Declarations and Bonds, imposed these Twenty Years in Scotland; and the Whole of the Bishops, who ought to have been Patterns, gave into it: Yea, the Iniquity of the Times, and Impiety of the greater Part now in Office, was such, that the Fear and Solemnity of an Oath was quite worn off the Spirits of many, and the reasonable and just Cords of the Oath of God upon these Nations, being wickedly cast off, it was but righteous, People should be given up to strong Delusion, and the Belief of Lies.

Reasons why so many fell in with this Oath.

I come now to consider the Act imposing this Oath, and it may be worth while, before I make Remarks upon it, to point at some Part of its History, while a passing in the House. When the first Act anent Religion was read and past, it appeared very general and insufficient to all Members who had any Regard to the Protestant Interest; and, upon the Desire of Additions, or another Act, by severals, the Commissioner, in face of Parliament, promised, that full Time and Opportunity should be given to bring in any other Act which should be found necessary to secure the Protestant Religion: Nevertheless, tho' many Overtures, Memorials and Draughts were offered, yet they were never allowed to be read before the Lords of the Articles, or Parliament, but this Test Act was formed in private, and at length obtruded.

Some Account of its Rise, and the way how it past in Parliament.

It deserves to be remembred, that this Act and Oath was brought in and voted in one Day, tho' it was of that Extent and Importance as required the greatest Deliberation. At first, the Draught was brought in without the Clause relative to the Confession of Faith; but this was pressed with great Ardour, and, after some Hours Debate, it was got added: Many other Additions and Alterations were moved, but not granted.

Brought in and voted in one Day. The Clause about the Confession of Faith added in the House.

The Earl of Argyle, in reasoning upon the Oath, said, 'He was of Opinion, that as few publick Oaths should be required as might be, and these as short and clear as possible: He thought a very small Addition to the Oaths in Force these Twenty Years, might suffice, since it is evident the Oath of Allegiance, and Declaration, had effectually debarred all Fanaticks from Places of Trust, all this Time. It is true, added he, some Papiists have swallowed them, but a Word or Two of Addition might likewise hold them out.'

Earl of Argyle's Appearance against it.

This same noble Member, with Warmth, opposed the Clause toward the End of the Act, excepting the King's Sons and Brothers, and said, 'It was our Happiness that King and People were of one Religion by Law, and he hoped the Parliament would do nothing to loose what was fast, nor open a Gap for the Royal Family to differ in Religion; and therefore wished if any Exception were made, it might be made particular for his Royal Highness.' But the Commissioner rising up, opposed this openly; whereupon the Earl concluded with his Fears, 'That if this Exception did pass, it would do more Prejudice to the Protestant Religion, than all the rest of the Act, yea, many Acts, would do good.'

Many other Speeches were made in Parliament, upon this solemn and extraordinary Occasion, which I am sorry I can give so little Account of. When the Members were wearied with Reasoning, the Half of the House pressed a Delay, were it but till next Morning, the Draught of the Act in the Clerk's Hands being so much blurred, changed, and interlined in the Course of the Debates, that the far greater Part knew not what was in, or what was out of it; but no Delay could be granted: Whereupon several refused to vote it, among whom were the Earl of Argyle, and Sir James Dalrymple President of the Session, whom the Duke of York blamed for bringing in the Clause about the Confession of Faith, with a Design to crush the Whole.

A Delay till next Day refused, and several refused to vote.

Remarks upon the Act need not be multiplied, since they will fall in with what hath been and may be said upon the Oath. It is Pity, Religion and this Test, or Trial of it, should be coupled in the Title, since every Body must own scarce any Thing done at this Time exposed Religion more than this Test.

Remarks on the Act imposing the Test.

In the Act, the Parliament begins with declaring the Laws already made, sufficient to secure the Protestant Religion against Popery, and Fanaticism, as Presbytery was now most unjustly termed; but they find the Growth of both comes from neglecting their Execution, and the Hopes of Papiists and Fanaticks of getting into Offices. The Execution of the Laws was extremely remiss as to Papiists, who by the Managers were encouraged, made Sharers of the Fines exacted from Presbyterians, and employed to persecute them: But I wonder where the Remissness can ly against Presbyterians, and never heard of their being employ-



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ed in Places of Trust, yea, their greatest Enemies cannot give one Instance; so this Pretext is mere Sham as to Presbyterians; and Means were found, after this Act was made, to put and keep Papists in Places of Trust.

The old *Confession of Faith*, 1567. is next ratified and sworn to, which contains many Articles contrary to the After-clauses of the Oath: Then they ordain the Laws to be executed against Papists, of which no Care was taken. The Thunder is really levelled against Fanaticks, and these are explained to be *Preachers at House as well as Field-conventicles*. Refreters of intercommuned Persons, and perhaps all Nonconformists to Prelacy, are pointed at by *Separatists from this national Church*: The Laws are ordered to be executed against all these, and *disorderly Baptisms and Marriages*; and, that none may escape, the Enumeration is ended with a General, *all schismatical Disorders whatsoever*; and how much is in the Belly of this I know not.

In order to this, all the Curates are ordered to give up Lists of Papists, and, which they were very willing to do, of *all schismatical Withdrawers* from publick Worship in their Parishes: These are to be given in to the Sheriff or other inferior Magistrates, that they may proceed against them in the Rigour of Law, and Reports of their Diligence are yearly to be sent in to the Council. The Bishops are likewise to send in Lists and Accounts to be a Check upon the former, and according to which their Diligence is to be examined.

To hinder Papists and Fanaticks to get into Places of Trust, the Oath of the *Test* is imposed upon all Persons in publick Office; a very particular Enumeration of them, and a specifying the Diets when they are to take the Oath, fills up the rest of the Act: And that none may escape, an additional List is made by Act 15. September 17. which I have added App. N<sup>o</sup>. 64. These Additions seem to be made with a particular Eye to Elections, and to corrupt Deaconries in Burghs. Persons now in Offices are to take this *Test*, 'twixt and the First of January 1682. and others when they enter upon their Offices.

No Exceptions are made, but *the King's lawful Brothers and Sons*: He wanted not unlawful Sons in good Store, and had but one Brother, who, above all, ought to have been obliged to give Security for doing nothing against the Protestant Religion, as being of greater Influence for sheltring of Papists, than all the Persons named; but the Oath was principally pointed against Presbyterians; and this way there was no real Hazard from this Exception.

The Penalties annexed to exercising any Office, without taking the *Test*, are *Incapacity for any publick Trust for ever, and the Loss of their Moveables and Liferent-estate*; and to encourage the Informers, the one Half goes to them, and the other to the King.

When the *Test* is thus imposed, I find not many in Places of Trust who made any Difficulty to take it, except the Earl of *Argyle*, and some few of the best of the Episcopal Clergy. The Earl's Case will come in upon the following *Section* at full length, and here I shall give a few other Instances from the Records, and other Papers, of some little Opposition made to this grievous Imposition.

Upon the 22 of September, when the Members of Council came to take the *Test*, the Earl of *Queensberry*, never much observed before for Strictness, stayed out of Council till Six and Twenty Members took it, and then came in, and being called upon to take it, declared he was willing to swear it with this Explication, That by that Part of the *Test* declaring *there lies no Obligation on the Swearer to endeavour any Change or Alteration in the Government of Church or State, &c.* he does not understand himself to be against Alterations, in case it should seem good to his Majesty to make them in Church or in State: And then took the Oath. No Body challenged this as Treason, tho' it was as much an Explication as that the Earl of *Argyle* offered; but the One was a Friend, and the other a Foe.

I find a Representation made in Council October 6. That *John Hope* of *Hopetoun*, heritable Sheriff of the Shire of *Linlithgow*, had some Scruples to take the *Test*; whereupon the Council, in the Terms of the 25 Act of the last Parliament, declare, 'He hath amitted and tint the said Office, and that it is at his Majesty's Disposal.' I don't know what his Scruples were, but this Declaration was probably in *terrorem*, when upon his Scruples he was thus *bre-vi manu* deprived.

That same Day the Council order Intimation to be made to the Dutches of *Roths* by the Earl of *Haddingtoun*, that she cannot hold any Sheriff Court, nor any in her Name, until she take the *Test*. The Parliament, in one of their Acts, as we have seen, except the Heirs of the Duke from some Hardships of this Nature, yet the Council urge this excellent Lady, who scarce had a Parallel for Religion and every good Thing in her Age, with this Oath, as what they knew she would never take, that the Offices might fall in the Managers Hands.

The Earl of *Murray* had been desired by the Council to administrate the *Test*, at *London*, to the Duke of *Monmouth* as a privy Counsellor, and bearing other Offices in *Scotland*. The Secretary in his Return signifies, that he had spoken to the Duke of *Monmouth* and acquainted him of the Council's Desire; and the Duke's Answer was, 'That the Act of Parliament did not authorize the Privy Council to administrate the *Test* out of that Kingdom, or in any Place, but such as are mentioned in the Act; and that he being a Lover of Parliaments would

Additional Act  
about the *Test*.  
App. N<sup>o</sup>. 64.

Most Part in  
Office take the  
*Test*, but some  
refuse.

Earl of *Queens-  
berry* explains  
the *Test*, before  
he takes it.

*John Hope* of  
*Hopetoun* scrup-  
ple to take the  
*Test*, and is di-  
vested of his  
Office as Sher-  
iff of *Linlithgow*.

Dutches of *Roths*  
urged to  
take the *Test*.

Duke of *Mon-  
mouth* re-  
fuses  
the *Test*.



would not be the first Breaker of an Act of Parliament. ' This very much displeased our Managers, and next Day, *October 21.* the Council wrote the following Letter to the Secretary.

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*My Lord,*

BY your Lordship's Letter of the 11 Instant, we find that his Grace the Duke of *Monmouth* pretends, that the Council are not impowered by the Act of Parliament, to require any who live not in this Kingdom, to take the *Test*, in which he does most unwarrantably charge the Lords of his Majesty's Privy Council with Injustice ; for the Act of Parliament, appointing all his Majesty's Subjects who have any publick Employment to take the *Test*, it must bind them as well Abroad as at Home ; since wherever they are they are still Subjects : And as this is clear from the Words ; so it is most clear from the Design of the Act, the same being designed to secure the Kingdom against the Influence of Papists and Fanaticks ; and since either of these may influence Places where they have publick Trust, tho' themselves be abroad, it is very clear that they should be obliged to take the *Test*, tho' they be abroad, and if this Pretext were allowed, such as are unwilling to take the *Test*, might disappoint the Act of Parliament by going abroad immediately before the Time pre-fixed for taking thereof. This Refusal then from his Grace the Duke of *Monmouth* being of so ill Example, and it being necessary for his Majesty's Government to see the Acts of that loyal and judicious Parliament obeyed with Firmness and Steadiness ; it is our humble Opinion that his Majesty should name Deputes in these Offices which the Duke of *Monmouth* possesses until the first of *January*, at which Time if his Grace take not the *Test*, he will certainly forfeit these Offices, notwithstanding his being forth of the Kingdom. We do also desire your Lordship, as his Majesty's Secretary, to require the Earl of *Sutherland*, as Sheriff of *Sutherland*, the Earl of *Callendar*, as Sheriff of *Stirling*, and Sir *James Dalrymple* of *Stair*, as heritable Bailie of the Regality of *Glenluce*, to take the said *Test* before his Grace the Duke of *Lawderdale* President of the Council ; and that you will transmit the Certificates thereof to your Lordship's affectionate Friends. Subscribed *ut in Sederunt*.

Council's Letter to the Secretary upon this, *Oct. 21.*

*November 3.* The Lord Privy Seal acquaints the Council that the Duke of *Hamilton* had yet Scruples upon the *Test* ; but was willing that they should name Deputes in any Jurisdictions belonging to him. The Council remit it to their Committee, to name fit Persons in all his Jurisdictions. And *Nov. 8.* the Council being informed, that *Patrick Brown* Sheriff-depute of *Haddington* had refused the *Test*, and demitted his Office, do appoint *George Halyburton* to officiate in the mean Time.

Duke of *Hamilton* scruples the *Test*.

And Sheriff Depute of *Haddington*.

Even the Bishop of *Aberdeen* seems to have had some Scruple about the *Test* ; whether it arose from himself or others, I cannot say. It may be he was not willing to take it till he got in some eminent Persons of his Clergy who for some Time made a Bussle about it, and we shall afterward meet with him and his Synod, putting a Sense and Explication on the *Test*. The Registers *November 10.* bear, ' The Council being informed, that the Bishop of *Aberdeen*, who was appointed to administrate the *Test* to the College and Commissary there, hath himself demurred to take the same, do impower the Earls of *Marischal*, *Errol*, and *Kintore*, or two of them, to administrate it to the College and Commissar.

The Bishop of *Aberdeen* demurs some time.

That same Day the Council considering, that the Sheriff Principal of *Fife* refuseth to take the *Test*, do appoint Mr. *Alexander Malcom* Advocate, Sheriff-depute of that Shire, till they shall recal his Commission. This was not done for some Years ; and we shall find he was a good Instrument under the Primate, for fining and other Branches of Persecution.

*Alexander Malcom* appointed Sheriff-depute of *Fife* on the Sheriff Principal's refusing the *Test*.

*November 22.* the Council find the Marquis of *Huntley* hath refused the *Test*, and thereupon they appoint *Alexander Innes* of *Cockstoun* Bailie of the Regality of *Spensie*, to act with as full Power as ever any had before him in that Bailiary. But I do not find they declare the Marquis had tint and amitted his Bailiary. It was ordinary in the Case of Papists who held Offices and refused the *Test*, to name some of their Confidants to their Places, who had the Name of Protestants, and qualified. Mean while they still continued to enjoy all the Perquisites and Profits of the Office ; whether this was the Case with *Cockstoun*, I know not, but it was ordinary enough.

Marquis of *Huntley* refuses it.

I shall end this Account of the Persons who at this Time demurred upon the *Test*, with a Letter from the Secretary to the Council, dated *December 18.* wherein he acquaints them, That he had made Enquiry after the Earl of *Callendar* at *London*, but could not find him out, and had given over all Hopes of seeing him, and can say no more about his taking the *Test* ; that he had moved to the King what he had in Commission from them about the Duke of *Monmouth*'s Offices, and his Answer was, that the first of *January* was so near, that there seems no Necessity to name Deputes to them, but that if 'twixt and then he take not the *Test*, he will grant Deputation to such as they recommend. And as to the Earl of *Sutherland* he has farmed out his Estate and Jurisdictions to others for some Years, and so is not obliged to take it : And adds, That Sir *James Dalrymple* of *Stair* had informed him, that having quitted all his publick Employments to his Son, there was no Obligation on him by

Earl of *Callendar* does not.

Duke of *Monmouth*.

Earl of *Sutherland*.

Sir *James Dalrymple* of *Stair*.



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The Council's  
Zeal this Year  
in pressing the  
Test.

Privy Counsellors  
take it Sept.  
22.

'Law to take the Test.' In this Account I have confined my self to the Registers. Besides those, several others quit their Offices upon this Imposition.

Mean while the Council exert themselves to the utmost, to bring all to comply with the Test, and I shall give a short Detail of their Endeavours this way from their Books during this Year, and in the following Years we shall find a more general and severe pressing of this Oath.

They begin with casting a Copy to others, and September 22. they sign the Test, and resolve that all absent Members shall take it before they take their Places, and repete the Words on their Knees. And September 24. they recommend it to the Earl of Murray, to administrate it to the Duke of Lawderdale as President of the Council, and desire the Duke to administrate it to the Duke of Monmouth and him. And at the same Time require all the Judges, Counsellors, and Clerks of Burghs to take it at Elections. And October 26. they order the Magistrates and Council of Cowpar, Queensferry, and other Burghs, to be cited before them for electing without taking it. That same Day John Graham Post-master, is ordained to take it, and to administrate it to all Post-masters under him. November 3. they declare that Masters and Treasurers of Hospitals in Edinburgh, and the Treasurer to the College are not obliged to take it: This is upon a Representation from the Magistrates, that they cannot find other Persons fit to fill their Place, in case they be turned out for refusing it. November 8. all Masters and Doctors of Universities in this Kingdom, are ordered to take the Test before their respective Bishops. November 10. the Magistrates of Jedburgh are ordered to take it before the Earl of Roxburgh. The Town of Selkirk generally refusing the Test, are cited in before the Council by the Committee for publick Affairs, who have this Matter committed to them. The Magistrates of Peebles, Renfrew, Dumbar, Dysart, and Kirkaldy, being Recusants, are cited as above, and some of them remitted to Privy Counsellors.

That Day the Council take a general Course, and write to the following Persons, Lord Montgomery as to the Sherifdom of Renfrew and Regality of Paisly, Laird of Orbistoun for the Regality of Kilpatrick, Laird of Aruncaple for the Regality of Lennox, Earl of Dundonald for Kilmarnock, Earl of Cassils for the Bailyary of Carrick, Earl of Annandale for the Stewartry of Annandale, the Laird of Lochneal for the Shire of Wigtoun, Earl of Niddale for the Stewartry of Kirkcudbright, Earl of Tweeddale for the Shire of Peebles and Regality of Dumfermling, Laird of Monrief for the Bailyary of St. Andrews, Sir William Bruce for the Shire of Kinross, Lord Torphichen for the Regality of Torphichen, Earl of Linlithgow for the Regality of Ogleface; and require them to send an Account under their Hand against the first of December, whether they have taken the Test, that they may, in case of Refusal, appoint Persons for these Jurisdictions.

November 24. the Earl of Murray is desired to administrate the Test to the Duke of Lawderdale as Governor of Edinburgh Castle and the Bass, Captain of the Company in the Castle of Edinburgh, Sheriff of Haddingtoun, and Commissioner of the Treasury. Sir George Kinnaird is writ to, immediately to come to Edinburgh and qualify as a Privy Counsellor. In short, there is very little in the Registers for some Months but Appointments about administrating the Test; and where Persons in Civil Offices refuse, others are named in their stead.

Some of the  
conform Episcop-  
al Ministers  
scruple the  
Test.

But the Opposition by some of the conformable Clergy made yet a far greater Noise upon this Head. The Act anent the Test, with the Oath annexed, was printed separately, and was sufficiently spread, and not a few of the Clergy began to raise Dust upon this Oath: Whereupon the Bishop of Edinburgh, Mr. Paterson, one of the most violent Defenders of it, having himself sworn and subscribed it, among the first of the Counsellors, was at the Pains to draw up a long Explanation of it, especially to satisfy the Scruples and Objections made against it by his Brethren in the Clergy. His Paper I have not seen, but I find, upon the 21 of October, he presented it to the Council, the Duke of York being present.

A long Paper  
of the Bishop  
of Edinburgh,  
in defence of  
the Test, read  
in part by the  
Council, and is  
allowed to be  
printed.

It was ordered to be read, but being long, it proved tedious, and a little irksom; and, after reading a Part of it, the Duke being weary of such Papers, interrupted the Reading with the English Sarcasm, *The first Chapter of John with a Stone will chase away a Dog*: So there was no more read; but the Bishop was allowed to print his Paper if he pleased. Whether he did print it, I do not know; but I shall insert here a shorter Paper, handed about at this Time, as the Bishop's, which, it may be hoped, contains the Substance of the long Paper, and is as follows.

### The Bishop of Edinburgh's Sense of the Test.

The Bishop's  
Short Paper.

'1mo. **T**HAT the Confession of Faith, ratified in the Parliament 1567. was formed in the Infancy of our Reformation, and deserves its own Praise; yet, by the Test, we do not swear to every Proposition or Clause therein contained, but only the true Protestant Religion, founded upon the Word of God, contained in that Confession, as it is opposed to Popery and Fanaticism.'

'2do.



‘ 2do. That by this *Test*, or any Clause therein contained, no Invasion or Encroachment is intended or made upon the intrinsic spiritual Power of the Church, as it was exercised by the Apostles, and the most pure primitive Church, for the Three first Centuries after Christ, which is still reserved to the Church.’

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‘ 3tio. That this *Test* is without Prejudice to the Episcopal Government of this national Church, which is declared by the 1 *Act*, 2 *Seff.* 1 *Parl.* Charles II. to be most agreeable to the Word of God, and most suitable to Monarchy, and which his Majesty (as upon all Occasions he hath declared) will inviolably and unalterably preserve and defend.’

This Sense we shall afterwards find insert in the Council's *Act*, November 3. which gave it all the Authority the Authors were capable to give; but it still remained a Doubt with many, whether their Declaration could alter the plain Sense and Meaning of Words and Phrases already fully obvious and plain: And so neither the Bishop's large nor short Paper gave Satisfaction to many of the Scruplers. Some indeed were brought over by forcible Measures, and Persecution: I give but one Instance from the Records.

Mr. Andrew Lumsden Minister at *Duddingston*, November 22. is libelled before the Council, in that not only he hath refused the *Test*, but, within this Month or thereby, hath publicly and privately inveighed against it, as unlawful, and contradictory: That in October last or November, in a Sermon he premeditatedly applied *Jer.* xiv. 19. and *Matth.* vii. 9. to the *Test*, adding, ‘Yet we have got a Stone that is like to break all our Teeth, and instead of a Fish we have gotten a Serpent to poison us: And say it were a Fish, it hath such Bones, and so many, as are like to worry us all, which neither we nor our Posterity will get digested.’ Whereby he has depraved and misconstrued his Majesty's Laws, to the great Contempt of his Authority.

Mr. Lumsden, Minister at *Duddingston*, proceeded for speaking against the *Test*, and to read to take it.

He compeared, and the Libel being referred to his Oath, he deponed, That by these Words he did not mean the *Test*; and the Council absolved him from the Libel: But it seems he did not escape so well at his Ordinary the Bishop of *Edinburgh* his Hand; for, upon his not taking the *Test*, his Church is declared vacant. All I know of the Matter is, That, December 6. ‘Mr. Lumsden, Minister at *Duddingston*, petitions the Council for Liberty to take the *Test* from his Ordinary the Bishop of *Edinburgh*, when, upon his Delay, his Church had been declared vacant.’ And the Council are pleased to allow it him, and re-pone him to his Church.

Altho' these wholsom Severities wanted not their Effect, yet it must be owned, to the Credit of a great many others among the Episcopal Clergy, that upon this Occasion they made the best Appearance that ever they did. The Ministers of *Aberdeen*, as if the *Test* had really been as choking to them, as the *Covenant* had been to some of the Doctors who were before them in that Place, and, I am perswaded, upon far better Grounds, drew up some Arguments, by way of Queries, against the *Test*, which deserve a Room here.

### The Ministers of Aberdeen their Objections against the Test.

‘ WHEN an Oath is of the strictest Obligation, and must be taken in Judgment, Truth, and Righteousness; and when Conscience is the most tender Thing in the World, and not to be contrained, I cannot but enquire, for my Satisfaction, anent the present *Test*, and desire to be resolved,’

Ministers of *Aberdeen* their Queries upon the *Test*.

‘ 1mo. How can I swear, that *Confession of Faith*, recorded *Parl.* 1. James VI. to be the true Standard of the Protestant Religion, and the Rule of my Faith, and sincerely swear it to be founded upon the Word of God, and bring up my Children in that Faith? which in some Passages is obscure and doubtful; as *Chap.* 3. where the *Confession* says, *That the Image of God is utterly defaced in Man*; and *Chap.* 19. *The Marks of the true Church, the Power of expounding the controverted Sense of Scripture, and the supreme Judge of Controversies in the Church, are dubious and disputable Things*: In which some Things are contrary to the Doctrine of this present Church, and all other Reformed Churches; as *Chap.* 23. where the *Confession* denies the Ministers of the Popish Church to be true Ministers of Christ; for the Reformed Churches never re-ordained Popish Priests, when they turned Protestants. *Chap.* 14. the *Confession* denies that to be a true Church, where the Sacraments are not rightly administrate, where they are not administrate in the Elements appointed in the Word. Whereas the Christian Churches do not unchurch one another, because of the different Circumstances in Administration, because some use pure Wine, and some Wine mixed with Water; nor did the Church baptize such as were not baptized with Water: And in which some Things are contrary to the *Test* it self, and the found Principles of Protestants; as *Chap.* 25. the *Confession* enjoins Obedience, and paying Tribute to Rulers, only conditionally, while they travel vigilantly in the Execution of their Office; and *Chap.* 15. the



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the *Confession* forbids the resisting of the Magistrate, only conditionally, while they pass not over the Bounds of their Office; and Chap. 25. He that resists the Power, doing that which pertains to its Office, resists the Ordinance of God; and Chap. of good Works, says, 'Tis a good Work to bear down Tyranny. I think such a *Confession* would learn us Religion, as well as the solemn League and Covenant.'

2do. How can I swear that I believe the King's Majesty to be the only supreme Governor over all Persons and in all Causes? when the forementioned *Confession* obliges me to believe Jesus Christ to be the only Head of the Church: And when I believe all Ecclesiastick Authority to be derived from Christ, and not from secular Princes; when I believe no Judge on Earth is supreme Judge in Error or Heresy, albeit they can punish the same; and when I believe the King's Power to be cumulative, and not destructive of the intrinsic Power of the Church. I ask therefore, whether the King's Supremacy, as 'tis extended by the Act, November 16. 1669. doth deprive the Kirk of her intrinsic Power? when the Disposal of the external Government, in all Ecclesiastical Matters, Persons or Meetings, is put in his Majesty's Hand, without any Restriction, Distinction, or Limitation, by former Laws or Customs, all Acts, Laws, Customs, or Constitutions, contrary to the said Supremacy, being expressly rescinded and annulled, which is to be well marked.'

3tio. If I believe the present established Church to be *juris divini & apostolici*, how can I swear that it is in the King's Power to alter or change the same? And if it be, in its Nature, indifferent, how can I swear to that which the King can alter at his Pleasure?

4to. How can I swear to defend the King's Privileges and Prerogatives, until I know them, and consider them, if they be consistent with the Principles of Religion? And if Acts of Council, founded upon the Supremacy, be a just Commentary on the King's Supremacy, perhaps it will not be found to be consistent with the Principles of the Christian Church.'

5to. How can I swear, that I judge it unlawful, upon any Pretext whatsoever, to enter into Leagues and Covenants, without the King's express Licence and Consent, when it was lawful enough, in the first Days of Christianity, to enter into a Covenant with Christ, and a League with one another, tho' not to cast off the Yoke of secular Princes, yet to cast off the Yoke of Paganism, Judaism, and Idolatry, even contrary to the express Commands of the earthly Sovereigns. And put the Case of avowed and professed Popery in the Kingdom, (which God forbid) would it be unlawful for Subjects, without Tumult or Force of Arms, to shake off the Romish Yoke, and to enter into a Covenant for that effect? Will not that Clause in the *Test* condemn our Reformation in Scotland?

6to. Can I swear sincerely, that I judge it unlawful for Subjects to convene in any Assemblies, to treat, consult, or determine, in any Matter of State, Civil or Ecclesiastick, when I have no Security from the *Test*, or the Laws of the Land, but that Clause may comprehend the Assembly and Meetings for the Worship of God, and the ordinary Exercise of Discipline? especially when all Ecclesiastical Meetings are put in the King's Hand, by the Act, November 16. 1664. and all Acts, Clauses, and Constitutions, Civil and Ecclesiastick, to the contrary, rescinded and annulled. Can I condemn it as unlawful to meet or assemble for Preaching the Gospel, administering the holy Sacraments, or exercising Church-discipline, unless I condemn the Apostles and primitive Christians, who did meet for such Purposes? Again, if the Licence which we enjoy for meeting for God's Worship, and the Exercise of Discipline, according to our reformed Customs, should be, in process of Time, recalled, (which God forbid) would it be unlawful for us to assemble with one another, for the said Purposes?

7mo. Can I swear, there lieth no Obligation upon me, any manner of Way, to endeavour any Change or Alteration in the Government of the Church or State, as it is now established by Law? For if there be any Corruption in the Government, or Administration thereof, may I not, if I have Opportunity, advertise his Majesty, his Commissioner, his Council, or some of his Court? May I not desire quietly what I would have reformed? And tho' there were no Corruptions at present, may not some creep in in Process of Time, and may not I in the least endeavour to reform these, tho' I may not in the least endeavour any Alteration or Change in the Government? It must be a perfect Constitution that needs no Alteration in any of the least Circumstances; and yet a Change in some Circumstances, is a Change: Yea, the *Confession* prescribed by the *Test*, Chap. 21. teacheth me, That no Policy or Order of Ceremonies in the Church, can be appointed for all Ages, Places, and Times, because what is now convenient may prove burdensome at another Time, or in other Circumstances. May I not pray to God Almighty to put it into the Hearts of Men to reform what is amiss? and yet to pray, is some Sort of Endeavour. What if the King's Power in national Synods, by Act of Parliament, be destructive of the true Church-power? What if there be something in the Act of Restitution of Bishops, to be amended?

8vo. I ask, if there be no more in this *Test*, than in the Acts of Parliament whereupon it is founded, albeit there be a vast Difference 'twixt an Act of Parliament and an Oath; and



and tho' it be said there is no more in the *Test* nor in former Oaths? But in *Act* 8. *Parl.* King *James VI.* and in *Act* 4. *Parl.* 1. *Charles II.* against convocating and assembling the King's Lieges, without his Licence, there is an express Clause put, (*but except in ordinary Judgments*) now this considerable Clause is kept out of the *Test*, which should be well marked; for I swear by it, that I judge it unlawful to convene or assemble upon any Pretext whatsoever, even tho' it were to worship God with others. Again, in the Declaration, *Act* 5. *Seff.* 2. *Parl.* 1. *Charles II.* these Words are mentioned, *There lieth no Obligation upon me, from the Covenants, to endeavour Reformation; but the Test adds any manner of Way,* May I not be under some Obligation, tho' from neither of the *Covenants*? And tho' I be under no Obligation for the present, may I not be under some afterwards? Again, if there be no more in this *Test*, than in former Oaths, how comes it to pass, that the *Test* is imposed upon them who took the Declaration and Oath of Supremacy formerly, and upon Ministers who take the Oath of Supremacy, and Canonical Obedience, at their Entry? To all this may be added the Evil of imposing and multiplying of Oaths.

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Not a few of the Remarks made upon the *Confession*, are upon such Parts of it as speak forth a true Sense of Liberty in our first Reformers, and discover how far they were from that absolute Slavery the passive Obedience Gentlemen since set up for: Neither can I say, the Ministers who made these Objections, were all, in their Sentiments, opposite to the *Confession*, since these might be very good Arguments against the *Test*, tho' not what they were dissatisfied with in the *Confession*, since they made a fair Contradiction in the Oath.

Another Paper was handed about, which I shall likewise insert here, as containing, besides some of the former Arguments, some more Reasonings at this Time, which may give some Light to the History of the *Test*. By whom it was writ, I know not; it may be, it might be penn'd by some of the Episcopal Ministers about *Edinburgh*, who stuck at this Oath; but of this I am not certain. Its Title is,

Grounds  
whereupon  
some conform  
Ministers  
scruple to take  
the *Test*.

*Grounds whereupon some conform Ministers scruple to take the Test.*

1mo. **P**assing by the Danger of Oaths, when prest so generally, Men of the least Tender-ness ordinarily swallow them most easily, and make small Conscience of observing them, while these that fear Oaths are hardly induced to take them, and by their strict Observance, make themselves a Prey: We think it strange, that this Oath should be enjoined upon us who cannot rationally be expected to incline either to Fanaticism or Popery; since, by our Subscriptions to the Oaths of Supremacy and Canonical Obedience, we have sufficiently purged our selves of the First; and, by confuting Popish Errors daily in our Pulpits, do shew an utter Abhorrence of the other. And further, since mainly our owning of Episcopal Government hath begot, and still increases upon the Minds of our People, such an Aversion from, and Dislike of us, we would have expected, that our Spiritual Fathers would not have exposed us to so great Loathing and Contempt, by such Engagements; which, although it should be granted to be causeless and unjust, yet we should think our selves bound to eschew it, that our Ministry may be the more taking with them, since the Thing prest upon us is not so absolutely necessary, nor yet so evident in what is asserted for Truth, as may encourage us to underly these Prejudices: And finally, since it is known, that the abjuring of the *Covenant* did, in our Neighbour-kirk, hinder both Ministers to conform, and People to joyn in Ordinances dispensed by Conformists, and our Parliaments have hitherto shewn such wise Moderation, as to free us from the Declaration, we cannot but look upon it as sad and fatal, that our Church should now be dashed upon that Rock, which may occasion its splitting.

2do. As we wish, that for the suppressing the Growth of Popery, a more particular *Test* had been made use of, even for the Discovery of such as are in no publick Trust; so we cannot but regret, that this *Test* hath been so framed, as to divide the sound sober Protestants among themselves, whereby the common Adversaries are gratified, and the true Faith endangered; we being perswaded that there are many Presbyterians in this Kingdom, Gentlemen, Ministers, and others, who cannot in Conscience take the *Test*, and yet do daily joyn, and are ready to joyn with us in Ordinances: We think it had been fitter to have condescended something to such, for gaining of them, than to put such a Bond upon them, which may alienate them, and weaken us. That *Confession of Faith*, recorded in the first Parliament, *James VI.* hath some Things in it, which may scar People from swearing to it without Limitation; as *Section* 15. it asserts *these to be evil Works, which are done not only contra but præter verbum Dei.* *Seff.* 25. *That these who resist the supreme Power, doing that which appertains to its Charge, and while he vigilantly travels in his Affairs, resists the Ordinance of God.* Which Clause may bear an exclusive Sense, especially



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' 3tio. We are to swear, that no Obligation lies on us by the late Covenants, or any other Way, to endeavour a Change of Government, &c. where, we suppose, that we are not only to maintain Monarchy, but also, as the Laws tie us to this present Government, and to the present Line, in the nearest of Kin to this present King, altho' they should be Popish, to which we judge the Coronation Oath, Parl. Act 8. James VI. is contradictory, which yet is a standing unrepealed Law, since this current Parliament hath ratified and confirmed all Acts made in favours of the Protestant Religion, whereof this is one; so that we swear a Contradiction.'

' 4to. As for the Church-government as it is now established by Law, there have not been, nor are yet wanting to assert a *jus divinum* in Episcopacy; and such could not in Conscience take this Oath, seeing the King, by virtue of his Prerogative and Supremacy, is empowered by Law, to dispose of the external Government and Policy of the Church, as he pleaseth.'

' 5to. And as for such who look upon Episcopal Government as indifferent in it self, notwithstanding the Submission they give to it, or have engaged for, they can as little swear on these Terms; for why should they swear never to alter that which they judge in it self alterable? And tho' we have engaged to obey Bishops, we ever wished, that they might be settled among us in a Way more suitable to the primitive Times, viz. That their Number might be increased, that they might be allenarly called by the Church, and liable to her Censure, for their Doctrine, Life, and Diligence; that they might not be such pragmatical Meddlers in Civil Affairs, and that Synods and Presbyteries might have more Power than they have by the Act of Restitution. Now this Oath ties us up from seeking a Remedy in these Things.'

' 6to. The Power given by the present Laws to the King, if he should be Popish, will be very prejudicial to the Protestant Interest, since, by Act 1. Parl. 2. Charles II. he may not only dispose of the external Government of the Church, but emit such Acts and Orders to Ecclesiastical Persons and Meetings, as he thinks meet. In which Case 'tis easy to divine, what Advantage the Enemies of our Religion will have for the overturning all.'

*Hoc Itachus velit, & magno, &c.*

Bishop and Synod of Aberdeen, their Sense of the Test.  
App. N<sup>o</sup>. 65.  
Synod of Perth  
App. N<sup>o</sup>. 66.

Besides those Papers, which want not abundance of Strength and Argument in them, which were much handed about, the Bishop and Synod of Aberdeen agreed upon a Sense, wherein they were willing to take the Test, which I have annexed App. N<sup>o</sup>. 65. Likewise, the Synod and Clergy of Perth fixed upon the Sense wherein they were willing to take the Test, which the Reader will find App. N<sup>o</sup>. 66. No Reflections need to be made upon them.

Council's Act explanatory of the Test. Nov. 3.

App. N<sup>o</sup>. 67.

King's Approbation.  
App. N<sup>o</sup>. 68.

Remarks on it.

This Stir among the Clergy, which was new and unprecedented in any thing imposed by the State, made the Managers about Edinburgh begin to reflect a little, and to huddle up a Declaration, and Act explanatory anent the Test, which is just made up of that short Paper before insert, said to be drawn by Bishop Paterson. I have insert it App. N<sup>o</sup>. 67. The Act is past by the Council, November 3. and, upon the 15 of the same Month, the King, by his Letter, approves of it upon the Desire of the Council. His Letter follows App. N<sup>o</sup>. 68.

How far this Explication is consistent with the plain and natural Meaning of the Words, will appear by comparing it with the Oath. To an unbiassed Person the Contrariety of the Two will very soon appear. The first Article of the Explication perfectly overturns the Confession of Faith, and opens a Door to Papists to take the Test, since it declares, That every Clause therein is not sworn to; and, no doubt, there are some Propositions in the Confession, even a Papist will make



make no Scruple about. The second and third Articles take off the Difficulties of the high-flying Prelatists, but no Care is taken of the moderate Sort: But after all, this Explication not being from the Imposers of the Oath, it may be well questioned if it was of any Weight at all; and even the Imposers can never explain away the plain Sense and Meaning of the Words.

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Nevertheless the Bulk of the Episcopal Clergy went into this Oath very glibly, which evidently discovers what a Set of Men they were, and none of the Bishops I hear of stood out. Indeed several of the best of the inferior Clergy would never take it, after all the Explications could be given. The reverend Mr. *George Meldrum*, then Minister at *Aberdeen*, abundantly known by his universal Usefulness in this Church, since the Revolution; the learned and pious Mr. *Lawrence Charters*, and many others were of this Sort, and left their Charges.

The Bulk of the Episcopal Clergy went into it, yet some refuse it.

And some who swallowed this Oath, ere they got off the Stage, had bitter and sorrowful Reflections upon this Step. I could name several; but the Instance of the very learned and pious Mr. *John Menzies*, Professor of Divinity at *Aberdeen*, so well known by his excellent Writings against the Papists and Quakers, made the greatest Noise. He died some time after he had taken the *Test*, of a lingering Distemper, and I am told that great Man never had any Health almost after his complying with this Oath; yea, his Reflections upon the Evil of it, led him up to see the Sinfulness of his complying with Prelacy, and joining so long in the Course of this Church's Defection from our Reformation; and I suppose it will be acceptable to the Reader to have this great Man's Sense of the Methods he had been engaged in, which I insert here from a Paper before me, writ by the reverend Minister to whom he communicated his Distress of Mind, and whom he ordered to propale and make it known.

Some who took the *Test* had bitter reflections afterwards. The Case of Mr. *John Menzies*, Professor of Divinity at *Aberdeen*.

The Person Mr. *Menzies* used Freedom with, was the reverend Mr. *Mitchel* Minister at *Lumphnan*, his Brother in Law, who was forced to leave his Charge for not taking the *Test*. To him Mr. *Menzies* fully opened his Mind, when upon his Death-bed, several Weeks before his Death. The first Time he disclosed his Trouble, he told him, 'That he was much troubled in Spirit, and under great Perplexities for a Course of Defection he had been guilty of throughout his Life; particularly, that before the Restoration he had declined to Independency, and espoused some of their Principles, which he declared was heavy to him now, since that was his first Breach of Covenant. But alas! added he, I stopped not there, so dangerous is it to loose the least Buckle in the Matters of God, for after that I had received a Paper from Bishop *Mitchel*, Bishop of *Aberdeen*, and went into all the Measures he proposed towards a Compliance with Episcopacy, I subscribed the Paper, as the Bishop pressed me, relative to my canonical Obedience; and to crown all my Defection, I took the *Test*, which is so contrary to the Covenant, that notwithstanding all the fair Glosses put upon it, I find it now contradictory thereunto. Here he cried out, that it was a hainous Aggravation of his Sin, that a Man of his Knowledge and Experience should have meddled with contradictory Oaths: Adding, that he found himself obliged to use this Freedom with Mr. *Mitchel*, for the Exoneration of his own Conscience, and being desirous to leave a Testimony in his Hands, against his former Defections, which he desired him to manage with Secrecy and Prudence, after he was dead.'

Some Days after, he again called Mr. *Mitchel*, and 'grievously complained of the Hainousness of his Sins, and the constant Uneasiness of his Spirit; adding, that he could get no Rest until he took off the former Restriction he had laid upon Mr. *Mitchel*, willing him now to make no Secret of what he had told him, but to shew it to as many as desired to know it, or might be edified by it.' However, Mr. *Mitchel* published it not as yet, but to some few Friends, in order to their deeper Sympathy with his Brother under Distress.

Mr. *Menzies* in his Conversation came frequently over that Scripture, *Strait is the Gate, and narrow is the Way*, &c. which, he said, he found now to be true in his sad Experience. He declined to communicate his Soul Trouble to his Colleagues in *Aberdeen*, because, except Mr. *Meldrum*, who by this Time had left his Charge, they had all taken the *Test*: But he added, they are not so guilty as I, not having taken the Covenant before. Neither would he impart his Mind to his Sons in Law, or any of his Friends, lest they should mistake him, and apprehend he was crazed in his Judgment.

He further told Mr. *Mitchel*, 'That now he had no Satisfaction in any of his Labours, except those of his younger Years, wherein he walked more closely with God, according to his Covenant Engagements; adding, that then it was he was most sensible of the Divine Presence with him, but that he trusted to none of his Labours, but to the Merits of Jesus Christ allenarly.' Sometimes in his greatest Agonies he expressed his Hope of Salvation through Christ, subjoining, that he hoped to be saved, but so as by Fire, which he himself explained to be with the greatest Difficulty.

He frequently exhorted those about him by Times, to lay Salvation to Heart before they come to a Sick-bed, and gave many other seasonable and savoury Advices to such as were with him.

And a little before his Death, he acknowledged to Mr. *Mitchel*, that 'he had too long stuck upon the Point of Self-reputation, in not disclosing his Mind sooner, and in not giving



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‘ giving him a fuller Freedom to divulge it, than he had done at first : But now he was persuaded firmly, that if he did not deny himself in that and all other Points, he could be none of Christ’s Disciples. And so again gave him full Freedom, as above, to impart his sorrowful Recantation of the *Test*, and his other Defections to whom he pleased.’

Mr. *Mitchel* desired to know, ‘ in what Terms he should impart his Sorrow for his taking the *Test*. He answered, he would have him to signify, *That he repented of his taking the Test, and was grieved therefore, and if it were to do, he would not do it. And this, added he, I declare, with a Protestation of my Loyalty, and that I do not this from any seditious Principle, but only to exoner my Conscience.*’

This is the Sum of Mr. *Menzies*’s Conferences with Mr. *Mitchel*, taken off the original Copy writ by Mr. *Mitchel* that Day when Mr. *Menzies* was interr’d, which discovers how heavy this Self-contradicting *Test* was to this excellent Person, when under the Views of Eternity. I am well informed also, that Mr. *Menzies*, when near his End, declared, he longed for one other Opportunity to be in the Pulpit of *Aberdeen*, where, he said, he would openly own the Evil of those Courses he had been engaged in, and publicly bear his Testimony against them ; and indeed Prelacy, and his Conformity to it, was exceeding burdensom to his Spirit. However, his Passage into Eternity was safe, and he wanted not Peace in believing, tho’ Joy was not his Attainment, until he entred to the Joy of his Lord, which, no doubt, made his Entrance into it doubly sweet to him. This great and good Man died at *Aberdeen*, Friday, February 1. 1684. and Mr. *Mitchel*, February 4. wrote the Narrative from whence I have given what is above.

I would reckon it a Piece of Justice to those good Men of the conformist Clergy, who suffered upon the account of the *Test*, to insert their Names here, but I can only give those of them whom I meet with in the Registers, and shall here insert what I meet with as to them this Year. Some few others will come in upon the following Year ; but I know there were many Recusants that are not noticed in the Registers.

November 10. Mr. *Robert Elliot* Minister at *Alasuden*, and Minister at *Lumsay*, are cited in before the Council for dissuading the Magistrates of *Peebles* from taking the *Test*. I find no more about them. They and many others, I suppose, were before the Committee of publick Affairs, of whose Proceedings there is no Account, but in their Reports to the Council, which are now but rare. That same Day a Letter is writ to the Earl of *Tweeddale*, to present a Minister to the Kirk of *Newbottle*, in room of Mr. *Archibald Douglas*, who refuses the *Test*, and another to Sir *John Clark* of *Penny-cook*, to present one to the Kirk of *Penny-cook*, in room of Mr. *William Hamilton*, who refuseth to qualify.

December 1. the Council, considering that there are several aged and infirm Ministers, who live at a great Distance, or cannot at this Season come in to their respective Bishops, to take the *Test*, do authorize the Bishops to appoint fit Persons to administrate it to them ; and appoint the Moderators of the several Presbyteries to administrate the *Test* to the Schoolmasters and Chaplains, in their respective Presbyterial Meetings. The Dean of the *Isles* is to assist the Bishop in administrating the *Test* to that Diocese.

At length the Council come to free themselves of the Trouble of recusant Ministers, and roll the Matter over upon Patrons, by their Act December 22. ‘ His Royal Highness, and the Lords of Privy Council, considering that several Ministers do undutifully refuse to swear and subscribe the *Test*, do hereby require the respective Patrons of the Churches possessed by such Ministers, as do or shall refuse to obey the Law in taking the *Test*, to present fit and qualified Persons to the said Churches, immediately after the First of January next to come, as they would testify their good Affection to his Majesty’s Government, certifying all such Patrons as shall delay to present as aforesaid, that they shall be esteemed Persons disaffected to his Majesty’s Service and Government, and shall be proceeded against as accords, and appoint the Lords, Archbishops and Bishops, to intimate these Presents to the respective Patrons in their Dioceses, with the first Opportunity.’

Thus I have given all the Accounts come to my Hand, of the Episcopal Clergy’s Carriage as to the *Test*, and it was the Occasion of a vast deal of Trouble to many others. That good and great Man and Lawyer, President *Stair*, was obliged, for his refusing it, to retire, and take on a voluntary Banishment until the Revolution. We shall hear more of him in the following Part of this History ; and the Earl of *Argyle*’s Persecution upon this Score deserves a Room by it self, and I come now to it.

Council’s Procedure with conformist Ministers who refuse the *Test*.

Mr. Robert Elliot.

Mr. Archibald Douglas.  
Mr. William Hamilton.

Bishops may delegate their Power in administering the *Test* to Ministers.

Act Dec. 22. about Ministers who refuse the *Test*.



## S E C T. VII.

*Of the Trial of the noble Earl of Argyle, for his Explication of the Test; his Sentence and Escape in December this Year.*

**T**He Case and Trial of the Earl of *Argyle* is already in Print, but it is in the Hands of so few, and the Matter of it relateth so much to the Subject of this History, and the Sentence now pronounced being afterwards made the sole Foundation of the Death and Martyrdom of this noble Lord, an Abstract and short State of this Affair, with the most important of the Papers relative thereunto, will not, I hope, be unacceptable to the Reader.

The Earl of *Argyle's* Case already printed.

This Process was perfectly singular and unprecedented; it surprized all sober Persons exceedingly, and was evidently pushed on against Law and Equity by the Rancour and Pique of the Duke of *York* and his Underlings, upon the account of the Earl's vigorous and yet cautious Appearances for the Security of the Protestant Religion in the Event of the Accession of a Papist to the Throne. I may term it an *Epitome* of the Righteousness of this Period, and a Specimen of what Protestants are to expect from a Popish Government. And if such terrible Stretches were made against a Person of such Quality and Sense, we may easily believe very little Care was taken how the Managers dealt with Persons of meaner Stations.

General Remarks on his Prosecution.

Before I enter upon the particular Account of the Earl's Trial and Trouble at this Time, it may not be unfit to observe, that he was not the only Person who had Difficulties upon the *Test*, as we have seen in the preceeding *Section*. It is plain then, the Managers had other Views in this severe Prosecution raised against him, tho' his natural and modest Declaration as to the *Test*, was the great Thing insisted upon. It was now the common Method to palliate Oppression in Civil Matters, by open trampling upon Conscience. And this excellent Person was designed to be a Sacrifice to the Duke and the Papists, and behoved to be taken out of the Way as one of the eminent Bulwarks of the Reformation and the Nation's Liberty.

Indeed there is no Instance in this Period does in a more sensible Manner expose the Tyranny of the Administration, and the Spite of the Managers against the Protestant Religion, than their Usage of this noble Peer. He was the Representative of one of the most ancient and most potent Families in *Scotland*. In his Youth he had done remarkable Services to the Crown, against the Usurper and his Adherents; he had faithfully served the King for Twenty Years in many of the most remarkable Stations in the Kingdom; and now, by reason of the Offices he held, was comprehended in the *Test* Act, but could not swear never to resist or attempt any Alteration of the present despotick Government, and cruel Hierarchy. He was most willing to swear Allegiance to the King; and yet for the reasonable and conscientious Explication we shall just now hear of, he was found guilty of high Treason, his Blood tainted, his Family declared ignoble, his Estate forfeited, his Honour extinguished, and himself was condemned to die as a Traitor, and did die upon this very Score some Years after this.

To come more directly to the Story of the Earl's Trial, the Reader would know, that upon the first gallant Stand, before noticed, which this noble Person made in Parliament, to the Plot he saw forming under the Duke of *York*, against all that could be valuable to *Scotsmen*, the Commissioner gave him an Innuendo, by way of Threatning, to look to himself: And there was Ground for this; Evil was designed against the Earl, and a Storm forming upon the account of his Honesty in the Parliament.

After his Appearance in Parliament, the Earl is threatened by the Duke of *York*.

Ere long two Bills were given in to the Lords of the *Articles*, which concerned him pretty nearly. The Earl of *Errol* gave in a Claim for a vast Sum, for which, as he said, he had been Cautioner in favours of the Marquis of *Argyle*. And the Advocate, by Orders from above, or Direction from the Duke, gave in the Draught of an Act for taking from the Earl of *Argyle* his heritable Rights of Sheriff, and Justice General of *Argyle* Shire. Both the Bills were invidious, to every Body's Observation. The Marquis of *Huntley*, equally bound in the foresaid Sum with the Marquis of *Argyle*, had got from the Estate of *Argyle* when forfeited, Four thousand Pounds *Sterling* a Year, tho' he was owing to the Family of *Argyle* Five and thirty thousand Pounds *Sterling*: And the foresaid heritable Rights had been confirmed by Authority of Parliament 1663 and 1672.

Bills proposed in the *Articles* against the Earl.

When those Proposals could not bear Reasoning, or almost a Hearing by reasonable Persons, and no Hopes almost could be entertained they would carry in Parliament, the Lords of the *Articles* most iniquously went into the Proposal of a Committee to be named by Parliament, with a Parliamentary Power to determine what Controversies might arise anent any of the Earl's Rights. This was not only unprecedented, but illegal, and when it was tabled

And a Committee with a Parliamentary Power to enquire into the Earl's Rights rejected.



1681. led before the Parliament, the Iniquity and Hardship not only to the Earl, but all the Lieges, was so fully opened, that the Duke of York put a stop to the Proposal, and pretended it was his Unacquaintedness with *Scotts* Forms and Laws, which made him at all give into it.

Another Design against the Earl, he goes to the Council.

After the Parliament was up, a Design was formed to procure a Commission from the King to enquire into the Earl's Rights, with Power to deprive him of his heritable Offices, and to burden his Estate with more than it was really worth. The Earl took pains to inform the Duke how unreasonable this was, when the Law was open in its ordinary Course, and how injurious to him and others a Commission of this Nature would be; but all he could bring the Duke to, was a Liberty to go to the Country, and bring in his Rights and other Papers relative to the Things in Debate.

License granted him to wait on the King, and afterwards refused.

Mean while the Earl wrote to Secretary *Murray* for Liberty to come up to Court, and wait upon the King, which was at first most readily granted him; but afterwards, when he came to *Edinburgh*, he was told, he could not see the King until he took the *Test*, and within a little, that, even that would not procure him Access.

†

As soon as he came to *Glasgow*, in his Way to *Edinburgh*, he found himself and President *Stair* turned out of the Session. And when he came in to *Edinburgh*, he was cited by one of the Clerks of Council, to be present next Council-day, and to take the *Test*. Upon this the Earl went to the Duke of York, and complained of this Treatment, when the Time, appointed by Law for taking the *Test*, was not elapsed, affirming, that he had never given any Ground to think he was a suspect Person. All the Answer he got was, He behaved to take it next Council-day, *November 3*.

His Conversation with the Duke of York on the *Test*.

Mean while the Earl frequently dealt with the Duke upon this Affair, and plainly told him, he was the less fond of that Oath, since he found some who refused it were in Favour, and others who had taken it were turned out, as the Register. He took the Liberty to ask, why his swearing that Oath was so much pressed by his Highness, since there were some Things in it the Duke did not very much approve of. The Duke answered in a Passion, that the *Test* was brought in at first without the Confession, but the late President (*Stair*) caused add the Confession, which makes it such as no honest Man will take it. The Earl only replied modestly, that he had the more Reason to advise upon it.

Bishop of *Edinburgh's* Warning to the Earl.

The Bishop of *Edinburgh* used some Pains to bring the Earl to swallow the *Test*, and, to clear his Way, gave him his Paper upon that Subject, which had no great Weight with him. They parted after the Bishop had desired the Earl to take a Care of an old and noble Family, and told him, that his opposing the Clause, excepting the King's Sons and Brothers, had fired the *Kiln*.

Further Conversation with the Duke, Nov. 2.

After many Applications to the Duke, the Earl waited upon him the 2 of *November*, and in a very modest Manner declined the present taking of the *Test*, and begged that he might accept of his Refusal of it in private. This was peremptorily denied: Whereupon the Earl offered further to consider this Matter, and either give Satisfaction before the Time prescribed by Law were elapsed, or go off the Country without any Noise. But the Duke still insisted he should appear to Morrow; and when the Earl asked, what Advantage his appearing to Morrow, and refusing it, could have to the Government or himself; the Duke said, he needed not come himself, but imploy a Friend, and named one to him. This the Earl condescended to, as the best he could do in his present Circumstances; and to Morrow drew a Letter to the Person named, warranting him to declare his Mind in Council, and that he resolved to continue a true Protestant and loyal Subject, which were the true Ends of the *Test* thus violently pressed, and concluded with his delaying at this Time to swear. But upon an Intimation that this would displease the Duke, tho' it had been his own Proposal, his Friend would not undertake that Work.

Nov. 3. upon Notice the Council would allow an Explication, the Earl formed one which the Duke approved.

Whereupon the Earl drew another and very short Letter, to any who should preside in Council that Day. When about to have sent this, Notice was brought to him, that an Explication would be allowed by the Council, and the shorter the better; and, as we have heard above, this very Day the Council passed their Act explaining the *Test*, which the King afterward approved of; this certainly to any unbiassed Person will make the Managers After-treatment of the Earl every way unaccountable. Upon this the Earl presently drew up an Explication, and being told it was too long, he instantly shortened it; and so cautious was he that he would offer none of them till he had the Duke's Approbation, lest he might take it ill, and be piqued; neither did he stir out of his Chamber, till he was acquainted with the Duke's Satisfaction.

The Earl comes to the Council, and after he had declared before them

Accordingly a Coach was sent for the Earl, and he was told that the Bishop of *Edinburgh* had signified to his Royal Highness, that the Earl was willing to take the *Test* with an Explication, and the Bishop sent him (the Earl) Notice, that it would be very kindly accepted: Then, and not till then, did this noble Person come in to the Council, and pronounced the following Explication to the Duke and Council with an audible Voice.

His Explication.

'I have considered the *Test*, and am desirous to give Obedience as far as I can. I am confident the Parliament never intended to impose contradictory Oaths, therefore I think no Man can explain it but for himself. Accordingly, I take it in as far as it is consistent with  
' itself,



itself, and the Protestant Religion; and I do declare I mean not to bind up my self in my Station, and in a lawful way to wish and endeavour any Alteration, I think, to the Advancement of the Church or State, not repugnant to the Protestant Religion and my Loyalty; and this I understand as a Part of my Oath.'

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After the Earl had thus expressed himself, the *Test* was administered to him, and he swore it, and the Duke, with a pleasant Countenance and Smile, commanded him to take his Place at the Council-table, and spoke, as appeared, very pleasantly to him all the Time the Council sat, tho' some others, who wished him from that Board, appeared dissatisfied, and even in some Confusion. That which fell to be before the Council, when the Earl took his Place, was the Act explanatory of the *Test* above insert, for the Benefit of the Clergy. In this the Earl did not vote, because the Reasonings anent it were over before he came in.

The *Test* is administered to him.

Since so much afterwards depends upon what followed in Council, this Day and the following, I shall here insert what stands in the Register as to the Earl. 'November 3. the Earl of Argyle being called in, and having taken and signed the *Test* appointed by the late Act of Parliament, upon his Knees repeating the Words, did take his Place as a Privy Counsellor.'

To Morrow the Earl visited the Duke, under the Expectations of Yesterday's Countenance, but others by this Time had been with his Highness, and now he saw nothing but Frowns. The Duke told the Earl, he was not pleased with his Explication; the other replied, he did not give it till the Bishop of *Edinburgh* gave him Notice his Highness was satisfied with it. The Duke owned this was Matter of Fact, but he thought it had been a short one like *Queensberry's*, and added, Well, it passed with you, but it shall pass so with no other. This the Earl understood as an Acceptance, and a passing any Offence (had there been Ground for it) given, and rested satisfied the Duke intended to push the Matter no further.

Another Conference 'twixt the Earl and Duke, Nov. 4.

It is not to be doubted the Umbrage and Prejudice against the Earl did continue, but it would seem the Duke did not see Footing at present to attack him, until private Suggestions were made, and some undertook to extract and forge such Crimes from this Practice of the Earl, as afterwards were advanced. Advocates were consulted whether the Earl's Words could be stretched to a treasonable Import, and after the ablest Lawyers had given their Opinion, that what the Earl had said would infer no such Thing, at length the King's Advocate ventured upon an Indictment, when he had got the Judges secured as to the Sentence and Event. Upon this the Duke's natural Enmity against so gallant a Pillar of the Reformation, began to discover it self, and as is ordinary enough with Papists, what was not at first almost projected, came boldly to be ventured upon. However, before the Design was fully ripened, the Duke more than once, in Conversation with the Earl, told him his Scruples were unnecessary, and that the *Test* did not bind him up as he imagined, and it was never intended that he or any other should be bound up in those Things named in the Explication.

A Design formed to prosecute the Earl for Treason upon his Explication.

That same Day, November 4. the Earl is called before the Council, as a Commissioner of the Treasury, again to take the *Test*. I shall not here digress upon the Unaccountableness of this Practice, which, in my Opinion, goes too near a Profanation of the holy and terrible Name of God, that the same publick Oath should be repeted for every particular Office a Person enjoys, whereby the same Man may be called Ten Times in one Day, to attest the omniscient God upon the same Matter. Indeed I cannot help thinking, that an Extract and Attestation under the Hand of the Clerk of the Court, where once the Oath is taken, might be sufficient in most Cases of this Nature, without unnecessary, I had almost said vain, Repetition of the same Oath, I know not how frequently.

November 4. he is called to take the *Test*, as a Commissioner of the Treasury. Observation on the needless Repetition of the same publick Oath.

The Earl offered to take the *Test* as before; whereupon a Member of the Council, who did not use to harangue much there, being prepared as a Tool, asked, What was said, and desired what had been said before might be repeted; the Earl observing a Design upon him, declined repeting, until being vehemently urged by the Duke, he answered, He had a Note in his Pocket of what he had delivered by Word of Mouth, having committed it to Writ to prevent Mistakes: This was violently called for by the Duke and some others, and was produced and read.

The Earl offers to take it as yesterday, and produceth his Explication in Writ.

Yea, so confident was the Earl of his Integrity and Innocence in the Matter, that at the first Motion he was ready to have signed it. But the Juncto of the new President, who, within a little, is made Chancellor, and the new Register, with some others, not being ripe to insist upon the signing of it, the Earl was removed till the Council should consider whether it were needful to sign it; and being called in, he was ordered to do it. The Earl upon a little Reflection replied, He meant well in it, and saw no Reason to question but he might safely sign it; and if it did as much satisfy the Council, as it appeared to do the other Day when he emitted it, he would sign it, but if they found the least Matter of Displeasure in the Words, he would forbear.

He is called to sign it, which at first he was willing to do, but observing a Design against him, he wavered, it.

Upon which he was again removed, and after they had shaped their Project, he was called in, and told he had not given the Satisfaction required by Act of Parliament, in taking the *Test*, and so could not sit in Council; and an Innuendo was added, as if the Matter drew



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a little deeper. The Earl replied, He conceived the Parliament had only excluded Refusers from Places of Trust; and if he were judged a Refuser, tho' the Time named by Law for taking the *Test* was not yet run out, he submitted, but could not think there was any other Danger in the Matter, and he had served the King faithfully within Doors, and would do it without Doors, and, making his Obeisance, removed. I shall make no Reflections upon the Earl's Caution and Modesty in all this, nor compare it with the illegal and unaccountable Procedure of the Managers towards him, but narrate plain Matter of Fact.

Council's Minute about this, Nov. 4.

Accordingly, I insert the Minute of this Day's Procedure, from the Registers. ' *November 4. a meridie*, resolved that the Commissioners of the Treasury in Town take the *Test* before the Council, as being Officers of the Crown; but that no Person hereafter shall be allowed to take the *Test* with any Explication, but in the plain Sense and Meaning expressed by the Act of Parliament. *Post meridiem*, his Royal Highness acquainted them that he had called them together, to the effect the Commissioners of the Treasury might take the *Test*, according to the Act of Parliament. The Earl of *Argyle* being present, declared he was content to take the *Test* in the Sense and Meaning he had taken it the Day before. And it being answered by the President of the Council, that he having delivered himself in so low a Voice, some did not hear what he said, and taken it so suddenly, without giving Time to those of the Council who heard him, to make any Answer, he was now desired to explain himself, what the Sense and Meaning it was in which he did pretend to take the said *Test*. The said Earl did thereupon take out of his Pocket a Paper, and declared he had taken the *Test* Yesterday, in the Sense and Meaning therein expressed, and was content again to take it in that Sense and Meaning, and not otherwise. Which Paper being publicly read, and the said Earl owning the same judicially, and declaring he was instantly willing to sign it, and called for Pen and Ink to do it. The Earl being removed, and the Council having again read the said Paper, thought fit, before they should enter into any further Consideration thereof, to appoint the Earl to sign it, and did send out Two of their Number, with one of the Clerks, to see him do it; who reported that they desired him, but he had deferred a further Time to deliberate before he should do it. The said Earl being called in, was again desired to sign that Paper, seeing he had publicly owned the same, and had, before he was removed, offered to do the same, the said Earl again owned the said Paper, and desired Time to advise with his Lawyers, before he should sign it. His Royal Highness and Privy Council having fully considered that Affair, in regard the Earl of *Argyle* owned the foresaid Paper, as the Sense and Meaning in which he did take the *Test* the foregoing Day, and repeted the same as a Part of his Oath, and nevertheless refused to sign the same, did find that the said Earl had not satisfied the Law in taking the *Test* in the Terms, Sense and Meaning appointed by Act of Parliament, but expressly contradictory thereunto, that he ought not to sit and act as a Privy Counsellor or Commissioner of the Treasury, and thereupon was ordered to remove. And which Paper, being judicially owned by the Earl, as said is, was signed by the Lord Marquis of *Montrose* Preses, by Order of Council, and ordained to ly in the Clerks of Council their Hand, till further Order.'

Conversation 'twixt the Duke and Earl.

Next Morning, *November 5.* the Earl waited upon the Duke, and expressed his Surprise, that these Things which he had spoken to himself in private more than once, without any Offence he could notice, and to the Council more publicly, with some appearing Satisfaction, should now be made a Crime; and asked again, What Evil his Highness perceived in his Words. The Duke said only, that the Words were unnecessary, and his Scruples groundless, and he was not tied up by the Oath, as he imagined; and, after a Pause, added, *As I have already told you, you have cheated your self, you have taken the Test.* The Earl answered, Then he hoped his Highness was satisfied. Upon this the Duke began to complain, that the Earl had not voted the Council's Explication. The Reply was as above, That he had not been present at the Reasonings which were upon that Subject. No doubt the Earl had considered that Matter of Explications fully; but the Reason, which plainly offers for his not voting for the Council's Explication, which he was not bound to give the Duke, was, that the Parliament certainly intended, that the *Confession* should be sworn to, without Reserves and Explications; and he himself had sworn to it, as all others who took the *Test* before the Council's Explication. The Duke insisted, that the Earl could not but fully understand the Affair, and added with a Frown, *That he, with some others, had designed to bring Trouble upon a Handful of poor Catholicks, that would live peaceably however they were used, but it should light upon others.* This is a good Key to explain the Council's explanatory Act, which was certainly designed not only to gratify the scrupling Clergy, but to be a Back-door for Papists to come in at. They parted after the Duke had laid his Commands upon the Earl, not to go out of Town until he saw him again, which he promised to do.

Remarks on the Council's Explanation of the *Test*.

The Earl's Explanation of his Explication.

App. N<sup>o</sup>. 69.

The Earl finding his short Explication, tho' once allowed, was like to be Matter of Trouble to him, did draw up an Explanation of it, which he communicated to some privately, as his Sense more enlarged, and designed to have offered it afterwards in publick, if there was any Occasion for it. This I have insert *App. N<sup>o</sup>. 69.*

But



But the Design against the Earl was now formed and ripened. That same Night, *November 5.* one of the Clerks of the Council, as he said, by Order of Council, intimated to him, That it was their Pleasure he should not go out of Town till next Council-day, which was *November 8.* When the Council, without calling this noble Peer before them, sent, by one of their Clerks, an Order to him to enter himself Prisoner within the Castle of *Edinburgh*, before next Day at Twelve of the Clock. Joynt with this, they sent a Warrant to the Deputy-governor of the Castle, to keep him Prisoner, wherein the Word *sure Firmance*, tho' once writ fairly, was struck out, and resolve to intent a criminal Process.

The Minute in the Council-books stands thus. *November 8.* 'His Royal Highness and the Council, having considered a Paper exhibited by the Earl of *Argyle* last Council-day, as his Sense of the *Test*, and repeated by him as a Part of his Oath, and finding the same to be a Paper of dangerous Consequence, reflecting on his Majesty's Authority and Government, and particularly on the late Act of Parliament enjoining the *Test*, do therefore ordain the Earl of *Argyle*, once before to Morrow at Ten of the Clock, to enter his Prison in Prison in the Castle of *Edinburgh*, there to remain till his Majesty and Council give further Order. And further, his Majesty's Advocate is ordered to intent and pursue a Process of Treason, or such other Crimes against the Earl of *Argyle*, as shall be found convenient, upon that Paper he presented before the Council about the *Test*, and the said Process to be pursued before the Justices with all convenient Speed.'

At the same Time, they write a Letter to the King upon this Affair, which I insert here.

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The Earl is ordered to the Castle, Nov. 8. and a criminal Process is intended against him.

Council's Minute upon this.

May it please your Majesty,

Nov. 8. 1681.

THE last Parliament having made so many and so advantageous Acts for securing the Protestant Religion, the imperial Crown of this Kingdom, and your Majesty's sacred Person, (whom God Almighty long preserve) and having for the last, and as the best for securing all these, appointed a *Test* to be taken by all who should be entrusted with the Government, which bears expressly, that the same should be taken in the plain and genuine Sense and Meaning of the Words, we were very careful not to suffer any to take the said Oath or *Test*, with their own Glosses or Explanations; but the Earl of *Argyle* having, after some Delays, come to Council to take the said Oath, as a Privy Counsellor, spoke some Things which were not then heard nor adverted to, his Lordship, at his next offering to take it in Council, as one of the Commissioners of your Majesty's Treasury, was commanded to take it simply; he refused to do so, but gave in a Paper shewing the only Sense in which he would take it; which Paper we all considered as that which had in it gross and scandalous Reflections upon that excellent Act of Parliament, making it to contain Things contradictory and inconsistent, and thereby depraving your Majesty's Laws, misrepresenting your Parliament, and teaching your Subjects to evacuate and disappoint all Laws and Securities that can be enacted for the Preservation of the Government, suitable to which his Lordship declares in that Paper, that he means not to bind up himself from making any Alterations he shall think fit, for the Advantage of Church or State: And which Paper, he desires, may be look'd upon as a Part of his Oath, as if he were the Legislator, and able to add a Part to the Act of Parliament. Upon serious Perusal of which Paper, we find ourselves obliged to send the said Earl to the Castle of *Edinburgh*, and to transmit the Paper to your sacred Majesty, being expressly obliged to both these by your Majesty's express Laws; and we have commanded your Majesty's Advocate to raise a Pursuit against the said Earl, for being Author of, and having given in the said Paper; and, for the further Prosecution of all relating to this Affair, we expect your Majesty's Commands, which shall be most humbly and faithfully obeyed by,

Their Letter to the King upon this Affair.

Your Majesty's most humble, most faithful, and most obedient Subjects and Servants,

Glencairn,	Jo. Edinburgen.
Wintoun,	Ross,
Linlithgow,	Geo. Gordon,
Perth,	Ch. Maitland,
Roxburgh,	Geo. Mackenzie,
Ancrum,	M. Raithland,
Airly,	Jam. Fowles,
Livingstone,	Drummond.

Reflections upon it are needless, after the above Deduction of Matter of Fact. It may be of more Use to observe, that they order the Prosecution to be begun against the Earl, as we have

Remarks upon it.



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have seen, before they have any Allowance from the King; so that this illegal and unaccountable Process came entirely from the Duke of York and the Managers at Edinburgh; and that very same Day, by a Letter to the Earl of Murray, they ask the King's Approbation to the Explication of the *Test*, of which above, according to which the Clergy were allowed, before their signing the *Test*, to insert these Words, *We underwritten do take this Oath according to the Explication made by the Council, and declare we are no further bound by this Oath*; and yet the Earl is proceeded for declaring the Sense in which he takes it.

King approves  
of their Proce-  
dure, Nov. 15.

November 22. the King's Letter, dated November 15. is read, approving their Procedure against the Earl, only he requireth them to acquaint him before they come to a Sentence.

The Earle-  
nters the Castle,  
and writes to  
the Duke.

The Council's Order was obeyed by the Earl, who entred the Castle within the Time prefixed, and thence he wrote a Letter to the Duke, 'signifying his Obedience, tho' such a Punishment appeared to him the Effect of high Displeasure, which he hoped he had not deserved, adding, that he resolved to continue in all Duty, and begging to know what Satisfaction was expected.' The Earl was informed that his Letter was kindly received, yet he had no Answer.

His first Sum-  
mons.

Yea, before the Council could have a Return to what they wrote to the King, the Earl had Summons sent him, to answer a Charge of *Leasing-making, and depraving the King's Laws*; yet, under all this, such was the Baseness of his Persecutors, that they pretended, yea, one of the Club came and told him, Nothing was intended but to take his heritable Offices from him; and when the Duke of York was told by some, that this was hard Measure, upon such a Foot to threaten such a Person with a Forfeiture of Life and Fortune, he answered, *Life and Fortune, God forbid*. Whether he was yet in the Secret, or that he disssembled, as Papists may do by their Religion, I shall not determine.

His Second,  
with the In-  
dictment.

When the King's Letter came to Hand, the Managers, as I have observed, made larger Steps. Formerly they had given Commission to the Advocate to form an Indictment of Slander, Leasing-making, and Depravation of the Laws; now they appoint him to give him another, upon Treason and Perjury, not exclusive of the former, to which he was to answer before the Criminal Court, December 12. A Copy of which the Reader will desire to see, and I have insert it App. N°. 70.

App. No. 70.

The Council  
refuse to allow  
Sir George Lock-  
hart to plead  
for the Earl.

Upon the 22 of November, a Petition was presented by the Earl, that he might have Sir George Lockhart, who was his ordinary Doer and Advocate, allowed and warranted by the Council to plead for him before the Justiciary; which reasonable Petition they saw good to refuse. Upon the 24. the Earl caused present another Petition, insisting, that the Council might oblige Sir George to plead for him, according as is provided in like Cases, by Act 38. Parl. 11. James VI. This a second Time they refused, tho' it was every way according to standing Law. Whereupon the Earl, by an Instrument, required Sir George to plead for him, not that the Gentleman was unwilling, but to secure him the more in Law.

Lawiers Opi-  
nion is to the  
Earl's Case.

The Earl's Case was so very plain, that Eight or Nine Advocates, Sir George Lockhart, Sir John Dalrymple, Mr. ( afterwards Sir ) James Stuart, and several others, the most eminent Gentlemen of the long Rob, in their Time, gave their Opinion in his favours, which, because 'tis but short, I insert here.

### Opinion of divers Lawyers concerning the Case of the Earl of Argyle, December 5. 1681.

WE have considered the criminal Letters, raised at the Instance of his Majesty's Advocate, with the Acts of Parliament contained and narrated in the said criminal Letters, and have compared the same with a Paper or Explication, which is libelled to have been given in by the Earl to the Lords of his Majesty's Privy Council, and owned by him, as the Sense and Explication in which he did take the Oath imposed by the late Act of Parliament; which Paper is of this Tenor, *I have considered the Test, and am very desirous, &c.* (as above inserted) And having likewise considered, that the Earl, after he had taken the Oath, with the Explication and Sense then put upon it, it was acquiesced to by the Lords of Privy Council, and he allowed to take his Place, and to sit and vote; and that before the Earl's taking the Oath, there were several Papers spread abroad, containing Objections, and alledging Inconsistencies and Contradictions in the Oath; and some thereof were presented by Synods and Presbyteries of the orthodox Clergy, to some of the Bishops of the Church: It is our humble Opinion, that seeing the Earl's Design and Meaning in offering the said Explication, was allenarly for the clearing of his own Conscience, and upon no factious or seditious Design, and that the Matter and Import of the said Paper is no Contradiction of the Laws and Acts of Parliament, it doth not at all import any of the Crimes libelled against him, *viz.* Treason, Leasing-making, depraving his



his Majesty's Laws, or the Crime of Perjury; but that the Glosses and Inferences put by the Libel upon the said Paper, are altogether strained and unwarrantable, and inconsistent with the Earl's true Design, and the Sincerity of his Meaning and Intention, in making the said Explication.'

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This was taken so hainously ill by the Council, that the Earl of *Athole*, President, and Lord *Collington*, with some others, were appointed to examine how far that Paper might import Scandal against the Government, and deserve a Prosecution of the Signers.

December 12. being the Day of the Earl's Compearance before the Justiciary, the Lords being assembled, the Earl was brought from the Castle, under a Guard, and set in the Panel. The Court was made up of the Earl of *Queensberry*, Justice-general, Lords *Nairn*, *Collington*, *Forret*, *Newtown*, and *Kirkhouse*. The Advocate produced his Commission to prosecute the Earl, which he said he would manage with the greatest Moderation of Spirit imaginable. How he kept his Word all present were Witnesses. Then the Indictment was read: Whereupon the Earl made a very affecting Speech in his own Vindication, wherein he gives a short Narrative of his Life and Loyalty. This I have added *App. 70. No. 2.*

Dec. 12. the Earl appears before the Justiciary.

The Earl's Speech upon reading his Indictment. *App. 70. No. 2.*

Having ended, he gave in to the Court several Letters for his own Vindication, and to manifest his untainted Loyalty. One of them was from the King, all writ by his own Hand, wherein his Majesty declared his full Confidence in the said Earl, and his Obligations to him; and another from the Earl of *Middletoun*, containing the deep Sense the King resolved it still to maintain of his singular Services, when at his lowest. The Earl craved that they might be read, and recorded in Process; the first was granted, but not the other. All these made little or no Impression now; and, as hath been formerly noticed, Gratitude was none of the Virtues could prevail, when a Spirit of Popery and Persecution was raging.

Readings of the Lawyers.

To the Earl-Sir *George Lockhart* succeeded, and pleaded the Irrelevancy of the Libel, with a great deal of Force and Plainness, during almost Three Hours Time, alledging, that it was plainly impossible, that a Man's exonerating his own Conscience could make Leafing-making, or that his declared private Meaning could give Laws to others, or come under the Statute against private Mens making Laws to beget a Misunderstanding betwixt King and Subjects. These Reasonings are so pointed, that tho' the Paper be a little long, it certainly deserves a Room *App. 70. No. 3.*

Sir *Geo. Lockhart's* Defences

*App. 70. No. 3.*

The King's Advocate answered Sir *George's* Defences at a good Length, which, that the Reader may have both Sides of the Debate, I have insert *App. 70. No. 4.* But all intelligent Persons did reckon, that Sir *George's* Defences remained very much in their Strength, after all the Advocate was able to advance.

King's Advocate his Answer. *App. 70. No. 4.*

Sir *John Dalrymple* in the next room, supported the Innocence of the Earl, in an excellent Discourse of the Nature and Obligation of Oaths, which I have likewise subjoyned *App. No. 70. No. 5.* Unto this the Advocate gave Duplies, added *App. 70. No. 6.* And the Advocate gave Triplies, which likewise follow *App. 70. No. 7.* Those Papers, tho' not short, I durst not venture to abridge, but have put them together in the *Appendix*, as containing very distinct and full Reasonings upon Oaths, and the Explication of them.

Sir *John Dalrymple's* Answer. *App. 70. No. 5.*  
The Advocate's Duplies. *App. 70. No. 6.*  
His Triplies. *App. 70. No. 7.*

The Reasonings continued till Nine at Night, and when all were dismissed, the Lords continued together upon their Interlocutor, till Two in the Morning, and adjourned till the 13 in the Afternoon; when the Interlocutor was pronounced, that they found the Earl's Defences relevant as to Perjury, but all his Defences as to Treason and Leafing-making were repelled. It is said, Two of the Lords dissented from the Relevancy: Whether they entered a formal Dissent, I cannot say, but they were outvoted, by calling in one who had not been present at the Debate. The Truth of the Matter of Fact is known to many yet alive, and is as follows.

Lords Interlocutor, Nov. 13.

There were but Four of the Lords with the Justice-general at the Debates. The Lord *Nairn* was now an old infirm Man, so far decayed, that he was not able to take his Turn in the Outer-house of the Lords of Session, as Ordinary, for a considerable Time. The Lord *Collington*, an ingenious Gentleman, and an old Cavalier, with the Lord *Kirkhouse*, said to be a very learned and upright Judge, were peremptorily against the Relevancy of the Libel, and its inferring Treason or Leafing-making; and these Two stuck by their Point. The Earl of *Queensberry* was not very willing to give his casting Vote in this important Matter, nor to have the Odium of it lying upon him. The other Two, the Lord *Newtown*, afterwards made President of the Session, for his being through-paced in this and other Matters, with the Lord *Forret*, well enough known, were not able to answer the Reasons of the other Two Lords, against the Relevancy of the Libel. Therefore, about the Middle of the Night, the old infirm Gentleman the Lord *Nairn*, behoved to be wakned out of his Sleep, raised out of Bed, and brought into the Court, that Numbers might supply the Want of Law and Reason. It was in vain to urge, that he had not been present at much of the Debate, his Vote was now necessary; and to supply that, when he came in the Clerk was ordered to

One of the Lords is wakned out of his Bed to vote.



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read over the Reasonings, and when this was a doing, his Lordship fell asleep among their Hands. However, he knew how to vote, and his Vote with the other Two carried the Relevancy, as above.

The Assize.

When the Interlocutor of the Lords was read in Court, the Advocate proceeded to the Proof; and the Earl's giving in the abovementioned Explanation of the Test, was soon proven by the Depositions of the Two Clerks of Council, and the Laird of Lundie. Then the Assize were sworn, Fifteen out of the Forty five named, and they were,

Marquis of Montrose,	Earl of Perth,	Lord Burntisland,
Earl of Linlithgow,	Earl of Dalhousie,	Laird of Gifford,
Earl of Roxburgh,	Earl of Middleton,	Laird of Ballymain,
Earl of Dumfriess,	Lord Sinclair,	Park Gordon,
Earl of Airly,	Lord Lindores,	Laird of Claverhouse.

The Earl was enquired if he would prove his Defence against Perjury, or if he had any Objections to make against the Assize. He declined making any Defences anent his Perjury, about which no Body believed he was in any Hazard; and told them, since what had been so well spoken against the Relevancy, had been over-ruled by their Interlocutor, he would give them no further Trouble of Objections and Defences. He did not want Matter of valid Exception against both Witnesses and Assize, but said nothing upon those Heads, because he saw now, that say what he pleased, he would be found guilty of Treason. The Advocate forgot not to threaten the Assize with a Process of Error. Sir George Lockhart and the rest of the Earl's Lawyers would not speak one Word, finding, after the Interlocutor, all further Pains would be in vain.

Their Verdict.

The Assize inclosed, and in a little Time brought in their Verdict by the Marquis of Montrose, all in one Voice, 'And find, that the Earl of Argyle hath proven against him the Crimes of Treason, Leasing-making, and Leasing-telling, and find the said Earl by Plurality of Votes not guilty of Perjury.'

Council's Letter to the King after the Verdict.

As soon as the Verdict was opened, the Council met and sent a Letter to the King, acquainting him with what was done, and plainly enough desiring Leave to give Orders to the Justiciary to pronounce Sentence upon the Verdict brought in; and they give it as their Opinion, his Majesty after Sentence should siff Execution during Pleasure, which they knew well enough would be as they directed.

A Design probably against the Earl's Life.

By all the Steps taken, it appeared pretty evident a Design was formed against the Life of this good Man, and all his Friends were of Opinion, he ought to provide, if possible, for his own Safety. A Gentleman was dispatched to Court by the Earl, who, as soon as the King's Mind in answer to the Council's Letter could be known, came off, and outrode the Bearer of the Letter to the Council, near Twenty four Hours. By him the Earl found that the Sentence of Death was to be palled, and a Siff given to the Execution, till the King's Pleasure was known, and in short, that Evil was determined, and the King would be prevailed with to yield to the Execution.

Even before this Gentleman came, the Earl had good Ground to expect the worst. He had Notice sent him, that on the 21. he was to be carried down from the Castle of Edinburgh, to the Tolbooth, the common Prison, whence condemned Persons used to be carried to their Execution. The Duke had refused to hear any Applications made in his Favour. Some Soldiers were ordered in towards Edinburgh, and the Guards upon him were doubled, and strict Orders given to keep him close in his Room: And the Reader will find some other Reasons of the Earl's withdrawing himself, in his printed Case.

Dec. 20. he gets out of the Castle in Disguise.

Yet, notwithstanding of all this, the Earl was very unwilling to make any Essay to escape, till upon Tuesday the 20 of December, about Six at Night, he got his Letters from London, and by Seven he resolved to attempt to get out, and against Eight he came out in Disguise, and very narrowly escaped; for one of the Guard suspected him, and took him by the Arm rudely enough, but through the good Hand of Providence he got off undiscovered.

As soon as the Earl was out, and got off his borrowed Garb, Horses were ready for him by the Care of his Friends. Some Days before, Torwoodlee and Mr. John Scot, Minister of Hawick, with some others, had laid the Plan of his Conveyance to London, at a Meeting, in the Event of his Escape. Torwoodlee was gone from Edinburgh to his own House; and that Night the Earl got out, Mr. Scot advised him to ride, without stopping, to Torwoodlee, and gave him a verbal Token to fend by his Servant to that Gentleman, who was to meet him at a Country Ale-house near by, and convoy him to Mr. William Veitch's House in Northumberland.

The reverend and worthy Person last spoke of, was pleased to communicate with me a very particular and distinct Account of their Journey to London, and the many remarkable Providences and strange Deliverances the Earl, now going under the Name of Mr. Hope, and he met with, which are too long to be set down here.



In short, Mr. Hope and Torwoodlee came safe to Mr. Veitch's House, who was at that Time in the Town of Berwick visiting Friends, who had been very kind to him in his Sufferings formerly narrated. Just when he was about to leave that Place, an Express came giving Account of the Earl's Escape, and Mr. Veitch, known by some in that Place, was suspected, and the Gates shut, and a Search made for him and other Strangers; but he escaped by a singular Train of Providences.

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Come with Torwoodlee to Mr. Veitch's House in Northumberland.

When he got off thence, he came to Mr. Luke Ogle's House, who had been Minister of Berwick, and, after his being turned out, lived in the Country, some Miles from it, and was by him engaged to stay till Sabbath was over, and give a Sermon to a Gentleman and his Lady near by, their good Friends. Little did Mr. Veitch know what Company was at his House at Stantoun-hall, more than Thirty Miles Distance. This Resolution he entered into on the Thursday Evening; but when in Bed, he was alarmed with a Dream that his House in Northumberland was all on Fire, which awaked him with no small Concern, about Two in the Morning. However, he resolved not to notice it, till falling asleep he had the Dream repeated, with very alarming Circumstances, towards the Morning, which made him break his Yesternight's Resolution, and go homewards on the Friday.

It was Saturday before he reached his House, near to which he met Torwoodlee's Servant looking after him, by whom he was, to his Surprise, acquainted with the Company that were at his House. The Beginning of the next Week, after having bought fresh Horses, Mr. Hope and he with two Servants went off the best way they could for London. At the Post-house at Rodderam, where, against their Mind, they were forced to stay, Letters came to the Post-master there, their Landlord, from the Post-master at Doncaster, signifying the Earl of Argyle's Escape, and desiring him to examine all that came his Road, and acquainting him with the premium of Five hundred Pounds to the Discoverers. The Landlord at Supper got the Letter, and handed it to Mr. Veitch, who, when he read it, put the best face might be on the Matter, and turning to Mr. Hope said smiling, Here are admirable good News for you and me, Argyle has escaped, and Five hundred Pounds is set on him; and if he be come to England, certainly he will be in these By-roads, off the Post-road, and when we are riding Southwards we may chance to hit him, and Five hundred Pounds will do us Service, only I fear he ride much in these Moon-light Mornings: I would find in my Heart to give my Landlord a Bottle of Sack to allow his Hostler to go with us early to Morrow to the great Inn, four Miles hence in the Way to Clowen, for he may readily lodge in such a single Inn, and we and the Servants will search the House, and if we find him, the Landlord shall share of the Reward. To which the Landlord replied, The Hostler is at your Honour's Service. The Sack came, and the good Success was drunk, and to Morrow the Hostler guided them to the House, which they searched briskly, but found no Lodgers, and sent Home the Hostler to his Master with the Account, and rewarded him well.

The Earl and Mr. Veitch got undiscovered towards London.

The Alarm turning pretty hot where ever they came, they sent off the two Servants to Nottingham to stay at an Inn till further Orders, and Mr. Hope rode upon the Horse who carried the Cloke-bag, and he and Mr. Veitch came to Mr. Willis's House at Clapwell-hole upon Saturday's Night, and stayed till Munday. There Mr. Veitch met with an old Acquaintance of his, Captain Lockey, who generously undertook to conduct them safe to London, and the Servants being ordered off from Nottingham to an Inn at London to wait Orders, they three came to Battersey some Miles above London, where the Captain carried them to Mr. Smith's a Sugar-baker's House, whose Lady was a pious, wise and generous Gentlewoman, and they were very rich, and this was the first Acquaintance the Earl had of Madam Smith, of whom we shall afterwards hear.

Where Madam Smith provides for them.

She was soon acquainted who Mr. Hope was, he passed a Day or two for a Scots Gentleman, till she sent down to the City to Major Holmes a Friend of hers, to provide two Rooms for two of her Friends, where they might be quiet and retired for some Time; and when he sent word the Rooms were ready, Mr. Hope and Mr. Veitch came down at Night to Major Holmes's Lodgings, whom none of them knew. When ever the Major came to the Room, he looking on Mr. Hope, stood a little till he recovered himself, and then getting him into his Arms, said, My dear Lord Argyle, you are most welcome to me. My Lord was a little surprized, and said, Pray, Sir, where did you know me? My Lord, said the Major, I knew you since that Day I took you Prisoner in the Highlands, when you were Lord Lorn, and brought you Prisoner to Edinburgh Castle: But now we are upon one Side, and I will venture all that's dear to me to serve you.

So they were conducted to their Rooms, and lurked a good Time in the City, and after the Hurry of his Escape was over, Madam Smith brought them to a Country Seat of hers at Brentford, seven Miles off the City; where I shall leave them for some Time. We shall meet with them there, and in Holland, in the following Years.

After this Digression, which coming from the first Hand, will not, I hope, be unacceptable, I return to Edinburgh, where the Earl's Escape was as vexing to the Managers, as it was satisfying to others. Next Day, the 21. the Council emit a Proclamation anent the Earl of Argyle, which I have inserted App. N°. 71. Therein they make the King declare the Earl's

Proclamation Decemr 21. 1706. On the Earl's Flight.

App N°. 71. Remarks upon it.

Explanation

H h h



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Explanation a treasonable Paper, and him guilty of High Treason, before the Justiciary had pronounced Sentence. Indeed this sovereign and grave Court, at this Time, were but Tools to the Council. They add, that he was kept at large without any such Restraints as are usual to Persons found guilty. 'Tis certain he was not yet judicially found guilty, and we have heard what Restraints and double Guards he was put under, and how every Thing was hastening to his Execution. Then all are ordered to assist in apprehending him, and every one prohibited to assist him or his Accomplices, or furnish him with any Thing comfortable, under the Pains of Treason.

Council's Letter to the King  
December 21.

That same Day the Council send up this Proclamation by a flying Packet, with a Letter to the King, signifying ' the Earl's Escape, as they say, from Distrust of his Majesty's Clemency, tho' to it he owes both his Life and Fortune, and desire to know what Measures they shall take after so high and atrocious a Violation of the Laws. , At the same Time his Royal Highness acquaints the Council, that after the Earl of *Argyle* was found guilty by the Verdict of the Assize, the Laird of *Lundin* desired to know if the Earl should be kept more strictly than formerly ; he gave his Opinion it was not fit to alter the Manner of his Imprisonment. And the Council discharge the said *Lundin* of all Hazard and Danger from his Escape. The Earl's of *Strathmore*, *Perth*, *Dumfries*, *Queensberry*, Register, and Sir *George Kinnaird*, are appointed to examine all Persons suspect guilty of the Earl's Escape.

King's Letter allowing Sentence to be pronounced against the Earl.

Upon the 22 of *December*, the Council had his Majesty's Return to their Letter, allowing Sentence to be pronounced against the Earl, but sisting all Execution until his Pleasure was farther made known to them. When the Bird was flown, there was some little Hesitation among them, whether the Justice-court should be ordered to pronounce Sentence of Forfeiture of Life and Fortune, in absence. I have formerly noticed the Arguments made use of as to this Subject, upon other Occasions. In short, it was urged by the more moderate Party in Council, that no more could now be done, but the declaring him Fugitive and Outlaw, at least by our old *Scots* Law ; and that even in Cases of Treason, it is only the Parliament can forfeit in absence. The first Instance to the contrary was that of *Pentland*, but in that Case an open Rising, as they termed it, a Rebellion was notour, and little Prospect of any Parliament's sitting ; but this was far from being the Earl's Case. It was further urged, that it is a known Maxim in Law, *That in criminal Actions there neither is, nor can be any other Conclusion of the Cause, than the Party's Presence and Silence.* And strictly speaking, the Earl had never been heard in his own Case himself, for in his Speech he had not indeed entred on the Merits of the Cause.

Sentence pronounced, Dec. 23.

However, the pronouncing Sentence carried in Council, and to Morrow the Council's Act was presented to the Justiciary. The Countess of *Argyle* hearing what was done, gave in a Petition to the Justiciary, humbly craving, that no Sentence might pass in her Lord's Absence, with many Reasons in Law backing her Desire ; but the Council's Advice was now a Law to the criminal Court, and, without ever being at the Trouble to give any Answer to the Lady, they went on to pronounce the following Sentence.

‘ **F**Orasmuch as it is found by an Assize, that *Archibald* Earl of *Argyle* is guilty and culpable of the Crimes of Treason, Leasing-making, and Leasing-telling, for which he was detained within the Castle of *Edinburgh*, out of which he has now, since the Verdict, made his Escape : Therefore, the Lords Commissioners of Justiciary, decern and adjudge the said *Archibald* Earl of *Argyle*, to be executed to the Death, demeaned as a Traitor, and to underly the Pains of Treason, and other Punishment appointed by the Laws of this Kingdom, when he shall be apprehended, at such a Time and Place, and in such Manner, as his Majesty, in his Royal Pleasure, shall think fit to declare and appoint ; and his Name, Memory, and Honours to be extinct, and his Arms to be riven forth and deleted out of the Book of Arms, so that his Posterity may never have Place, nor be able hereafter to bruike or enjoy any Honours, Offices, Titles, or Dignities, within this Realm, in Time coming ; and to have forfeited, amitted, and tint all and sundry his Lands, Tenements, Annualrents, Offices, Titles, Dignities, Tacks, Steadings, Rooms, Possessions, Goods and Gear whatlomever pertaining to him, to our Sovereign Lord, to remain perpetually with his Highness in Property ; which was pronounced for Doom.

Remarks on it.

Observe upon the account of this Sentence, in the *Memoirs of Archibald*

The Injustice of this Sentence needs not be exposed, after what hath been already said. The Parliament, after the Revolution, was so sensible of the Hardships of it, that they not only repealed his Attainder, as the Author of the *Memoirs of North Britain*, who has some Blunders in this Trial, remarks ; but allowed his Son to bring an Action of Damage, for a considerable Sum, against the Heirs of those Judges who condemned his Father. I wish the Writer of that Book had not charged all the Forty five Assizers, as the base Betrayers of the Earl of *Argyle*, and as his Judges, and Signers of his Verdict. He omits indeed the Chancellor of the Assize, and the Laird of *Ormistoun*, and inserts Mr. *Francis Montgomery*, and the Laird of *Lamington*. These Three, and probably others named, were very far from approving what was done as to this noble Lord, and we shall meet with Two of them suffering



fering themselves just now, and imprisoned and harassed before Courts. The Author's Mistake has been the confounding of the Forty five, out of which the Fifteen Assizers are chosen, with the Assizers. The slump Number he has taken, as the List is ill printed, from the *Scots Mist*, without knowing that these worthy Persons could not hinder themselves from being named on the Forty five, but, by undergoing a Fine, could stop their being of the Fifteen, and so ought not to be charged with this Sentence.

As the Sentence was unjust, so, for any thing I can see, the Execution of it, as far as lay in the Justiciary's Power, was Treason, and flatly against the King's Letter. His Majesty had peremptorily sited all Execution, and yet the Sentence was not only pronounced for Doom, in the Court, and at the Cross, but the Earl's Coat of Arms was torn and renversed. This was undoubtedly a Part of the Execution of the Sentence, and to me appears to be Treason, greater sure than what the Earl had been guilty of, being forbid by the King, and illegal, yea, contrary to Law, if we allow the Advocate's own Judgment, *Criminals*, Page 61. *That this ought to be done in the Crime of Perduellion only, and not in other Treasons.*

In the Earl's printed Case, the Reader will find what that excellent Person designed to have delivered in his own Justification before the Justiciary; Providence gave Things another Turn, and there was no Occasion to deliver it, and 'tis too large to be insert here, or even in the *Appendix*. I only remark, that the Earl did not expect so grave and cautious a Court, as the Justiciary ought to be, would have paid an Interlocutor upon the 12 of *December*, after Twelve Hours Reasonings before them, and after Ten of the Clock at Night, and in such a Manner as hath been observed, and that without ever calling him, or requiring and considering the Sense he gave of his own Words.

He complains likewise, that several of his Assizers were evidently Parties; and, if I mistake not, the Plurality of them were so, having, as Privy Counsellors, ordered his Imprisonment, signed the Letter to the King, which was a Petition for his Trial, yea, ordered his Process, and gives several Reasons to prove they were plainly perjured.

Then he inserts some excellent Rules laid down in criminal Matters, by that great Man Judge *Hales*, which not being long, deserve their Room here.

Abstract of what the Earl designed to have said in his own Vindication, before the Justiciary.

Judge *Hales's* Rules in criminal Matters.

- 1<sup>st</sup>. Not to be rigid in Matters purely conscientious, where all the Harm is Diversity of Judgment.
- 2<sup>dly</sup>. That popular or Court Applause or Dislike, have no Influence on any thing is to be done in point of Distribution of Justice.
- 3<sup>dly</sup>. That in a criminal Case, if it be a measuring Cast, then to incline to Mercy and Acquittal.
- 4<sup>thly</sup>. In criminal Things, which consist only of Words, where no Harm ensues, Moderation is then no Injustice.
- 5<sup>thly</sup>. To abhor all private Solicitations, of what Kind soever, and by whomsoever.
- 6<sup>thly</sup>. In Matters depending, not to be solicitous what Men say or think, so long as the Rule of Justice is exactly kept.
- 7<sup>thly</sup>. And in the last room, never to engage themselves in the Beginning of a Cause, but reserve themselves unprejudged, until the whole Business be heard.

In the next room, he makes his additional Defences in Four Generals, which are,

- 1<sup>st</sup>. The absolute Innocence of his Explication, in its genuine Meaning, from all Crimes or Offence, far more from the horrible Crimes libelled.
- 2<sup>dly</sup>. The Impertinency and Absurdity of his Majesty's Advocate's Arguings, for inferring the Crimes libelled, from the Earl's Words.
- 3<sup>dly</sup>. The Reasonableness of the Exculpation.
- 4<sup>thly</sup>. The Earl's Answers to the Advocate's groundless Pretences, for aggravating his Case.

I cannot pretend to give an Abstract of the Application he makes of them to his own Case, 'tis so full and particular; only, upon the Third Head, he justly gives the Case of Bishop *Cranmer*, which is almost parallel to his own, from *Fuller's Church History*, Book 5. Pag. 185, 186.

The Publisher of the Earl's Case, who, if I be not misinformed, was an eminent Lawyer, and Fellow-sufferer with his Lordship at this Time, concludes with several Citations out of Sir *George Mackenzie* his printed Books, and from them makes it evident, that Sir *George* premeditatedly gives it as his Opinion, and prints it, *That an Act of Parliament (which he disliked) is most unreasonable, most unjust, and, in its Reason, most inept; and that it puts a sharp Sword in the Hands of blind Men:* Which is a great deal more than ever could be inferred, yea, than was pretended to be inferred from the Earl's Explanation of the *Test*, for which he was sentenced.



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Mr. Stuart  
comes under  
new Trouble,  
after the Earl's  
Escape.

And this brings it in my Mind to observe, That the Earl's Escape was the Occasion of a great deal of Trouble to Mr. Stuart, since the Revolution Sir James Stuart of Goodtrees, formerly mentioned. This great Lawyer was employed in private, (for he could not plead in publick without taking the Oaths) to draw up the State of the Earl of Argyle's Case, to be sent up to London with the Gentleman the Earl dispatched. Three Copies were writ of it by his Servants; and, before he sent them to the Earl, he caused them to be read over, holding one of the Copies in his own Hand, upon the reading of which, he made an Amendment or Two with his own Hand upon the Copy he held, and the Two Servants amended the other Two Copies.

He sent all the Three to the Earl, and desired that Copy, with his Hand on the Margin, might either be returned or destroyed; the other Copies were sent up to London, and the Third was found in the Earl's Coat-pocket, after he escaped from the Castle. The Paper was very home and close, and abundantly heavy in Point of Argument, and consequently not a little irritating to the Counsellors. The Amendment was soon known to be Mr. Stuart's Hand, and the Paper concluded to be his: Whereupon a Party was sent to his Mother's House, the excellent Lady Goodtrees, but he was happily abroad. His Two Servants, Mr. Spence, and Mr. Montgomery, now Laird of Langshaw, were next searched after, but they thought it convenient to step out of the Way a little; and Mr. Montgomery, tho' but a Youth, found he was not in Safety in Edinburgh, and was obliged to retire to Ireland to his Relations, where he continued much till the Liberty, in the Year 1687.

From this Gentleman last named I have this Account; and when I name him, I must acknowledge my Obligations to him, for his obliging Kindness, in allowing me Access to the criminal Books, and giving me several valuable Hints of the Severities of this Period, which he had from his worthy Father, whom we shall meet with in a Year or Two.

Mr. Stuart was obliged, after lurking a while, to retire to Holland, where he continued until the Toleration; afterwards he will fall in more than once, before I end this Work. Thus, as briefly as I could, I have run through this strange and unaccountable Treatment of the truly noble Earl of Argyle, to which, in all its Circumstances, I think History scarce affords a Parallel, unless it be their own murdering this great and good Man upon this very Sentence, near Four Years after, when indeed, as Things then went, they had much more to lay to his Charge.

When I have laid before the Reader this large Account of the Earl of Argyle's Trial, not a few Reflections might be made upon the Narratives given of it by the English Writers. Bishop Kennet gives a very fair Account of the Parliament's Procedure, where the Foundation of the Displeasure taken up against the Earl, was laid, when he tells us, 'That the Duke of York had this Year an obsequious Parliament in Scotland, who being first amused with an Act ratifying the Protestant Religion, fell readily into another Act, asserting the Right of Succession; after which they made another for a standing Army, Act continuing the Supply, and concluded with the Test Act. The Earl of Argyle moved for a Security against a Popish Successor; (but he is mistaken when he adds) he was immediately committed.'

Dr. Sprat's Account of this Matter is very unjust; and, it seems, hath led Mr. Eachard into that ill-natur'd Account of the Earl, in the first Edition of his History, Vol. III. Page 646. The Archdeacon has been so fair, as, in his Appendix, to retract what he had written, and to make the following Acknowledgment before this Amendment. Upon a Review of the Earl of Argyle's Case, I find, that my Account, chiefly taken from Dr. Sprat, was somewhat too crude and partial. His Amendment the Reader may take in his own Words. 'This zealous and active Man, (the Earl of Argyle) increasing in Power and Lustre, after his Father's and own Forfeitures, seemed to be marked out by his Royal Highness, though he had given some signal Instances of Loyalty, before as well as after both their Prosecutions; for, during the Sitting of the Parliament, he did not only endeavour to hinder the passing of the Test, (which was as much against Popery as Fanaticism) but when it was in Debate, he was the Person that spoke against excepting the King's Brothers and Sons from taking that Oath then intended, or declared for the Security of the Protestant Religion; for which he was afterwards told by a Bishop, That that had downright fired the Kiln. Accordingly, when he was to take this Test, as one of the Privy Council, and had declared, that he would not do it but with a Reserve of his own Explanation, he was shortly after made Prisoner in the Castle, as guilty of defaming the King's Laws. And though his Explanation was no more than what the Council itself thought fit to allow for the Satisfaction of the People; yet, the Actions of his Father, as well as his own, seemed to have made such an Impression upon the Duke of York, that he was resolved to humble his Greatness, and therefore caused his Interpretation to be scann'd and sifted to that Degree, that at length his Advocates found a latent Piece of Treason in it. Upon which, he was brought to a formal Trial, with great Solemnity; and, after many Strains of Eloquence, and uncommon Aggravations, he was found guilty of Treason, and had Sentence of Death pass upon him, but with

Remarks on  
Bishop Kennet,  
Dr. Sprat, and  
Mr. Arch-  
deacon Eachard's  
Accounts of the  
Earl's Trial.



with Reserve of Execution. One Thing aggravated against him with Plausibility, was his being condemned and pardoned in the Year 1662. But that Condemnation was thought so hard, that the King then declared, *It was impossible to take a Man's Life upon so small an account.* And the Lord Chancellor Clarendon blessed God, *That he lived not in a Country, where there were such Laws.* This Prosecution was thought no less severe and unjust, insomuch, that in the great *Claim of Right*, 1689. it was, by Act of Parliament, annulled, and ordered to be expunged and ras'd out of the Records. The Court gave it out, that there was no Design upon his Life, but only the Forfeiture of some eligible Jurisdictions and Superiorities, which seemed to have been the first Motive towards the Prosecution. But the Earl finding the Heat of his Pursuers, made his Escape; whereupon he had all the Marks of Dishonour denounced against him, as were by national Custom due to Traitors. This gave Rise to new Disturbances; and the Earl, now desperate in his Fortunes, never left pursuing his Revenge, till he met with his own Destruction.

1681.

I could make several Observes on this Author's Amendment, were it worth while. I don't well understand his Meaning, when he says, *In the great Claim of Right, in 1689. it (the Earl's Prosecution) was by Act of Parliament annulled, and ordered to be expunged.* I can more easily pass his Ignorance of our Scots Forms, which seems to bewray it self here, than his severe Turn upon the Earl in the Close of the Paragraph. When we come forward to what he calls *new Disturbances*, we shall find it was neither a desperate Fortune, nor a Pursuit of Revenge, but his Regard to the sinking Interests of the Protestant Religion, and the Liberty of his Country, led him to this new Attempt; and when Mr. Eachard had seen himself imposed upon in his first Account, I wish, for his own sake, he had softened his Expressions as to this noble and excellent Person.

## S E C T. VIII.

*Of several other Things this Year, which fell not in on the former Sections.*

I Come now to take Notice of a few Things I have passed during this Year, which may tend a little to the clearing of the History of this Period; and I set them down much in the Order of Time.

In the Beginning of this Year, the Council were much taken up in prosecuting some Boys in the College of *Edinburgh*, for their burning of the Pope, on the 25 of *December*, 1680. This the Duke of *Tork* could not bear, and a great Enquiry was made about it. The Matter of Fact, as far as I can gather it from some missive Letters writ at this Time, was thus. Some of the Students that Day brought up to the Head of the *Coragate*, the Effigies of the Pope in his Robes, with his Keys, Mitre, and triple Crown; and after they had excommunicated him, they carried him about in a Chair, of the same Form with that wherein he is elected at *Rome*, to the Foot of the *Black-friars Wynd*. The Boys knowing the Thing had taken Air, and that the Soldiers and Guards were ready to oppose them in the high Town, gave it out they were to carry his Holiness in Procession to the *Grass-market*, the Place of the Execution of Criminals; upon which the Guards, little expecting such a Trick, went all down towards the *Grass-market*. Mean while, the Boys turned up with their Procession by the *Black-friars Wynd*, towards the high Street, Three of them going before with kindled Torches: When they came to the high Street, at the Head of the Wynd, finding they could go no further, the Chair was set down, Sentence was passed upon his Holiness, and he condemned to be burnt, and accordingly the Torchmen drew near, and did their Work, and by the Help of Gun-powder the Effigies was blown up. This was about Ten of the Clock, and as soon as the Chair appeared at the Head of the Wynd, *Lindgow*, his Son, and some Soldiers made an Attack upon the Boys with Sword in Hand. They stood their Ground, and warned him to beware whom he struck, for he had Relations among them, and got their Business done.

Some of the Students at *Edinburgh* College burnt the Pope.

The Rise of this Appearance the Students made, was this, as I am informed by one of them, now a reverend Minister of this Church. Several of them happened to be together in a Tavern, where there was hanging a Copper Plate, representing the Manner of burning the Pope at *London*, which pleased them so, that in a very little they entred in a Concert to do the same at *Edinburgh*. The Matter came to take Air, and Mr. *George Ridpath*, who had been very active in the Project, was seized and put in Prison the very Day before the Design was to be executed, and a severe Search made for the Effigies, but in vain. As we

Rise of it, with some other Circumstances.



1681.

have seen, the Scholars got their Business done, but next Day several Gentlemens Sons were called before the Council, and particularly examined whether any Presbyterian Gentlemen, or Ministers did contrive, assist, or direct them in burning the Pope; they all declared, they did not. The Chancellor was civil and favourable to the young Gentlemen. The Bishops endeavoured to ensnare the Scholars with Questions about their Conformity, and other captious Heads; however, no Advantage was got of them, and they were dismissed that Day.

Only Mr. *Ridpath* then entering upon his Philosophy, and a Youth of a promising Genius, was very hardly treated. Sir *William Paterson* was rude to him, and, I am told, he was beat, and had his Hair torn by the Council Servants; and either by the Council, or their Committee, he was banished his native Country, for no other Cause than his Accession to this Matter. This Gentleman is so well known, since the happy Revolution, by his Appearances in favour of his Country and Mother Church of *Scotland*, and his suffering for his steady Adherence to the Protestant Succession, when in the utmost Hazard, that I need say nothing of him. His Modesty is such, as though I sought and expected from himself an Account of his Sufferings at this Time, in consequence of the Friendship he hath favoured me with now for many Years, he hath still declined this Piece of Justice to himself, otherwise the Reader might have had distinct Accounts of this Matter.

About the same Time the same Spirit was working at *Glasgow*, in a different Manner. They only put on Favours, and coloured Ribbons, and other Marks of Distinction, as, they said, Tokens of their being Protestants. For this, several of their Leaders, and particularly the present Marquis of *Annandale*, then a Student there, were called before the Masters and Archbishop. *Annandale* defended himself and his Fellows, with Briskness enough, and speaking to the Bishop, called him only Sir. Mr. *Nicolson* his Regent took him up, and said, *William*, you do not understand whom you speak to, he is a greater Person than your self. *Annandale* very quickly answered him, I know the King has been pleased to make him a Spiritual Lord, but I know likewise that the Piper of *Arbroth's* Son and my Father's Son are not to be compared; and added, he had the Vanity to say, he had more noble Blood in his Veins, than all the Fourteen put together. Nothing further could be made of this.

At *Edinburgh*, several of the Students were imprisoned, besides Mr. *Ridpath*, which irritated the rest so far, that they threatened to burn the Provost's House at *Priestfield*, who, they reckoned, should have interposed in behalf of the Students, since the Town of *Edinburgh* are Patrons to the College, and yet, it seems, he had been very virulent by his Proclamations and otherwise against them: And in a few Days the House of *Priestfield* was accordingly burnt; whereupon the Council emit a Proclamation, *January 13*, this Year, offering Two thousand Merks and a Remission, to any who would discover the Actors: But I don't find any Discovery was made; yea, some wanted not their Jealousies, his House was burnt with a View to bring an Oidium on some People who had not the least Share in the burning.

*January 4*, the Masters of the College of *Edinburgh* present a Petition to the Council, declaring their Abhorrence of the late tumultuary Gathering of their Scholars and others, *December 25* last. The Council remit it to the Committee for publick Affairs, and so I can give the less distinct Account of what was done. In the Council-books I meet with what follows, *January 6*. 'The Lords of Privy Council considering, that Bonds and Combinations have been entered into by the Students of the College, and several Tumults raised thereupon in the City, and the Government it self is defamed by them, ordain the Magistrates of *Edinburgh* instantly to cause shut the College Gates, and cause the Classes be dissolved till further Order, and ordain the said Magistrates to appear before the Council, that they may hear what they have to offer for the Security of the City, and the King's Peace therein.'

Upon the 21 of *January*, the Council emit another Proclamation concerning the Students in the College, wherein they charge them with entering into Bonds and Combinations, obliging themselves to adhere one to another, in case any of them should be called in question, which, they say, appeared from the Confessions of the Masters and some Students: They complain likewise of their assembling, *December 25* last, in a tumultuary way, (but not a Word of burning of the Pope) and associating themselves with Prentices, and introducing a new way of tumultuating, by putting up blue Ribbons as Signs and Cognizances; and that being justly threatened for these Things, they made Tumults in the Streets, disturbed the Nobility and Gentry in the Streets, and threatened the Provost with burning his House, which in a few Days was done. Whereupon the Council by an Act of this Day's Date, having ordered the College Gates to be shut, till they take further Trial thereanent, do now command all the Students to retire Fifteen Miles from *Edinburgh*, within Twenty four Hours, and not to come within the said Limits without Leave of the Council, under the Pain of being treated as seditious Persons.'

This Matter ended in an Act of Council *February 1*, ordering all the Students to take the Oath of Allegiance; and if the Masters accept of any Scholars otherwise, they are *ipso facto* to be deposed, as it bears at more length, *App. N<sup>o</sup>. 72*.

Mr. George  
Ridpath's  
Sufferings at  
this Time.

Students at  
*Glasgow* put on  
coloured Ribbons.

Account of  
the Council's  
Procedure upon  
this Gathering at *Edinburgh*.

Act of Council  
imposing the  
Oath of Allegiance, and a  
Bond on the  
Students, *Feb. 1*,  
*App. N<sup>o</sup>. 72*.

Upon



Upon the 17 of February, the Duke of York moves in Council, that in regard of the young Years of many of the Students in the second and third Clashes, the Oath prescribed by the Act of the first Infant be delayed till they enter the fourth Class, they not being in a Capacity to understand the Nature and Import of an Oath, and that the Penalties in the Bond be mitigated one Half. The Council go into both.

1681.

Duke of York's Mitigation of it.

In January this Year the Laird of Lundin gets a Patent to be Master of the Artillery. February 24. The Lord Livingstone is admitted a Privy Counsellor. June 2. the King by a Letter declares he has continued the Command of the Castle of Edinburgh with the Duke of Lawdale, and in his absence the Laird of Lundin, and that they are only to receive the Command from the King or his Commissioner. In July, the Earl of Dumfries, and the Earl of Antrim are made Privy Counsellors.

Lundin Mr. of the Artillery, Livingstone Dumfries and Antrim Counsellors. Castle's Command continued.

That same Month John Maclurg and Humphry Clark, are examined by the Council for having a scandalous Paper in their Coffee-house, called the Gazette, and imprisoned. January 20. finding that John Maclurg's Coffee-house is a Receptacle of disaffected Persons, order the Magistrates of Edinburgh to shut it up, and call for all the Masters of other Coffee-houses or Houses of Intelligence, and take them bound under Five Thousand Merks, that no News Papers be read in their Houses, but such as are allowed by the Officers of State. And March 8. John Maclurg, upon his Petition, is allowed to open his Coffee-house under the same Bond with the rest.

Council's Procedure with the Coffee-houses.

In the Beginning of February, the Duke of York went to see Linlithgow and Stirling. A printed Account of his Progress, and the Noblemen and Gentlemen who waited on him, is before me, where there is little remarkable, but a Design to make a Parade, and to affect somewhat of the State of our old Kings, before he came to the Throne, and render himself a little more popular.

Duke's Progress to Linlithgow and Stirling in February.

After the Parliament was up, toward the Beginning of October, the Duke made another Progress to Glasgow. I find no printed Accounts of that as of the former, and one would think they might both have been spared, since he came down to Scotland as a Sanctuary. He was entertained in the best manner the Country could afford, and no small Charges were bestowed upon regaling him and his Attendants. He declared himself highly pleased with the Respect shewed him, but, it seems, forgot all this, when he would have all the five western Shires turned to a hunting Field.

To Glasgow in October.

His Mirth at Glasgow was a little spoiled by an Incident. One of the Society People put a Paper into the Duke's Hand when coming down the Street. The Duke received it as it had been a Petition for Charity; but it was a Protestation, whereof a Copy is before me, which I need not insert at length, being much the same with that of Robert Garnock and others before spoke of.

Where a Protestation is put into his Hand by one of the Society People.

The Penners of it protest against the King in all his Tyranny, heading, hanging, quartering quick, stigmatizing, scourging, drowning in Seas, and oppressing the People of God, his usurping over Conscience, and assuming that Power that is due to none but Christ alone. They add, that what he cannot do himself, having sinned away his Wisdom and Parts with his Harlots, he hath made over to a profest Papist the Duke of York, and protest against his being sent to Scotland to execute his Policy, and cheat People, first out of their Souls, and then out of all other Things. They protest likewise against the late dreadful Bond the Test, which so avowedly renounceth the Covenants, to which all were once sworn, and the King himself, and therefore bound to maintain Presbyterian Government with their Lives and Fortunes: Therefore they protest against the King and all who act for him, and particularly against welcoming a Papist to Scotland, with a Draught of the Blood of Saints at two different Times, the welcoming him to Glasgow with ringing of Bells, Bonfires &c. Whereas, say they, he ought to be punished with such loading Punishment as the Word of God allows to be put upon profest Idolaters. In a word, they protest against his sending in his Baggage and Provision to the Town on the Lord's Day, and against the Magistrates and all who received him.

When the Paper came to be read, the Duke did not find it proper to notice it much, but it turned him a little fullen and thoughtful; and it was observed he hastened out of Glasgow after the Receipt of it. I do not find the Giver or Authors of it were discovered by the Government.

This was a softer Protestation than several Papers emitted at this Time by the High-flyers. One of them, affixed upon the Church of Kettle April 3. this Year, fell into the Council's Hands, and they caused print it to expose the suffering People. But it was a very few who ran those Lengths even among Mr. Cameron and Cargill's Followers, and the other oppressed Sufferers disowned, and as much differed from those Extremities as sober Persons could do.

A Paper affixed on the Church of Kettle, April 3.

It is not worth while to give the Reader any Extract out of this inconnected Paper; the Writer of it disowns the King's Authority, renounces him and paying Cess to him, or Tiends to Mr. John Barclay Episcopal Minister in that Place, and gives his Reasons to prove the King a Tyrant, and Mr. Barclay a Thief and Robber. This Ruffel, or another of his Name tur-



1681.

Some Account  
of *Gib* and his  
Followers, the  
Sweet Singers.  
They are un-  
justly charged  
with suffering  
Presbyterians.

ned very insolent and uneasy to the People of the Societies when formed in Meetings, because they would not come up to his Extravagancies, as I find by their Registers.

But *Gib* and his Followers made the greatest Noise of any of this Gang, and I shall give some little Hint of them here, and from them probably many of these Heights came. The Raveries and Blasphemy emitted by *John Gib*, once a Master of a Ship in *Borrowstounness*, *Walter Ker*, *David Jamison* and *John Young*, are not indeed worth the noticing, were it not that the Publishers of their Paper in the Title of it classes these Madcapes among the Fanaticks, the Name given ordinarily to Presbyterians: Yea, the Publisher of Sir *George Mackenzie's* Vindication, London 1691. Page 36. hath the Impudence and Villany to couple *Gib's* senseless Paper with the Solemn League and Covenant, and publish it, as he says, to inform Strangers of the seditious Principles of the Scots Presbyterians. This horrid Imposition upon the World, under so great a Name as that of the King's Advocate, hath brought me to give some Account of this Matter.

Spring of those  
Followers of  
*Gib*.

I have formerly regreted the manifold Temptations poor ignorant People had at this Time, to run to Enthusiasm and Ravery upon the one Hand, and Atheism and Irreligion upon the other. Presbyterian Ministers who had been careful in instructing People in the Foundations of Religion, and the Catechisms of this Church, and were at singular Pains upon the Youth, were now all almost turned out. Their Successors in the Churches were generally ignorant or vicious, and totally neglected Catechising; and indeed such were the People's Prejudices at them, that as they were neglective and lazy, so People would not submit to such of them as were willing to take any Pains: And it is not to be wondered at, that some turned wild and monstrous in their Opinions; and, no doubt, the Extremities run to by some in Conversation, and unhappy Divisions among the suffering Party, helped all on. It is much easier to set a People a going to Extremities in a broken Time, than to put a Stop to them: And that Mr. *Cargil* found and regreted, for tho' he took much Pains to reclaim *Gib* and his Followers, yet it was to very little Purpose. There was undoubtedly too much of an Inclination at this Time, to insist and debate upon publick Matters, as they were termed, to resent the Faults of Persecutors, and Apostacy, as it was called, of Friends; and real Religion, Faith, Patience, and mutual Forbearance, were too much neglected. And perhaps the Apprehensions of singular and extraordinary Judgments upon the Land, expressed by some worthy Persons at their Death, possessed the Minds of many, and were presumptuously shaped by the more ignorant, according as their Fancy, not a little heated by Oppression, led them, and particular Determinations were made, who would suffer by them, and who escape. Thus we had too many bold and peremptory Assertions, Prophecies, and other Things, whereby Satan played his Game, and many were deluded.

When Things were in this Posture, *John Gib*, and some few with him laid aside all Business, pretending to spend all their Time in Fasting, Prayer, and other Acts of Devotion, came out from *Borrowstounness* taking their Way South and West. Where they came they enjoined publick Acknowledgments to be made by all Persons guilty of Compliance, hearing the Curates, and the like; and *Gib*, as Spokesman, took on him to rebuke, reject, or receive into Fellowship with them. Their Zeal and seeming Devotion made many run to them, and they came the length of the Parish of *Strathewan* making Profelytes.

*James Gray* of  
*Chrystoun*, with  
some others,  
Oppose *Gib's* Ex-  
travagancies  
in the West.

There happened to be in the Neighbourhood Three worthy and judicious Men upon their Hiding, I think, or Business, *James Gray* of *Chrystoun*, *James Slofs*, afterwards Bailie in *Glasgow*, and *James Baird*: Some of their Acquaintances besought them to go with them to a Meeting where *Gib* was to be. They yielded, and when they came, *Gib* was with a considerable Company toward *Eglisbam Muirs*. He was entertaining the People with Calls to leave their Business, and joyn with him in extraordinary Acts of Fasting, &c. and that in a very insolent and authoritative Way. These Three entred a little upon Reasoning with him, but found nothing but haughty Ignorance, and no Reasoning. He and his Followers withdrew a little, to rebuke a Man for Compliance. *James Gray* followed, and hearing him rebuke the Man authoritatively, publicly questioned him, how he took on him such an Act, not being a Minister, adding, we had a Gospel Ministry, and Church-officers to manage that Work, and commanded the Countryman (who was of his Acquaintance) to be gone. Upon this *Gib's* Countenance changed, and his Eyes kindled, and spoke like a mad Man: 'Your Ministers, your Ministers, we will curse them to Hell, we will damn them and you to Hell, we'll pray you to Hell;' with many other horrid Expressions, which frightened the People so much as they left him, and came about Mr. *Gray* and the other Two, who warned them of the Hazard of Separation, and Heights they were leading them to, and prayed a while with them, and advised them to go home, and mind their Callings.

Thus *Gib's* Folly being made manifest, his Progress was stopped in that Country, and he proceeded no further; only a few silly Women followed him a Day or Two more, till he went home to *Borrowstounness*, and for his Scandals and Blasphemies he was carried into *Edinburgh*, and with the abovenamed Persons lay some time in the *Canongate Tolbooth*, many Times carrying like possessed and distracted Persons. And Mr. *Gray* of *Chrystoun* frequent-



ly used to say, he did take him at that Meeting to be possessed with a Devil. This Account I have given at more length, because I have it from the worthy Persons present.

Toward the End of *April*, 1681. they were taken by Order of Council. A few Days after, these hair-brain'd deluded Wretches were deserted by the few Women who had associated with them, as soon as they began to discover their Madnefs; and their Society, which had got the Name of *sweet Singers*, lasted but Two or Three Days. The Followers of Mr. *Cargil* and *Cameron*, as soon as they heard of their Extravagancies, threw them out of their Company, and the Body of Presbyterians in *Scotland* never owned them, or had any Thing to do with them, but sat silently bemoaning the Depth of Judgment, and strong Delusions they were given up to, and praying that others who had left Ordinances dispensed by all Presbyterian Ministers, except Mr. *Cargil*, might not be left to their own Ways.

This Matter was indeed particularly grieving to Mr. *Cargil* before his Death: He took Pains upon them, as we noticed, fruitlessly; yet the Letter he wrote was of Use to recover some who were in Hazard of their Delusions in the Prison. And that the Reader may see their strong Delusions, I insert the blasphemous Paper they gave in to the Council, *May* 1. this Year, *App. N<sup>o</sup>. 73.* and that he may have his just Cautions, I have insert his Letter to the Prisoners in the *Canongate*, *App. N<sup>o</sup>. 74.*

These deluded Wretches found more Favour in the Eyes of the Government, than many worthy Persons at this Time; and it was said, that the Duke's Jesuits wanted not some Influence upon them, and by their Interest, as some think, they were dismissed in the Beginning of *August*. The Act of Council about them is but short. ' *Edinburgh, August 2. 1681.* His Royal Highness and Lords of Privy Council, having considered the Condition of these Prisoners, called the *sweet Singers*, *David Jamison, John Gib, Walter Ker, John Young*, and some Women, give Order to the Magistrates to liberate them, provided they give under their Hand, that they abjure the disloyal Principles once owned by them; appointing such as are able to find Caution, to appear when called, and such as are not, to enact for themselves.'

It is indeed Matter of Wonder to me, that at such a Juncture more Delusions and monstrous Errors did not break out. When, after Mr. *Cargil's* Death, his Followers formed themselves into Societies, their Records bear, that they have been at much Pains to keep themselves from these delusive Extravagancies, and had no small Difficulties from one *Grant*, who, if I mistake not, is yet alive, the foresaid *Ruffel* and others, and through this Diligence their Madnefs was crushed in the Bud: And the rest of Presbyterians, who now and then had Sermons, and Pains taken on them by their Ministers, and under the Want of stated Ordinances, gave themselves to Meditation, Reading, and Prayer, were in no Hazard this way, and many of them were solid, knowing exercised Christians.

I shall end this lamentable Subject, by remarking, that the Raveries of *Gib* and his Followers, when broke out, gave some little Turn to the Heights and Extremities of others who had any real Good in them; they were somewhat like a Crise, and, as it were, the separating the morbidick Matter from the Blood, whereby it became a little more cool and settled, tho' I cannot but say, too much of the Distemper remained to the Revolution, and even to this Day.

Another lamentable Effect of the bearing down of the Gospel, and the Neglect of instructing of People at this Time, was the Apostacy of too many from the very Profession of Religion; and indeed Profaneness was now at a terrible Height. In the Justiciary Registers I find a Process against the underwritten Person for *Judaism*, which being the only Instance, as far as I know, of this since the Reformation, the curious Reader will be content to have a View of it. I give it as it stands in the Criminal Books, and it is what may be a Caution to Parents to found their Children well in our holy Religion, before they suffer them to go abroad.

' *Edinburgh, June 15. 1681. Francis Borthwick*, second Son to *James Borthwick* of *Harelaw*, being often called to have compeared before the Justiciary, this Day and Place, in the Hour of Cause, to have underlien the Law, for the Crime of Blasphemy committed by him, in so far as being born of Christian Parents, and baptized and educated in the Christian Faith, and continuing in the open Profession thereof, and Communion of the Christian and Catholick Church, until the Age of Fourteen Years, he went abroad to foreign Places, to follow the Trade of Merchandize, where he was seduced to make a shameful Apostacy from the most holy Faith, and to profess and openly declare himself to be a Jew, and was circumcised: And having returned to *Scotland*, at *Edinburgh, Wrights-houses, Brandsfield*, and *Hall-beriot*, he did rail against our Lord and Saviour Jesus Christ, denying him to be God, and affirming him to be mere Man, and a false Prophet, and outragiously reviling him by such other horrid Blasphemies as are not fit to be uttered, renouncing and cursing the holy Sacrament and Rite of his Baptism. And he did with great and horrid Execrations wish all Manner of Judgment to befall him, if ever he should return to the Christian Religion, in Manner at length mentioned in the Criminal Letters, raised at the Instance of his Majesty's Advocate, and *James Cockburn* in *Duddingstoun* Informer against him thereanent.

K k k

' And

1681.

Gib's Paper.  
And Mr. Cargil's Letter to him and his Followers.

App. No. 73.

App. No. 74.

Act of Council Aug. 2.  
about Gib and the sweet Singers.

Observes on these Raveries.

Process against Francis Borthwick Apostate to Judaism.



1681.

Lord Bargeny's  
Bond given up.  
Duke of Rothes's  
Death, July  
30.

Mr. Carstairs  
with him.

Duke of York's  
Remarks on  
this.

Meetings of  
Correspondence  
of the  
Society People,  
began Dec. 15.

Their Decla-  
ration at Lan-  
erk Jan. 12.  
1682.

‘ And being lawfully cited, and not compearing, the Lords adjudged the said *Francis Borthwick* to be Outlaw and Fugitive, and all his Goods and Gear to be brought in for his Majesty's Use, for his Contemption and Disobedience; which was pronounced for Doom.’

*June 21.* the Council recommend the Lord *Bargeny* to the Secretary, that he may have a Warrant to get up his Bond of Compearance. *July 30.* the Duke of *Rothes* being dead, the Council lodge the Seals in the Hands of the Lord Treasurer, till the King give Orders about them. This great Man, as we heard, was brought in by the Duke of *Lawderdale*, and enjoyed many publick Offices. As through his Life, except when pushed on by others, he was never for Severities against Presbyterian Ministers, so at his Death he had the Advantage of some of them with him. He appeared concerned upon Views of Eternity, and the reverend Mr. *John Carstairs*, upon his Desire, waited upon him, and prayed with him, the Duke of *Hamilton*, and many others of his noble Relations, being present; and few were present without being affected very sensibly. When the Duke of *York* heard that Presbyterian Ministers had been with the Chancellor, he is said to have had this Expression, *That all Scotland were either Presbyterian through their Life, or at their Death, profess what they would.* *Lawderdale's* being out of the Secretary's Post, and the Duke of *Rothes's* Death, made a considerable Change among the Managers at *Edinburgh*, and the Duke of *York's* Party come in, many of whom, in a little Time, compliment him with their Religion, and turn Papists. And in *October* this Year, a new Commission comes down for the Lords of Session.

This Year the Council in *May*, pass an Act in favours of *John Adair* Mathematician, and allow him a Hundred Pounds *Sterling* out of the Fines they shall impose, and recommend him to the Encouragement of Noblemen and Gentlemen in his Design, to correct *Blaw's* Maps of *Scotland*, and form new ones for the Shires wanting, in order that there may be a complete *Atlas* for this Kingdom. And *November 17.* they send up the Draught of a Patent for erecting the College of Physicians, and recommend it to the King, after Consideration of the Reasons advanced against it by the Surgeons, Apothecaries, Town of *Edinburgh*, and Universities.

I come to end this Section and Year, by acquainting the Reader, that the Society People now began to form themselves into a general Correspondence among their Societies, in the West and South, and had their first Meetings, *December 15. 1681.* at the *Logan House*, in the Parish of *Lefmabago*, in the Shire of *Lanerk*; and these general Meetings they kept as much as they could quarterly, until the Revolution, and sometimes oftner, in different Places where they could most conveniently meet.

At this first Meeting they agreed upon their Testimony against the last Parliament, the Duke of *York*, a Papist, his being Commissioner to it, and particularly against the *Test* enacted by it; and in this Declaration they adhere to the *Sanquhar* Declaration, mentioned last Year, and appointed this their Testimony to be published at the Market-cross of *Lanerk*, upon the 12 of *January* next.

That Declaration, commonly termed *Lanerk* Declaration, hath been many Times printed, and the Reader will find it in their informatory Vindication, *Edit. 1707. Page 156.* When Mr. *Renzwick*, and Mr. *Shiels* joyned with them afterwards, and wrote the Vindication of their Actings, the Reader will find their Apology for this Testimony in the above cited Book, p. 69. and there they own some Expressions in it to be very exceptionable, and inexpediently and unadvisedly inserted, and pass from the same. However, this was the first Essay of the Societies united in Correspondence; and in this and most of their other Papers, I shall mostly direct the Reader, who desires to be informed about them, to their own Accounts of them.



## C H A P. VI.

1682.

## Of the State and Sufferings of Presbyterians, during the Year 1682.



THE Year before me was extremely troublefom to Presbyterians, but not fo bloody as the laft, tho' the Blood of fome Innocents was fhed. The Death of Mr. *Hume* towards the Clofe of this Year, was as much cried out upon, as many Things the Managers did, being not only illegal, but unfair, and ungenerous in the Opinion of many, and the Gentleman's Character being fingular for Piety and Peaceablenefs.

General View of this Year.

The Reason why fo few, comparatively, were brought to publick Executions, does not appear to have been from Want of Inclination, but Opportunities, very few efaping with their Lives, againft whom they could proceed with any Colour of Agreeablenefs to their prefent Laws: But it was well, that not fo many of the Sufferers fell into their Hands this Period, as formerly.

There was no Seflion of Parliament this Year, nor any more this Reign, and fo no new fanguinary Laws; and, as far as I have noticed, but one Proclamation againft the persecuted Party, which indeed is a little uncommon at this Time: But the Managers had gone fo far already againft the Sufferers, that little more could be done.

Towards the Beginning of the Year, the Duke of *York* went for *London* to his Brother, and returned about the End of it; and, while he was away, there was a Sort of Refpite of the Severities againft Presbyterians, tho' it was but for a fhort Space.

Bifhop *Paterfon* went up to Court with him, and, no doubt, he had fome Errand, and more to do, than barely to wait upon the Duke to *London*. I find fome Papers giving an Account, that the Bifhop brought down Warrants for a more general and fevere Profecution of all Presbyterians; and we fhall afterwards hear, that Comiffions are given, not only to Sheriffs, Bailies, and other Magiftrates, but to Soldiers, and particular Gentlemen of broken Fortunes and violent Tempers, to fine and imprifon all Perfons fufpect, or guilty of hearing Presbyterian Minifters in Houfes or Fields, fince the Indemnity, *Auguft 1679*. By which the Country was terribly oppreffed, and feveral Gentlemen were fined to the Value of their real Eftates, for mere Abfence from Church, and being at Houfe-conventicles, and Horning and Caption given againft them: Yea, Matters run yet higher this way, next Year.

Many Courts were held up and down the Weft and South, of which no Registers being kept, I can only give fome general Hints, as Informations are come to my Hand; and the *Test* was pretty generally preffed, tho' I fee nothing of a Foundation in Law to urge it, except upon fome who were in Places of Truft; and, as far as I can learn, it was pretended as yet only to be that which would fatisfy the Government entirely, as to the Loyalty of fufpected Perfons; yet this Pretext was good enough to harafs Multitudes, not in Law obliged to take it.

In fhort, the Jufticiary go roundly to Work in Forfeitures; and the Council, as well as particular Perfons commiffioned by them, opprefs Multitudes by extravagant Fines. Thefe Heads will afford Matter for Five *Sections* upon this Year.

## S E C T. I.

Of the further Proceedings about the Test, the Changes in publick Pofts, and other incidental Matters this Year.

Since lefs Matter offers this Year, directly upon this History of the Sufferings, than upon fome of the preceeding Years, it may not be amifs to begin my Account of it, with Matters of a more general Nature, tho' I have formerly moftly left thefe to the Clofe of the Chapters; and it will have this Advantage, that it may give fome Light to the more particular Narration of the Sufferings of Presbyterians, in the After-Sections.

Sum of this Section.



1682.

Proceedings as  
out the Test.Papists at no  
rent Loss by  
eluding it.'Tis pressed  
upon many not  
obliged in Law  
to take it.Letter, Jan. 6.  
to the Town  
of Aberdeen, a-  
bout their Mi-  
nisters refusing  
the Test.Letter, Jan. 7.  
about filling  
the Jurisdiction  
of such as  
refuse the Test.

By the Act of Parliament last Year, Persons in Offices and publick Trust were allowed until the First of *January* this Year, to take the *Test*. It hath been already remarked, that not many lost their Posts by refusing it. Some few Papists indeed, who, alas! are firmer to their Idolatry, than many professed Protestants to our excellent Reformation, refused the *Test*: But, as the Duke of *Tork* told the Earl of *Argyle*, Care was taken of them; and the Act, which, by some, was designed against them, was turned another Way. The Profits of their Offices were enjoyed by them, and they put in some Protestant, who had the Name, but all the Emoluments came safely enough to themselves. Thus, the Laird of *Stonehouse*, a violent Papist, and Persecutor, had been Sheriff of *Niddale*, and made a Kind of Demitition of that Office, when he refused the *Test*. This Gentleman was so vigorous a Bearer down of Presbyterians in that Country, and so heartily a Friend to the Popish Succession, that the Duke of *Tork* and Bishops could not see him come to any Loss: Therefore, *Queenberry* and he ordered Matters so, as one *James Mitchel*, a small Heritor, and Tool of his, gets the Name of Sheriff, holds Courts, and goes on with the Finings and Severities we shall afterwards hear of; and the Laird of *Stonehouse* is, generally speaking, with him, as was pretended, to direct in the Forms for some Time, but, in reality, to do all that was done; and he received the Money and Profits, and *Mitchel* was satisfied with a very small Part. Many Instances might be given of such Favours to Papists, while none was shewn to real Protestants.

Until the Act for the *Test* was afterwards extended, it could only be pressed upon Persons in Trust; and here there was little Difficulty: But such as held Courts, yea, the very Soldiers, having no Body to challenge any thing done by them, took the Liberty to press it upon Persons whom they were pleased to suspect, most illegally; and so this Year, and much more in the succeeding Years, the *Test* came to be Matter of sore Suffering to great Numbers.

Mean while, the Council go on to press the *Test* upon all in publick Trust. *January 5.* they send a Letter to the Magistrates of *Aberdeen*, 'That they are informed that their Ministers have undutifully refused the *Test*, and their Churches are now vacant; therefore, require them, as Patrons, to present fit and qualified Persons, in Three Weeks after their receiving this Letter.' 'Tis signed,

Alex. St. Andrews.

*January 7.* they write to the King the following Letter about the *Test*.

*May it please your sacred Majesty,*

YOUR Majesty's late loyal Parliament, having, for the Security of the Protestant Religion, of your Majesty's Royal Power, and for the Establishment of the Government, and Extirpation of these Disorders which have so over-run this your Kingdom, appointed by their Sixth Act, that a *Test* should be taken by all who were to exercise any Jurisdiction within the same, and that betwixt and the First of *January* instant: We have, after the elapsing of that Day, considered who had not taken that *Test* before the Time prefixed; and, after mature Deliberation, we have sent to your sacred Majesty a List of such Offices and Jurisdictions as are now vacant, and at your Majesty's Disposal, upon this account, with our humble Opinion of these who may be fit to succeed in them, and a Draught of the Commission to be granted to them; and, after serious Reflections upon the whole Matter of the *Test*, we may sincerely say, That it has been a most happy Expedient for filling all Offices with Persons who are well affected to the Protestant Religion, and your Majesty's Government, and from whom your Majesty and People may expect the unanimous and firm Prosecution of your Laws, against all Manner of Irregularities. We have likewise thought fit to acquaint your Majesty, that, by reason of the Minority of the Duke of *Lennox*, the Sheriffship of *Dumbartoun*, and Regality of *Lennox* and *Darnley*, are to be supplied, and that fit Persons be named by your Majesty, to be Keepers of your Palace of *Holy-rood-house*, and your High Chamberlain, being now fallen in your Majesty's Hands, by reason of the Dukes of *Hamilton* and *Buccleugh* their not taking the *Test*, conform to the Act of Parliament. We are

*Your Majesty's most humble, most faithful, and most obedient Subjects and Servants.*

Subscribed *ut in Sederunt*, except his Royal Highness, *Linlithgow*, *Balcarras*, and *Dalziel*.

With this they send the Draught of a Signature to be past, to such Persons as they recommend, for filling up the Places of such as refuse the *Test*; which, being in common

Form,



Form, needs not be insert. At the same Time, they send up the following List of Jurisdictions fallen into the King's Hands.

1682.

List of Jurisdictions fallen in his Majesty's Hands, and at his Disposal, by the Possessors their not taking the Test, with the Names of the Possessors, and of these now recommended to be commissiionate in their Places.

List of Jurisdictions fallen in the King's Hands.

Jurisdictions fallen in his Majesty's Hands.	Formerly posselt by	The Persons recommended to have Commissions, are.
Heritable Regality of Dalkeith and East-Calder	The Duke of Monmouth	The Earl of Dalhousie
Heritable Sheriff of Roxburgh, Regality of Hawick, and Lochholm	The Duke of Monmouth	The Earl of Roxburgh
Heritable Regality of Torphichen	The Lord Torphichen	The Lord Livingstone
Heritable Regality of Borrowskounness and Polmood	The Duke of Hamilton	
Heritable Sheriff of Bathgate	Cochran of Babachlay	The Earl of Hume
Heritable, the Regality of Dryburgh	The Lord Cardross	
Heritable, Caldstream, a Part of the Regality of Melrofs	The Earl of Haddingtoun	The Earl of Hume
Heritable, the Regality of Melrofs	The Earl of Haddingtoun	The Earl of Roxburgh
Heritable Stewartry of Kirkcudbright	The Earl of Nidsdale	The Lord Livingstone, and Sir Robert Maxwell
Heritable Sheriff of Wigtoun	Sir Andrew Agnew of Lochnaw	
Heritable Regality of Tongland	The Viscount of Kenmuir	The Laird of Claverhouse
Heritable Regality of Whithorn	The Earl of Galloway	The Laird of Claverhouse
Heritable Bailiary of Carrick, and Regality of Crofsragwell	The Earl of Cassils	The Earl of Queensberry
Heritable Regality of Kilpatrick	The Laird of Orbistoun	The Laird of Ardmillan
Heritable Sheriff of Fife	The Countess of Rothes	The Earl of Glencairn
Heritable Sheriff of Lanerk, and Regality of Hamilton	The Duke of Hamilton	The Earl of Balcarras
Heritable Regality of Strolay	The Earl of Findlater	The Marquis of Douglas
Heritable Sheriff of Stirling	The Earl of Callender	The Lord Ogilvie
Heritable Regality of Falkirk	The Earl of Callender	The Earl of Mar
Sheriff of Sunderland, Regality thereof, and as the Bishop's Bailie	The Earl of Sutherland	The Earl of Linlithgow
Heritable Sheriff of Cromarty	In the Creditors Hands	The Lord Duffus
Sheriff of Clackmanan	In the Creditors Hands	The Marquis of Montrose
		The Lord Register.

Upon January 26. a Letter comes from the King, approving this List. The Clerks are ordered to form Commissions, and expedite them, and deliver them to the Persons named.

January 12. the Committee for publick Affairs make the following Report of Parishes fallen vacant, by the Ministers refusing the Test, which the Council approve, with the Draught of the Letter to Patrons, to supply these Parishes.

Report, Committee about Parishes vacant, by Ministers refusing the Test, with the Tenor of the Letter to Patrons.

The Report of the Committee for publick Affairs, offering it as their Opinion, that Ministers be direct to the several Patrons of the Kirks underwritten, now vacant by the Ministers Refusal of the Test, immediately to present fit Persons thereto, being read,

Parishes vacant by Ministers refusing the Test.



1682.

was approved of by the Council, and Letters appointed to be sent to these Patrons accordingly, viz. to the Earl of Haddingtoun, for the Parish of Haddingtoun; to the Duke of Lawderdale, for the Parish of Bolton; to the Laird of Saltoun, for the Parish of Saltoun; to the Earl of Tweeddale, for the Parish of Tetter; to the Earl of Wintoun and Bishop of Edinburgh, for the Parish of Tranent; to the Laird of Prestongrange, for the Parish of Prestounpans; to the Earl of Tweeddale, for the Parish of Garvet; to Sir John Seton of Garletoun, for the Parish of Athelstounford; to Sir William Bruce of Balcaskie, for the Parish of Newburn; to the Duke of Buccleugh, for the Parish of Dalkeith; to the Earl of Lothian, for the Parish of Newbottle; to the Laird of Humble, for the Parish of Criehtoun; to the Laird of Deuchar, or Sir William Nilson, for the Parish of Temple; to the Viscount of Oxford, for the Parish of Cranstoun; to Sir Mark Carse, for the Parish of Cockpen; to Sir William Primrose, for the Parish of Carringtoun; to the Laird of Pennycook, or the Bishop of Edinburgh, for the Parish of Pennycook; to the Town of Edinburgh, for the Parish of Falla; to the Lord Torphichen, for the Parish of Torphichen; to Archibald Primrose, for the Parish of Dalmenny; and to the Town of Edinburgh, for the Trone-church Parish of Edinburgh. And further, the Lords of Privy Council do recommend to the Bishop of Edinburgh, to appoint such young Men Expectants, as he shall think fit, to serve in these Kirks, until the same be planted; declaring, that, for the Space they serve, they shall have Allowance out of the vacant Stipends; and that in case the Presentation shall happen to fall in the Bishop's Hands, *jure devoluto*, these Persons that shall serve in the mean time, shall be preferred to the Charge of the respective Kirks.

*Follows the Tenor of the Letter direct to the several Patrons abovementioned.*

Letter to Patrons, Jan. 12.

THE late Minister of having undutifully refused to obey the Law, in taking of the Test, so that the said Church is now vacant, and destitute of a Pastor; and we considering, that it is necessary, for the Care of the Souls of the People, and for his Majesty's Service, to have the Charge speedily supplied, do therefore require you, as Patron of the said Church, within Twenty Days after these Presents shall come to your Hands, to present a fit and qualified Person to the Ministry thereof, as you would testify your Zeal for promoting the Happiness of that People, and your Readiness to comply with his Majesty's Commands and Service. This, at Command, and in Name of his Majesty's Privy Council, is signified to you, by your, &c.

*Alex. St. Andrews, I. P. D.*

Mr. Alexander Wood gets his Scruples removed, and takes the Test.

This Procedure brought some over their Difficulties. Accordingly I find, January 26. Mr. Alexander Wood, Minister of Cockpen, petitioning the Council, 'that whereas through Weakness he had entertained some Scruples anent that excellent Oath and Test imposed by the last Session of Parliament; but they were now removed by the pious Endeavours of his Ordinary, begging the Council may commiserate his Case.' They allow the Bishop of Edinburgh to administer the Test to him, and recommend to the Patron of Cockpen to give him a new Presentation.

Letter January 31. about the Earl of Argyle's Jurisdictions.

App. No. 75.

Several Ministers of the Diocese of Aberdeen also take the Test.

When the Managers are thus busy with the Refusers of the Test, they fail not to remember the Case of the Earl of Argyle, and write a Letter to his Majesty January 31. about his Jurisdictions, which they move may be for ever annexed to the Crown. I have added it App. No. 75. It is full of Bitterness and groundless Insinuations against that noble Family.

A good Number of the Clergy of Aberdeen having stood out against the Test, as we have seen, till the Day was elapsed, and after that taken it before the Bishop, they wanted an Act of Council to repon them to their Benefices and Stipends, which was very readily gone into, and follows. 'Edinburgh, February 23. His Royal Highness and Lords of Privy Council being informed by some of the Lords of the Clergy, that several loyal and learned Churchmen within the Diocese of Aberdeen, had for a Time some Scruples anent the Oath and Test imposed by the 5 Act of the present Parliament, and could not obtain Clearness about it, before the first of January last: But being thereafter fully cleared and satisfied, did before the Decease of their late Ordinary take and sign the Test in his Presence; and particularly the Persons underwritten, Mr. John Menzies Professor of Divinity in the College Marshal of Aberdeen, Mr. Patrick Simson, and Mr. William Blair, Ministers of the said Burgh, Mr. James Garden Professor of Divinity in Old Aberdeen, Mr. George Anderson at Mortlich, Mr. John Barclay at Cruden, Mr. John Corkbrien at Old-deer, and Mr. Patrick Innes at Banff: The Council allow them to return to their former Charges, and to enjoy the Emoluments and Profits thereof unto belonging.'

With some others.

The good Nature of the Council in these Cases encouraged more Applications. And March 2. Mr. Robert Irvin, Minister of Towie, petitions to be admitted to take the Test, and the Lord Primate is allowed to administer it to him. And March 16. upon their petitioning, Mr. Hugo



Hugh Munro at Durness, Mr. James Smith Minister at Dore, Mr. Duncan Macarthur in Invercholan in Argyle-shire, Mr. William Black Minister at Clofburn, Mr. John Fullarton Minister at Kilmodan Heritor, are all allowed to take the *Test* before their Ordinaries.

Upon the other Side one Instance offers. April 20. it being represented to the Council, that Mr. Robert Spotiswood, Minister at Creightoun, having refused to take the *Test*, continues to possess the Manse and Glebe; and Mr. Robert Arbutnot, now Minister in that Place, complains of this; the Council order him to be possessed of Manse and Glebe.

I observe no more this Year in the Registers, about the *Test*, but an Act of Council May 11. His Royal Highness and the Privy Council understanding, that in several Places of the Kingdom divers Kirks are vacant through the late Incumbents not taking the *Test*, whereby the Right of presenting to these vacant Kirks hath fallen, or may fall into the Bishops Hands, *jure devoluto*, and finding it necessary for his Majesty's Service, and the Good of the Church, that those Vacancies be forthwith filled up, do require and command the Archbishops and Bishops, so soon as the Right of Presentation falls by Devolution, to supply those Parishes with fit and qualified Persons who will take the *Test*.

While the Council are thus busy about the *Test*, the Society People are bearing their Testimony against it. According to their former Resolution in December, upon the 12 of January this Year, a considerable Company of them came in Arms to the Town of Lanerk, and published their Declaration before spoken of, and left a Copy of it affixed to the Market-cross.

As soon as the Accounts of this came in to Edinburgh, January 14. the Council write a Letter to the King, bearing 'that some vagrant Persons, about Forty Horse and Twenty Foot, well armed, published the Declaration sent herewith, January 12. and that they had sent some Forces to the Town of Lanerk with a Committee of Council to enquire into that Matter, and punish the Actors.' Afterward we will find they delayed this Committee of Council, and sent Major White with severe Instructions, which will come in next Section.

I am likewise informed, that they burnt the Act of the last Parliament, anent the Duke of York's Succession to the Crown, and the Act imposing the *Test*. This was the Method that People choosed to signify their Abhorrence of these iniquitous Acts; and it proved a Handle to the Managers, to put a more publick Affront upon the solemn League and Covenant, which had been burnt before at Linlithgow, only by the Authority of the Magistrates: The Council, at the same Time, emitted the following Act, which, because short, I insert here.

*Act of Council for burning the solemn League and Covenant, and several other traitorous Libels.*

At Holy-rood-house, January 14. 1682.

FORasmuch as, albeit by the Seventh Act of the first Session of his Majesty's first Parliament, and the second Act of the second Session of that same Parliament, that Oath and Combination, commonly called the solemn League and Covenant, is condemned as treasonable, and the taking and renewing thereof by any of the Subjects, is declared to be high Treason: Yet, in the Year 1666. and since, several desperate and incorrigible Traitors have taken upon them to renew and swear the said Covenant, and to emit and publish several treasonable and scandalous Libels, founded thereupon, as particularly these treasonable Declarations published at Rutherglen and Sanquhar, the Libel called Cargil's Covenant, the late Declaration published at Lanerk upon the 12 of this Instant, Intituled, *The Act and apologetick Declaration of the true Presbyterians of the Church of Scotland*: His Royal Highness his Majesty's High Commissioner, and Lords of his Majesty's Privy Council, to evidence the great Abhorrence they have of these treasonable Libels, do ordain, that upon Wednesday next, being a Market-day, the said treasonable Libels, viz. the solemn League and Covenant, the Rutherglen and Sanquhar Declarations, the Libel called Cargil's Covenant, and the late treasonable Declaration at Lanerk, be publicly burnt at the Cross of Edinburgh, by the Hand of the common Hangman; and ordain the Provost, Bailies, and Town-council of Edinburgh, to be present, and see the same solemnly done the said Day, betwixt Eleven and Twelve in the Forenoon; and to report an Account of their Obedience, to the Council, the next Council-day thereafter; and that these Presents be printed and published. Extracted by me

William Paterfon, Cl. secr. Concilii.

In this Act, the Council follow the Copy casten by the Society People, in shewing their Abhorrence at these, as they call them, treasonable Libels. This Practice Mr. Hamilton and his Party at Rutherglen, probably borrowed from the publick Burning of the solemn League at London,

1682.

Mr. Robert Spotiswood continues to refuse it.

Act May 11. ordering the Archbishops and Bishops to plant the Churches of these who refuse the *Test*, *jure devoluto*.

Society's Declaration at Lanerk January 12. with the Council's Letter to the King upon it.

Act, Jan. 14. for burning the Covenant

Remarks on it.



1682. London, after the King's Restoration, and the Example of the *Linlithgow* Cavaliers. Many Reflections might be made upon this Act. I do not see, that the Acts of Parliament cited, condemn the *solemn League and Covenant* as treasonable, tho' the renewing of it be discharged; and if the Council found this good Reasoning against the *solemn League*, that because it was discharged to be renewed, and yet had been renewed 1666. and since, it holds as much against the *national Covenant*, and yet they had not the Effrontry to condemn that to the Flames, neither can I see the Grounds upon which the Council say, the *Rugland, Sanquhar*, and *Queensferry* Papers are founded upon the *solemn League and Covenant*. This indeed is one of the best Authorities the Framers of these Papers could almost have desired at this Time, to have the Opinion of their Persecutors, that their Declarations were so well bottomed. I only further notice, That the Bailie of *Edinburgh*, who waited on the Execution of this Act, had a Fire, not long after, in Providence, sent to a large Building of his in that Town; but it becomes all to be very sparing in putting Commentaries upon particular Providences. The People of the *Societies* add in their Papers, and I see no Ground to doubt its Truth, That this publick Affront to the *Covenants*, the Glory of the Kingdoms, was gone about with great Pomp. A large Theatre was erected at the Cross, and some of the Magistrates attended in their Robes, until these Papers were burnt by the Hangman. And because the Magistrates of *Lanerk* had not prevented the publishing the Declaration, which was not in their Power to do, the Council fine the Burgh in 6000 Merks, which, I am informed, they were actually forced to pay. And in the Council-register of Acts and Decrees, July 7. I find a Bill presented by the Magistrates of *Lanerk*, for lessening their Fine, but it was peremptorily rejected.

It was February 2. before the Council came to pass an Act directly upon the *Lanerk* Declaration; and that Day it runs, 'Whereas a Company of Vagabonds and desperate Villains, on the 12 of January last, entred the Burgh of *Lanerk*, and published a most infamous and treasonable Libel, and none of the Magistrates, Counsellors, or Inhabitants, offered to make the least Opposition thereto, nor gave timely Notice to others, the Council fine the Magistrates in 6000 Merks, reserving them Relief off the Inhabitants and Community, declaring still, that the common Good of the Town is not to be burdened with any Part of it.'

In short, in the *Societies* Records, they observe upon the Back of the publishing that Testimony at *Lanerk*, the Sufferings of that Handful were sad and sharp. Some were banished, and made Recruits to serve in the Army in *Flanders*, some were sold as Slaves in *Carolina* and other Places in *America*, in order to empty the full Prisons, and make way for more of their Number, who were daily brought in from all Quarters, and either kept in nasty Prisons, *Thieves-holes*, or in Bolts and Irons, to make them weary of Life, or dispatched as Sacrifices, without suffering them to speak at their Death, or gifted, as Slaves, to Masters of Ships, to be transported, and sold as such.

When the Council thus so severely executed the Laws, and even took upon them to make upon the Matter new Laws, there was no need of a Parliament, at least for the Designs of the Persecutors: And so the Parliament which was to sit in March, is, by a Proclamation in January, adjourned to the 17 of April. In the Proclamation the King is made to say, *That he will not part soon with so loyal and dutiful a Parliament*. And after that, by another Proclamation, it is adjourned till November.

This Year I find several Additions to the Council, and Changes among the Managers. January 10. the Earl of *Strathmore* is received a Counsellor. February 23. the Earl of *Dalbousie* is admitted a Counsellor. May 8. his Royal Highness delivered his Majesty's Pleasure to the Council about the Officers of State; that the Lord President, afterward Earl of *Aberdeen*, is made Chancellor, the Marquis of *Queensberry* Treasurer, and the Earl of *Perth* Justice-general in *Queensberry's* room. The Sufferers can expect little Lenity now, when a Papist, or one, who, as soon as Occasion served, turned Papist, is at the Head of the Criminal Court. May 11. by a Letter from the King, Duke *Hamilton* is added to the Council on his taking the Oaths and the Test; and July 4. he is restored to all his Jurisdictions. The Earls of *Tweeddale* and *Middleton* are admitted Counsellors. And May 12. Lieutenant-general *William Drummond* of *Cromlix*, and August 1. *David Falconer*, President of the Session, are added to the Council.

August 31. Orders are given by the Council to prosecute the Lord *Haltoun* and other Officers of the Mint: But, it seems, the Thing was not gone into, since November 7. I find a Letter from the King to the Council, commanding them to pursue the Lord *Haltoun*, now Earl of *Lawderdale*, and other Officers of the Mint. I shall not dip further into this Process, it not falling under the Design of this History. I only notice, that now upon the Duke of *Lawderdale's* Death, after he had been brought to a great Pitch of Disgrace at Court, his Brother is attacked, and Faults found in their Administration by others than the Duke of *Hamilton* and his Party. October 10. the Earl of *Middleton* is made conjunct Secretary with the Earl of *Murray*. And thus a great many new Managers, all of the Duke of *Tork's* Party, are taken in.

Having

Parliament adjourned from Time to Time.

*Strathmore* and *Dalbousie* Counsellors.

President made Chancellor, *Queensberry* Treasurer, *Perth* Justice-general.

Duke *Hamilton*, *Tweeddale*, *Middleton*, L. G. *Drummond* and President of the Session Counsellors.

Lord *Haltoun* prosecuted.

Earl of *Middleton* conjunct Secretary with *Murray*.



Having thus taken a View of the Change of Hinds this Year, let me go through some incidental Things, which will not fall in so well in the following Sections. Now that the Episcopal Clergy are come in to the *Test*, the Council take no little Care of them. *January 19.* they ordain the Commission for the Kirk, the same we now term the *Commission for Plantation of Kirks and Valuation of Tiends*, to meet on *Wednesday* next, and orderly thereafter; and recommend it to the Lords of Session not to meet these Afternoons when they meet, that their Members may attend.

*February 9.* the Council make an Act about sending in, and recording the Sets of Royal Burghs: It was one of the arbitrary Measures in this Period, to bear down the Royal Burghs. The Council find it for the King's Service, that a particular and exact Account of the Constitution and Set of all the Royal Burghs, be sent into *Edinburgh*, that they may know of what Number each Burgh consists, Merchants or Tradesmen, being Magistrates and Counsellors, and require attested Copies from every Burgh, to be sent in under the Clerk's Hand, and that the Agent for the Burghs record them all in a Book, and give in the same to the Clerks of Council with all Diligence.

*March 5.* a Letter is read from the King, bearing, 'that *Don Rostano Cantellino*, a Person of eminent Trust under the King of *Spain*, and Brother to the Duke de *T'opuli* in the Kingdom of *Naples*, had given him a Representation, that these two Brothers had good Evidences to produce, that their Family was descended from the Royal Family in *Scotland*, for a continued Course of Pedigree, from about 330 Years before the Incarnation to this Day, and desiring the Proofs and Account of their Descent may be entered in the proper publick Records in *Scotland*, and an authentick Extract granted him in the most solemn Manner.' The King requires the same be done in ordinary Form, that it may be presented to the next Parliament, and allowed by them.

That same Day his Royal Highness acquaints the Council, that he goes to Morrow to wait upon the King at *New-market*; and *March 6.* *Queensberry* is by him desired to follow him, and lay the State of the Treasury before the King. *March 9.* our Bishops write a Letter to the Archbishop of *Canterbury*, full of Encomiums of the Duke, which I have added *App. N<sup>o</sup> 76.* I find Bishop *Pateron* went up with the Duke, and probably he carried this Letter. Bishop *Kennet* upon this very justly remarks, 'that the Duke of *Tork*, while in *Scotland* at this Time, found his greatest Interest to be among the Highest of the Episcopal Party, for which Reason he confined his Favours to them, and encouraged them to be very severe on the Presbyterians. Upon his Return he thought fit to have Letters Testimonials from the Scots Bishops to the Archbishop of *Canterbury*.' *April. 4.* by a Letter from the King, the whole Counsellors are required to stay at *Edinburgh*, till his Royal Highness return from *England*. And *May 8.* the Duke returns, and, as we heard, intimates the King's Pleasure as to the Change in the Officers of State. He came down by Sea, and the Ship he and his Company were in, struck on a Rock and was lost. The Duke and a good many were saved in the Boat, but the Earl of *Roxburgh*, the Laird of *Hopetoun*, Sir *Joseph Douglas*, the Lord *Obrian*, with the Duke's Brother in Law Mr. *Hyde*, with several others, were lost. It is said, these and others might have been saved, had there not been too much Care taken, not to throw the Boat where the Duke was.

*May 15.* the Duke takes his Leave of the Council, being to return with his Dutcheſs to *England*, where Matters were now brought to such a pass, as he might return and manage all. At parting he recommended to the Council, the Suppression of rebellious Persons, especially in *Clydsdale*, *Teviotdale*, *Fife* and *Air-shires*, and that some Troops might be sent thither; and in a particular Manner presses the Care of the Archbishops and orthodox Clergy. *May 20.* the Council write a very fullsom Letter to the King about his Brother, which stands *App. N<sup>o</sup> 77.* And at the same Time they write another to the Duke, 'and thank him for the excellent Patterns of Government he has left them, and beg the Continuance of his Kindness as one of the greatest Blessings they can have, and promise their constant and firm Adherence to his Service upon all Occasions, and beg he may acquaint them with what he thinks fit for his Majesty's Service, they resolving to follow his Measures therein, as the surest Methods that can be prescribed.' The Managers were now intirely in his Interest; but such Expressions seem a little beyond the Respect they owed to the King.

It is not so material to add, that *November 15.* this Year, Mr. *Thomas Gordon* is admitted Clerk to the Justiciary, and Mr. *Thomas Skene* renounces; and under his Hand many of the Sentences, Forfeitures, and other Papers following, against the persecuted, fall out.

When thus a violent Persecution of real and hearty Protestants, is going on apace by nominal Protestants, under the Management of a bigotted Papist, and thereby the Interests of Popery are fast advancing in *Britain* and *Ireland*, the Church of *France* are standing up for their own Liberties, and at the Brink of casting off the Pope, when his fallen Kingdom in these Kingdoms is fast repairing; and to gratify the curious Reader, I have insert the Declaration made by the French Clergy in the Beginning of this Year, with the French King's Edict thereupon in *March*, *App. N<sup>o</sup> 78.* and shall leave it to himself to make a Parallel 'twixt this and the Act of Supremacy, and other Things now so eagerly pressed. I have further

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The Commission for the Kirk to meet on the Wednesday.

Act February 9. that the burghs send in their Set to the Council.

Borebrief for the Duke de Popoli as det. sent from our Kings three hundred Years before the Birth of Christ.

March 5. Duke of York goes to Court, and returns by Sea, when the Ship with Hopetoun and others is lost. App. N<sup>o</sup> 76.

He with his Dutcheſs go to England.

Council's Letter to the King about him.

App. N<sup>o</sup> 77.

Another to the Duke.

Mr. Thomas Gordon Clerk to the Justiciary.

Declaration of the Clergy of France, with the King's Edict March.

App. N<sup>o</sup> 78.



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App. No. 79.

added a Protestation of the General Assembly of the Clergy of France, May 6. against some Encroachments they apprehended were going to be made on them by the Pope, App. N<sup>o</sup>. 79. And the Reader, if he pleases, may compare it with the Carriage of the Bishops and Clergy in Scotland, who were more the Duke of York's Servants, than the Gallican Church would be thought to be of the Pope. Indeed the French King turned all these good Appearances to a Politick, and served his own Ends from them, and when that was over, soon made up the seeming Breach.

Design of a Settlement at Carolina, by Sir John Cochran, Sir George Campbel and others, recommended to the Council.

Original Bond among the Undertakers for a Settlement at Carolina.

Towards the End of the Year, the King signified to the Council, that Sir John Cochran of Ochiltree, and Sir George Campbel had come up from several of his Subjects in Scotland, as Commissioners to deal with him anent a Settlement in Carolina, and recommends to the Council to encourage them therein; so that whatever Meetings might fall in afterwards under this Covert, yet such a Design was at first really projected, however some English Writers ridicule it.

Since writing what is above, the honourable Mr. William Carmichael, Brother to the Earl of Hyndford, has done me the Favour to send me the original Bond among the Noblemen and Gentlemen, as to their Settlement at Carolina, bearing in the Body of it a Contract 'twixt Sir John Cochran and Sir George Campbel, and the Lords Proprietors of Carolina, for a County consisting of Thirty two square Plats, each of which consisted of Twelve thousand Acres, at a Penny per Acre, quit Rent, with Clauses needfuls here to be resumed, and an Obligation of the Undertakers to advance Ten Pounds Sterling each, to Sir Robert Baird Cash-keeper, before the First of October 1682. for each Hundred Acres, and other Ten Pounds Sterling, if need be, for Charges, with a Clause of Renunciation to the Undertakers, from Sir John Cochran and Sir George Campbel, and the ordinary Clause of Registration and Procuratory. The Subscribers are about Thirty six, Callender, Cardross, Haddington, Yester, P. Hume of Polwart, Archibald Cockburn, Archibald Douglas, George Lockhart, Alexander Gilmor, &c. This, I hope, with what is above in the Registers, will suffice to stop the Mouths of such as give out there was no real Design for a Settlement at Carolina, and that it was only a Pretext to colour their Meetings about the Plot we shall afterwards hear of.

## S E C T. II.

*Of the Procedure, Proclamations, Commissions, and other Actings of the Council against Conventicles, and suffering Presbyterians this Year.*

Sum of this Section.

Meldrum commissioned to bear down Conventicles in East-lothian.

Proceedings after the Declaration at Lanerk, Jan. 12.

**B**Efore I come to lay before the Reader the Oppression and Persecution through the Country, as well as that of particular Persons, it will be fit in this Section to give, from the Registers, the Foundations laid for both by the Managers, in their Acts, Proclamations, and extensive Commissions to particular Persons, which were very numerous this Year. January 5. 'The Council understanding there have been of late Conventicles kept in East-lothian, and that they increase, and seditious Preachers lurk in those Bounds, do appoint the Laird of Meldrum to be a Sheriff-depute of East-lothian, and empower him jointly with Eagles-cairny already Sheriff-depute, or by himself, to prosecute and pursue Persons guilty of those Disorders, by Finings, Imprisonments, and dissipating their Meetings, declaring this Commission is only as to these Disorders abovementioned.'

The Declaration published at Lanerk, brought a great deal of Trouble to that Shire, and upon this Score we shall afterwards see William Harvey condemned. Besides what hath been already noticed, that Matter had been referred to the Committee for publick Affairs, and their Report agreed to in Council, follows, with the Instructions given to Major White.

### *Report from the Committee, and Instructions to Major White.*

Report from the Committee.

**T**HE Report underwritten, brought in from the Committee for publick Affairs, anent the Insolence committed lately at Lanerk, was approved of by his Royal Highness and Council, and Summons ordered to be issued out against the Magistrates and Council of Lanerk, conform thereto, of which Report the Tenor follows. 'The Committee is of Opinion, that it will be fit to delay the sending of a Committee of Council to the West for some Time, until his Royal Highness be further informed of the Condition of the Shire of Lanerk.'

'The



The Committee has offered to your Lordships Consideration, the Draught of some Instructions to be given to Major *White*, who is to command the Forces in *Lanerk* Shire, for your Lordships Approbation. 1682.

It is the Opinion of the Committee, that Letters should be direct against the present Magistrates and Council of *Lanerk*, at the Advocate's Instance, for the Neglect of their Duty, in not raising the Town, and oppoling these Villains that published that infamous Libel, at the least for not pursuing after them, and detecting and discovering them.

*Instructions given by his Royal Highness and Lords of Council to Major White, who is appointed to command the Forces to be sent to the Shire of Lanerk.*

1<sup>st</sup>. **Y**OU are to get a List from the Clerk of the Justice-court, of the Persons forfeited, or denounced Fugitives, for being in the late Rebellion. Instructions to Major White.

2<sup>dly</sup>. You are to inform your self where these Rebels do haunt and lurk, and do your best to seize the Persons of such as have not taken the Bond, and imprison them, and present them to Justice, or otherwise drive them out of the Shire, and to acquaint the next Sheriffs where they are gone, to the best of your Information, and order them to seize upon them.

3<sup>dly</sup>. You are particularly to seize these Rebels in the Town of *Lanerk*, that have not taken the Bond, and imprison their Persons, and give Account of their Names.

4<sup>thly</sup>. You are to inform your self of the Resettlers, Aiders, and Abettors of the Rebels, and especially of any Heritors that do so, and send in a List of their Names to the Council, and in the mean time to put them under Caution for their Appearance, when called.

5<sup>thly</sup>. You are to concur with any who shall be appointed for uplifting the Rents and Moveables of these Rebels who are forfeited or fugitive, and to inform your self of what Sums are due to them, and be careful, that none of these Rebels, or any of their Friends or Relations, or any others to their Behoof, enjoy any of their Rents or Moveables, and to hinder them or their Tenants to plow, sow, or possess the Lands by themselves or their Tenants, until they find Caution to pay the Rents to the King, or his Donatar or Collector.

6<sup>thly</sup>. You are particularly to inform your self of these Villains, that upon the 12 Instant published that infamous Libel at the Cross of *Lanerk*, and to seize upon, and secure their Persons: As also to inform your self of their Resettlers, Aiders, or Assistants, and who are their Masters, and send in Lists of their Names, and what Proof can be had against them, and in the mean time to put them under Caution, as aforesaid.

7<sup>thly</sup>. You are to be careful to dissipate Conventicles, and apprehend any vagrant or fugitive Ministers, and send them in to the Council Prisoners, that they may be secured and proceeded against according to Law.

No Reflections are necessary upon these: The Major was a very fit Hand to be employed in a Work of this Nature; and we shall afterward meet with him clothed with new and larger Powers. Many Bonds were taken for Compearance before the Council, and General *Dalziel* was afterwards sent West; but Duke *Hamilton* interposed, and got Matters a little softened, as shall be observed.

January 27. *Claverhouse* being sent into *Galloway* with a Troop of Guards, to execute the military Orders given him, (which I have not seen) The Council allow him to make Use of the House of *Chapel*, belonging to Sir *John Dalrymple*, to keep Guard in, and in the House at *Kirkcudbright*, belonging to Sir *Robert Maxwell*, and allow him to call for, and commune with the Rebels, or any suspect to have been in the Rebellion from *Galloway*, and grant him Power to give them safe Conducts, not exceeding Fourteen Days, to pass and repass, and commune with him. These Powers to continue during Pleasure. And Claverhouse sent to Galloway. His Powers.

January 30. they grant him a Commission, as Sheriff of *Wigtoun*, to punish all Disorders, Disturbance of the Peace, and Church Irregularities in *Kirkcudbright*, *Annandale*, *Wigtoun*, and *Dumfries*, as the Commission bears, App. N<sup>o</sup>. 80. We shall in the following Section have some Consequents of this large Commission. May 15. *Claverhouse* gets the Council's Thanks, for his Diligence in executing his Commission in *Galloway*. His Commission for Wigtoun, &c.

Upon the 3 of February, to support the Forces sent under *Claverhouse* and others, the Council emit a Proclamation anent furnishing Corn, Hay, and Straw to the Forces. Which, instead of easing the Country, as was promised at the Parliament, turned about to be a new and heavy Imposition. The Narrative takes Notice that formerly the Soldiers not being exactly paid, could not give Money for what Sustenance they received from the Country round them, but only gave Receipts which were allowed by the Collectors of the Cess, yet now their Pay and Sustenance Money being well settled, they are in Case to pay for Corn, Hay, and Straw, and so the Country will, instead of being burdened by them, be the better of them: Yet Complaints continuing of not Payment, the Sheriff and Two of the Commissioners Proclamation Feb. 3. anent furnishing the Forces. Remarks on it.



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ners of Supply are ordered to meet, and cause provide the Forces in Garifon, or otherwise, in each Shire, with Corn, Hay, and Straw, at the usual Rates of the Country, the Soldiers being enabled to give ready Money; if the Sheriff's neglect, they are to be proceeded against, and if the Country refuse, they are to be fined and imprisoned. And if the Soldiers refuse to pay ready Money, they are to be proceeded against according to Law. By this Act the oppressed Country People were obliged to bring Provision, and the Execution of this was well seen to; but when the Money was not paid, as was most frequent, no Redress could be had against the Soldiers, who, in this, and most Things, were both Parties and Judges, and no Complaints could be easily tabled against the Army, and when made, they were generally neglected.

Commission  
and Powers to  
Major White  
and Meldrum,  
for the Shire of  
Lanerk.

February 10. the Council grant the same Powers in the Shire of *Lanerk*, to Major *White* and *Meldrum*, that *Claverhouse* hath in *Galloway*, but superadd a Juiticiary Power against all below Heritors, who have been in the Rebellion. This Commission was, in *March*, a little superseded, by the Interposition of the Duke of *Hamilton*.

Major *Johnstoun*  
commissionated  
to prosecute  
irregular Mar-  
riages and Bap-  
tisms in *Edin-  
burgh*.

Because the Presbyterians in the Town of *Edinburgh*, now when Conventicles were but rare, could best be reached as to Baptisms and Marriages, therefore the Council, *March* 2. grant Power to Major *Johnstoun*, to pursue Persons in the Town of *Edinburgh*, and Liberties thereof, guilty of disorderly Marriages and Baptisms, in Terms of the *Act* 4. *Parl.* 1. and *Act* 6. *Sess.* 2. and *Act* 11. *Sess.* 3. and *Act* 4. of this current Parliament; and the Council declare they will reward him according to his Diligence, out of the Fines of the Delinquents. This was Matter of fore Oppression to many; and, in a short Time, we shall hear, that Gifts of these Fines, in other Burghs, were given to others, and vast Sums raised by Compositions.

Upon Application made to the Council, by the Heritors of the Shire of *Lanerk*, they pass the following Act, *March* 5.

### *Act suspending the Execution of Bonds in the Shire of Lanerk.*

*Act, March 5.*  
suspending  
Execution in  
*Lanerk* Shire.

His Royal Highness his Majesty's High Commissioner, and Lords of his Majesty's Privy Council, having considered some humble Offers made by several Noblemen and Gentlemen of the Shire of *Lanerk*, viz. the Lord Duke of *Hamilton*, the Lords *Semple* and *Blantyre*, *Cromwel Lockhart* of *Lee*, Sir *William Hamilton* of *Prestoun*, Sir *George Lockhart* of *Orbistoun*, *John Hope* of *Hopetoun*, *William Bailly* of *Lamington*, *William Hamilton* of *Wishaw*, and Mr. *John Bannantyne* of *Corehouse*, do hereby suspend all further Execution upon any Bonds given to the Sheriff-depute of *Lanerk*, Major *White*, or Laird of *Meldrum*, by the forenamed Persons their Tenants, who have been in Use to frequent any other Parish-church, tho' not their own, upon the account of their incurring the penal Statutes, in withdrawing from the publick Ordinances in their own Parish-churches, for the Time past only, or upon any Decrees pronounced by them, or either of them, upon that account, as to the said Time past, and that during his Royal Highness and the Council's Pleasure allenarly, that they may see what Endeavours the fore said Persons their Masters will use to reclaim them, and what Success such Endeavours shall have.

We shall afterward see, that General *Dalziel* was sent to that and other Shires, to bring Heritors yet a greater Length, and what followed thereupon.

Commission 'a-  
gainst Conven-  
ticles in the  
Shire of *Hadd-  
ington*.

*March* 9. Upon some Gathering at *Haddingtoun*, of which I cannot give an Account, the Council, considering the Increase of Conventicles and Disorders in the Shire of *Haddingtoun*, do command *Eaglescairn* Sheriff-depute, and Lieutenant *Thomas Windram*, to call before them Persons guilty of Disorders and Conventicles in *Preston*, *Prestonpans*, *Tranent*, *Seton*, *Cockenny*, and pass Sentence, and put the Laws in Execution against them, and report against the 24 of *March*.

*Balcarras* and  
Sir *William*  
*Bruce* commis-  
sioned for *Kin-  
ross*.

*March* 14. Upon Information of a Field-conventicle lately kept in *Kinross* Shire, the Council order the Earl of *Balcarras*, with Concurrence of Sir *William Bruce*, to pursue and punish the Persons guilty, with the utmost Severity of Law, that in the Beginning these Disorders may be crush'd.

Lord *Livingstone*  
in *Kirkcudbright*.

Marquis of  
*Athole* in *Perth*  
Shire.

Earl of *Linlith-  
gow* in *Linlith-  
gow*.

*March* 21. the Lord *Livingstone* is allowed to act alone in *Kirkcudbright*, in holding Courts, since *Orchardtoun* is indisposed; and a Party of the Forces is ordered to wait on him. At the same Time, the Council being informed that Conventicles are breaking out again in *Perth* Shire, particularly towards *Fife*, and in and about the Town of *Perth*, grant Commission to the Marquis of *Athole*, and his Deputes, to execute the Laws against Conventicles, Withdrawers from Ordinances, and that he call a Party of Soldiers, or the Gentlemen and Heritors, to his Assistance. And *March* 30. the Earl of *Linlithgow* and his Deputes are im- powered to execute the Laws against Conventicles, and other Disorders in the Regality of *Oghface*.



*Ogleface, Falkirk, and Linlithgow.* April 6. Sir William Bruce reports from the Shire of Kinross, 'That he had convened before him all who were present at the late Conventicles, and fined them; and since they have all, save a few, returned to their Duty, and engaged to keep their Parish-kirk.'

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Report from  
Kinross.

May 5. the Council pass an Act discharging Suspensions to be past upon Fines for Conventicles, without their Order. How far this inchoated on the Power of the Lords of Session, I leave to Lawiers to consider. The Act follows.

*Act about Suspensions.*

THE Lords of his Majesty's Privy Council, considering the Sheriffs, Stewards, Bailies of Regalities, and other inferior Judges in several Places of the Kingdom, have, in prosecution of the Laws and Acts of Parliament, called and convened divers Persons before them, and fined them for Conventicles, disorderly Baptisms and Marriages, and withdrawing from the publick Ordinances; and being informed, that, to elude and evacuate the Execution of the Laws, some Persons have given in for Suspension of these Sentences before the Session, and the same being Matter of Government, wherein his Majesty's Privy Council are only competent Judges, do therefore prohibit and discharge any Writer to the Signet, to form any Bills of Suspension of any Sentences or Decrees, pronounced or to be pronounced by any Judge or Magistrate, or any having Commission from the Council, of any Fines imposed or to be imposed by them for Conventicles, disorderly Baptisms and Marriages, and withdrawing from the publick Ordinances, and the Clerk of the Bills, or any of the Servants, to receive in or present to the Lords of Session, or any of them, any such Bills, under Pain of Deprivation of the said Writers and Clerks; and recommend to the Lords of Session, in case any Bills of the Nature foresaid shall happen to be presented to them, to reject the same, and leave them to the Consideration of his Majesty's Privy Council, as only Judges competent therein; and ordain an Extract hereof to be delivered to Sir William Sharp, who is to intimate the same to the Writers to the Signet, and another Extract to the Clerk of Bills, who is to affix the same in the Bill-chamber; and the Lord Advocate to intimate the same to the Lords of Session.'

Act of Council  
May 5. about  
Suspensions.

The Council, May 20. in prosecution of what the Duke of York, as we heard, recommended to them at his Departure to England, instruct General Dalziel to go with some of the Forces to the Shires of Lanerk and Air, and the Laird of Meldrum, and such Officers as the General shall think fit, to send to the Shires of Roxburgh, Selkirk, and Berwick, in a very large and comprehensive Manner. I insert them here.

Council's Instructions to  
General Dalziel, May 20.

*Instructions to General Dalziel, or such Officers as he shall think fit to send into Lanerk and Air Shires.*

1. YOU are to be at Hamiltoun upon Friday next, being the 26 of this Instant, and there to confer with the Lord Duke of Hamilton, and such others of the Commissioners and Gentlemen of that Shire, as shall be present, and to hear and consider what Proposals shall be offered by them, for the Security of the Peace of the Shire of Lanerk, in Time coming.
2. You are to enquire for a List of such Rebels, either Heritors or Tenants, as have not yet submitted themselves, and to consider what is fit to be done for bringing in the obstinate and rebellious Ringleaders, that they may be brought to Justice, and their Refettters.
3. You are to hear what Submission and Offers shall be made by any of the Rebels, or their Refettters, or their Friends in their Names, as desire to cast themselves on the King's Mercy, and will live peaceably in Time coming, and what Security they will give for their future good Behaviour.
4. You are to inform your selves of fit Places for lodging and receiving any Number of Forces shall be thought fit to send into that's hire, and to consider how they shall be provided with Grasse and other Necessaries.
5. You are particularly to think upon some fit Ways for seizing of any Rebels, or vagrant Preachers, skulking upon the Confines of the Shires next to Air and Gallo-way.
6. You are to take Care that Ways be fallen upon for making Persons, both innocent and guilty, keep their Parish-churches, and to consider what Methods shall be used to that effect.



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- ‘ 7. You are also to consider of a great Abuse lately committed by some who take all illegal Courses to take back the Goods of such as have been fined or sequestrated upon the account of Rebellion, and who threaten any who buy such Goods that have belonged to the Rebels.’
- ‘ 8. You are to be careful to fall upon Ways, to know if any of the Rebels Estates, and Rents, and Moveables, be possessed by their Wives, Children, or Friends, to their Behoof, and to send in Lists of any guilty of such Contrivances.’
- ‘ 9. You are to consider, and inform your selves of fit Persons to be named as Commissioners of the Militia, and Justices of Peace in that Shire, and such as shall be fit to be recommended as Officers of the Militia thereof, such as Lieutenants of Horse, and other inferior Officers.’
- ‘ 10. Upon *Tuesday* come Se’en-night, you are to repair to the Town of *Air*, and there to meet with the Earl of *Dumfries*, and the Commissioners of that Shire, where the Laird of *Claverhouse* is to be present with you, and there to confer with them anent the Security of that Shire, and you are to follow the rest of the Instructions above set down, as to *Lanerk*.’
- ‘ 11. After you have taken all the Pains and Care you can, for Discovery of the present Condition of that Shire, and considered of the Proposals offered by the Gentlemen, you are to return back to the Shire of *Lanerk*, and the Laird of *Claverhouse* with you, and there to consider what further necessary is to be done, as to the settling of the Peace of both these Shires; and, upon the whole Matter, you and *Claverhouse* are to come in with all possible Diligence, and give an Account to the Lord Chancellor, of your Procedure, to be communicated to his Majesty’s Privy Council.’

The General, and these commissioned by him, obeyed those Instructions, and, *June 9.* the Council make the following Act upon their Report.

AA *June 9.*

‘ **T**HE Lords of his Majesty’s Privy Council, having considered the Report of General *Dalziel*, of the Condition of the Shires of *Lanerk* and *Air*, and of the Laird of *Meldrum*, anent the Condition of the Shires of *Roxburgh*, *Berwick*, *Selkirk*, and *East-lothian*, representing, that they were informed, that some of the late Rebels, who hitherto have not submitted themselves, are desirous to have Allowance to supplicate for the King’s Mercy, in the great Sense they have of their high Crime; the said Lords of Council, out of Pity and Compassion to these Miscreants, have thought fit to grant, and hereby give and grant full Power and Commission to the Lord Duke of *Hamilton*, for the Shire of *Lanerk*, the Earl of *Dumfries*, for the Shire of *Air*, and the Laird of *Meldrum*, for the Shires of *Roxburgh*, *Berwick*, *Selkirk*, and *East-lothian*, to grant safe Conduct to such of these Rebels as, by Petitions, shall, in a humble Manner, address themselves to these respective Bounds, bearing the great Sense they have of their high Crime of Rebellion, and Treason against their lawful King, and their Resolutions, Promises, and Engagements to live as becomes good and faithful Subjects, in Time coming, and, as they find Cause, to receive or reject their Petitions; and that such Petitions as they shall think fit to receive, to transmit them to the Council, to be considered by them, whether or not they shall think fit to commend them to the King’s Majesty, for Mercy and Pardon for their Lives, providing the said safe Conducts exceed not the Space of one Month, after the ingiving of their Petitions, they always acting nothing contrary to the Peace of the Kingdom, during the said Time; giving Warrant hereby to the said Commissioners, or any of his Majesty’s Subjects, during that Time, to meet, speak, and correspond with them, without any Peril or Danger, notwithstanding of any Law to the contrary; provided also, that no Petitions shall be received from any of these Rebels, if they be Prisoners for the Time; and ordain this Commission to endure until the Third Day of *August* next only, except the Council shall think fit to prorogate the same.’

That same Day, a Letter is writ to the Duke of *Hamilton*, wherein they acknowledge his good Offices to bring People to their Duty, and promise to acquaint the Duke of *Tork* with it, who, they say, will signify to his Majesty, and tell him, they have impowered him to give a safe Conduct to such Rebels as apply to him. *July 7.* this Power is lengthned out till *August 15.* The Duke, that Day, presents six Petitions for Rebels, and they are allowed to come in before the Council.

*May 20.* upon Information of a Riot in the Parish of *Dron* upon the Person of Mr. *George Drummond* serving an Edict for Mr. *Taylor*, to be Minister there, the Council order a Troop of Horse under the Lord *Ross*’s Command, and a Company of Foot under Captain *Maitland*, to quarter in that Parish, and receive Orders from the Marquis of *Athole*, and seize upon the

Riot in the  
Parish of *Dron*.



the Persons active therein, particularly Mr *Alexander Pitcairn* and his Beadle, who are reputed to have hounded them out ; and by a Letter to the Marquis, order him to hold Courts, and convene Old and Young, Men and Women, who were in the Kirk, and did not assist the Minister, and fine such as are capable of Fining, and imprison and scourge others for an Example, and report to the Council. 1682.

With this Letter they send Instructions to the Lord *Ross* and Captain *Maitland*, ' to march to *Dron* and quarter there till further Order, to concur with the Marquis of *Athole* in executing the Laws against the Rioters, to get Information of such as had Accession thereto from Mr. *Drummond* and *Taylor*, and the neighbouring Ministers and Gentlemen, that such as committed any Violence upon the Ministers, be sent over Prisoners to the Council, with the Names of such as cannot be apprehended, to concur for installing the Minister as the Bishop shall direct, and to insert the Names of the Heritors of the Parish in the Council Letters sent them, with those of the Ringleaders and principal Actors whom they cannot apprehend, that they may compear before the Council, June 7. ' I find that Day some Prisoners ordered to be brought up to *Edinburgh*. And June 9. the Council write another Letter to the Marquis of *Athole*, approving what he has done, and requiring him to continue his Diligence.

Instructions to Lord Ross, and Captain Maitland on it.

June 8. the Council grant Commission to *Andrew Atchison*, under the Direction of some others, to execute the Laws against Persons guilty of Disorders in the Shire of *Renfrew*, as the Commission it self more fully bears App. N<sup>o</sup>. 81.

Commission to Andrew Atchison for Renfrew. App. N<sup>o</sup>. 81. Occasion of the Proclamation about the Hue and Cry.

July 5. the Lord Chancellor having represented, ' that a considerable Number of Men in Arms had been discovered in the Shire of *Peebles*, yet none of the Heritors or Country People had given Information of it : And seeing by ancient Laws it is statute, that where any Number of Men are seen in Arms in the *Highlands*, Borders and other Places, the People are obliged to discover them, and assist the Magistrates in apprehending them, he moved that those Laws might be considered, and a Proclamation for that end emitted. ' The Council remit it to Lord Register, Advocate and *Collingtoun*, to bring in the Draught of a Proclamation.

Accordingly the Council emit their severe Proclamation July 8. for Discovery of Persons in Arms, and apprehending of Rebels and Fugitives, which I have insert App. N<sup>o</sup>. 82. The Societies united for Correspondence had their general quarterly Meeting at *Tala-lin*, in the Parish of *Tweedsmuir* in the Shire of *Peebles*, upon the 15 of June last. In their Registers I find nothing done at this Meeting, save some Endeavours to free themselves of a Schism breaking in upon some of their Societies by the Endeavours of *James Russel* and some others, who were running to some Extravagancies like those of *Gib*. The Proclamation makes them Eighty armed Men; but neither were they all in Arms, nor near that Number by far. The Curate of *Tweedsmuir* acquainted the Council with this Meeting, and they saw good to issue out this Proclamation in the Manner we have seen.

Proclamation it self July 8. App. N<sup>o</sup>. 82.

Its Tenor is somewhat singular, and therefore I shall make a Remark or two upon it. The Penners of the Proclamation blame the People whom they prosecute, for Designs to overthrow Religion, Government, Liberty and Property. I have not met with the Two last in the publick Papers emitted by the Managers. And one must reckon it next to Impudence, to charge their own Crimes upon the suffering Party, who were struggling for Religion, Liberty and Property. And these who put forth this Proclamation had done so much against all the Three, that it was a Wonder they blushed not to put the Subjects in mind of them. *Quis tulerit Gracchos ?*

Remarks on it

Next follows a Triumph on the Success of their persecuting Courses of late ; and it is alleged, that most Part were reclaimed, and brought to an Abhorrence of Fanaticks and their Impieties, and that many of those, who were misled by the lying Spirit of some of their pretended Ministers, are shrunk from those Ways. This is a Triumph before the Victory in their Sense. There is no doubt but their Cruelties and Oppressions had very much born down the persecuted Party, and, one way or other, they had now for some Time got rid of Field-meetings ; but when Providence, in Kindness to this poor Land, had brought their Barbarities to a Period by the happy Revolution, it appeared what a vast Body of Presbyterians remained even in these Places where their Rage mostly had been exercised. And since, according to them, so very few remained unreclaimed, it may be naturally enquired, why so much Severity as in this Proclamation ? And what Account can be given of their growing Impositions, and Hardships upon Presbyterians in the following Years ? But the Matter is magnified in Compliment to the Duke of *York* and his Administration, which was as far from Moderation as from Justice, and had very little Prudence mixed with it.

Notwithstanding of this alledged Success, they complain that some Traitors, Runagates, and Fugitives, had a Meeting, to the Number of Eighty armed Men, at *Tala-lin*. I question much if there were Twenty. The People of that Country are blamed for not informing against them, which, it is probable, they could not do, since these Meetings were kept with as much Secrecy as possible.



1682.

Whereupon all Subjects and Inhabitants of the Kingdom are commanded, upon Knowledge or Information that any Number of Men convocate unlawfully in Arms, or appear in Company in any Place, or where any one or Two of such as are Traitors or Fugitives shall repair, that they shall with all Diligence inform the Chancellor, or such of the Privy Counsellors as shall be at *Edinburgh*, and the next Commander of Forces, Sheriff or Magistrate, within an Hour at least for every Three Miles Distance, who are required, upon the Information, to convocate good Numbers of Subjects, and do their utmost to search for, seek, and apprehend such who are so met, and present them to Justice, and to follow them till apprehended or expelled out of their Jurisdiction; and, upon their Flight, they are to acquaint the Magistrates of the next Shire, who are to do the like Diligence; and so from Shire to Shire, till they be apprehended or expelled forth of this Realm: With Certification, that whoever fails in the Premises, Magistrates in pursuing, or others in informing, or rising with and assisting the Magistrates, shall be held as disaffected to the Government, as Art and Part with, and shall undergo the same Punishment with those who were in the said Convocation.

And the Council of new intimate, that all Intercommuners with, Refettors, Suppliers, &c. of Traitors or Fugitives, or who conceal, reset, or shelter such who convocate in manner foresaid, shall be proceeded against as if they were guilty of the Crimes whereof these Traitors and Fugitives are guilty, according to the Rigour of Law.

I have given this statutory Part at full Length, and nothing needs be said to expose the Unaccountableness and Severity in it. Upon Informations, whether true or false, the Hue and Cry must be raised, and the Country alarmed, and all who are silent, or refuse to concur in Persecution, are Traitors in Law. Perhaps the Parallel to this, all Circumstances being considered, is not to be found in History, except in this Period.

This Proclamation for raising the Hue and Cry, as it was called after the *English* Method, was exceeding troublesome. We shall find it was the great Handle some Years after this against the Lairds of *Allantoun*, and *Hartwood*, Mr. *William Violant*, and Multitudes of others. And upon the Score of this Meeting at *Tala-lin*, great Numbers of People were cited before the Courts, now held all the Country round. In the Parish of *Strathaven*, a good many Miles distant from it, I find *Thomas Leper* in *Field-head*, *Thomas Walker* his Servant, and *John Mack*, with Five more, were imprisoned, upon Alledgeance of their being at that Meeting, whereas none of them were there; and though Accounts have not come to my Hand, I have no doubt but in the Parishes of *Lanerk* Shire, nearer than *Strathaven*, and others bordering yet more near to the Place of Meeting, great Numbers of People were brought to Trouble on this Score.

July 11. upon Information of some Resistance made to some Soldiers near *Lowdon*, the Council send the following Commission to the Earl of *Dumfries*.

Commission  
to the Earl of  
*Dumfries*, July  
11.

The Lords of his Majesty's Privy Council, having received Information of an horrid Outrage and Violence committed on Sunday last, upon the Persons of Three Dragoons, in the House of one of the Earl of *Lowdon*'s Tenants, near to the House of *Lowdon*, who were sent there by the Collector of the Cess, to quarter for some bygone Deficiencies, the said Soldiers being set upon, invaded and wounded to the great Hazard of their Lives; and whereas the Council reflecting, that at or near to the same Place, there hath been several such like Outrages committed upon the King's Soldiers, on the like Occasions, have ordained Letters to be direct for citing the Earl of *Lowdon* to appear before them the First of August next, and to exhibit and produce the Persons guilty: And do hereby grant full Power and Commission to the Sheriff-principal of *Air* and his Deputes, the Bailie-depute of the Bailiary of *Cunningham*, and commanding Officers of the Forces, sent or to be sent by the Lieutenant-general thither, to meet upon the Place, and to enquire into the said Violence, and to make Discovery of the Persons guilty thereof, and of the former Violences done to Soldiers in that Place, by all legal Ways and Methods; as also to cause sequestrate the Goods of such as they shall find guilty, and to take Possession of them until sufficient Caution be found to make the same forthcoming; and appoint them to return an Account of their Procedure to the Council, with all Diligence.

Safe Conducts  
further prorogated, August 3.

The Council, August 3. have some Petitions presented by the Earl of *Dumfries* and Duke *Hamilton*, from Persons who had been at *Bothwell*, and they allow the Earl to prorogate the safe Conduct granted by him to such Persons, or others who are content to take the Test, until the 6 of September, that they may apply themselves to the Council, otherwise the Earl is not to prorogate the said safe Conduct to them. This Prorogation did Service but to a few, for it was not many concerned in *Bothwell* who ever came in to the Test, which was still now required at Compareance. However, it was a little Calm to others for the Time.

Council Power  
granted  
to the Officers  
of the Army  
and Gentlemen,

At the same Sederunt the Council came into that which was extremely burdensome to many Parishes in the West and South, and brought the most Part of Presbyterians to very great Hardships, and that was, the granting a Council Power to some Officers of the Army, and

Gentle-



Gentlemen of desperate Fortunes and ill Morals, to examine and fine for Church Irregularities, as they were called, and add a Justiciary Power to some of them.  
It will be proper here to insert the Council's Act, which was the Foundation of the granting of all those gravaminous Commissions, and it follows.

1682.

to examine and fine for Church Irregularities,

At Edinburgh, August 3. 1682.

*Tenor of an Act whereupon Commissions are granted to Major White and the Laird of Meldrum.*

THE Lords of his Majesty's Privy Council considering, that albeit by the Laws and Acts of Parliament, the Sheriffs, Stewarts, and Magistrates of Royalty and Regality, are authorized and impowered to call before them, pursue, and punish Persons in their respective Bounds and Jurisdictions, guilty, or suspect to be guilty of withdrawing from publick Ordinances in their Parish Churches, of keeping Conventicles, of disorderly Baptisms and Marriages, and for uplifting and exacting the Fines in the Way and Manner appointed by the Acts made thereanent, and are thereby obliged to return an Account of their Diligence yearly to the Council, in the Month of *July*, under the Penalty of Five hundred Merks yearly, in case of Failie; yet, by reason of the said Magistrates their Remissness in the Discharge of their Duty, the said Disorders have of late much increased.

Council's Act August 3. which was the Foundation of these Commissions.

And further, the Persons guilty of being in the late Rebellion, and of murdering some of the King's Soldiers, are suffered to live in Quiet, and to possess their own Lands, Rents, and Moveables, and are harboured, refet, and encouraged by several Persons in the Country, without being noticed, far less pursued, apprehended, and brought to Justice, by the said Magistrates, as in Duty they ought to have done, which hath occasioned the sending of several Parties of his Majesty's Forces into those Parts. And his Majesty's Privy Council taking Notice of the Diligence, Care, and Activity of some of the Officers intrusted with the Command of these Forces, especially of Major *White* and the Laird of *Meldrum*, and considering how necessary it is, that when the ordinary Magistrates do not their Duty fully, that fit Persons should be nominate for the King's Service.

Do therefore ordain a Commission to be direct in his Majesty's Name, under the Signet of the Privy Council, to Major *White*, for the Sherifdom of *Air*, the Bailiaries of *Cuningham*, *Carriick*, and *Kyle-stewart*, and haill Burghs of Royalty, Regality, Bailiaries, and Baronies within the same; and to *Adam Urquhart* of *Meldrum*, for the Shires of *Haddington*, *Selkirk*, *Berwick*, and *Peebles*, and the haill Burghs of Royalty, Regality, Bailiaries, and Baronies within the said Shires.

Giving and granting them, as Commissioners named and appointed by his Majesty's Privy Council, full Power to meet, concur, and joyn with the Sheriff, Bailie of Regalities, Bailiaries and Baronies, and other Magistrates foresaid, and to call before them at such Times and Places as they shall think convenient, all Persons within their respective Bounds, whether in Burgh or Land, Heritors, Tenants, or others, guilty or suspect to be guilty of withdrawing from Ordinances in their own Parishes, keeping Conventicles, or disorderly Baptisms or Marriages, since his Majesty's late Act of Indemnity, 1679. to pronounce Sentence against them, and to put the same in due and legal Execution. And for that effect to fence and hold Courts, create Clerks and other Members of a Court needful.

Providing always, that the said Commissioners and Magistrates shall be holden to count for the Fines of Heritors, according to the Acts of Parliament thereanent, and former Instructions granted by the Council conform thereunto.

And in case the said Commissioners shall find, that the said Sheriffs or Magistrates aforesaid, refuse to concur with them, or are remiss in their Duty, with full Power to the said Commissioners to proceed by themselves, and pursue the Delinquents foresaid, who have not been pursued by the said Magistrates, and uplift their Fines, or any other Fines not yet uplifted by them: As also to pursue for, uplift and exact the Fines of the Persons foresaid, for Delinquencies and Disorders, whereupon they have not been libelled by the foresaid Magistrates.

And further, the said Lords do ordain the said Commissioners to call for the Magistrates of the respective Burghs within the respective Shires foresaid, and to enquire what Diligence they have done against the Persons guilty of the said Disorders, since his Majesty's late Act of Indemnity, and return an Account thereof to the Council, against their first Meeting, or so soon thereafter as may be.

Likeas, the said Lords grant full Power and Commission to the Persons foresaid, to inform themselves of any Persons within the foresaid Shires and Burghs, who were in the Rebellion, and dwell and live within the same, or others for them, who possess and enjoy the Rents and Moveables belonging to them, and inventar and sequestrate the same to be made forthcoming to his Majesty's Use; and to pursue, take, and apprehend the Rebels themselves.



1682. ' themselves, to the effect Justice may be done them: As likewise, to inform themselves of their Refetters, and cause pursue and imprison them till they find sufficient Caution to appear before the Council or Justices therefore: As also to pursue, take, and apprehend any Persons that they have been informed have been guilty of murdering any of the King's Soldiers, and to imprison them and present them to Justice.'

' And whereas, notwithstanding of his Majesty's gracious Act of Indemnity, divers desperate Rebels do yet stand out, and have not submitted themselves to his Majesty's Mercy, the Council being resolved to have Justice done upon them, upon the Place, for their Punishment, and to the Terror and Example of all such incorrigible Traitors, they ordain a Commission of Justiciary to be direct to the said Major *White*, and *Adam Urquhart* of *Meldrum*, within the respective Bounds foresaid, as Justices in that Part, giving and granting to them, in the said respective Bounds, full Power and Commission to meet at such Times and Places, as they shall find expedient, and then and there to affix and hold Courts, create Clerks, Sergeants, Dempsters, and all other Members of Court needful, and to call before them any of the late Rebels, that are or shall be apprehended by virtue of this Commission, not being Heritors, and to put them to the Trial and Knowledge of an Assize; and, according as they shall be found innocent or guilty, that they cause Justice to be done upon them, according to the Laws and Acts of Parliament of this Realm; and, for that effect, that they cite Assizes and Witnesses, of Persons best understanding the Verity of the said Matter, Absents to be amerciate, and Unlaws and Amerciaments to be uplifted and executed, and generally all and sundry Things necessary and requisite, anent the Execution of this Commission, to do, use, and exerce, *promitten*. to hold firm and stable.'

' And ordain the Sheriffs, Stewarts, and other Magistrates in the Bounds foresaid, to concur with the foresaid Commissioners, in the Execution of their Sentences against the said Delinquents; and this Commission to continue until the Council think fit to recall the same: And these, signed by the Chancellor *in presentia*, shall be Warrant for granting the said Commissions under the Signet.'

G. GORDON, *Cancel. I. P. D.*

Remarks on it.

Many Remarks might be made upon this Act, according to which Commissions were given, by a Lawyer who knows the limited Power of the Council, and the just Rights of Sheriffs, Regalities and Burghs, which I cannot so much as offer at. 'Tis only a few natural Observations, which result from the looking over this Act, I shall point at.

By it the Council take upon them, materially to vacate and make null the executive Powers lodged by the Parliament in the Hands of inferior Magistrates, and fix them in Creatures of their own making. True it is, that, in the first room, these Commissioners are ordered to act in conjunction with them; but then, this is entirely at their own Choice; for they are made Judges, whether inferior Magistrates have been formerly remiss; yea, the Council, in the very Act, have determined that in their favours, and so, generally speaking, they acted still by themselves; yea, we shall find, that in Competitions 'twixt them, the Council over-rule in favour of these Commissioners, and there were frequently Competitions, and the poor Country was put to double Attendance, and sometimes twice punished for the same alledged Crime.

It is asserted indeed, that ordinary Magistrates had been neglective in executing the Laws, of which we have hitherto had little Proof; and the Multitudes of Fines exacted, which, in some Places, are yet standing in the Sheriff-books, are good Evidences against this, together with the sudden enriching of Sheriffs and the Deputes, upon the Spoils of the oppressed Country; tho' indeed a sensible Moth hath been seen to be in such ill got Estates.

But granting Matters had been thus, the Law was open, the Parliament had provided a Penalty upon negligent Magistrates, and another Way was plain, than this direct casting their Office. And 'tis evident these Commissioners were not only established as Checks upon the legal Magistrates, and ordered to take an Account of their Diligence, but were directly put in their room.

As this Step, for what I can see, was every way singular, yea, everfive both of the private Rights of Persons and Families, as well as the Constitution of the Kingdom, so the granting the Commissioners a justiciary Power, was equally unprecedented and unjust, yea, of more hazardous Consequences, by so far as a Man's Life is more valuable than his Goods and Means. The Question here is, not only whether these Officers of the Army were Persons so well versed in Criminal Matters, as to be able to judge in Matters of Life and Death, which require the gravest Court in a Nation, but likewise, whether one Man, with any Conscience, if this may be spoken of in such a Period as this, could undertake such a Power, as to judge Rebels through Four Shires, in Burgh or Landward: Yea, the very Council themselves seem to be sensible of this, when, next Year, they appoint Circuits for this end.

After



After all this, 'tis almost needless to observe, that they have all the Fines they exact from such as are below the Rank of Heritors; and tho' they were to account for Heritors Fines, yet we may suppose their Accounts with the Treasury would not be over strict; and what a Stretch was it, to subject all Heritors, some of the greatest of the Kingdom, in the Bounds of their Commission, to those mean and profligate Men? To say nothing of their being set over the Magistrates of royal Burghs, and these being made responsible to them.

1682.

Notwithstanding of all this Unaccountableness of this new Office, the Thing took, and the Country was fearfully oppressed by them. In the Registers, I find divers Forms of Commissions granted to different Persons. The Treasury granted those for the uplifting of Fines, and the Council ratify these, and sometimes grant Power to enquire into the Estates of the Rebels, sometimes to try with relation to Refect and Converse, and to some they add a Judicial Power. It was almost the same Thing what their Commission was, for they equally spunged and harassed the Country, upon the Pretext of some Irregularity or other, and filled their own Pockets. After the general Act, which comprehends all, it would be needless to insert all the Commissions granted, and therefore I shall only take Notice of one or Two of them this Year, and some more of a different Nature will fall in afterwards.

November 9. this Year, a Commission is granted to *Cherford* of *Arduillan*, for *Carriek*. He was a most virulent Persecutor of the suffering Party, and it had been declared against him last Year upon Oath, that he had suborned Witnesses to swear against the Lord *Bargeny*, and the Duke of *Hamilton*, and threatened them with present Death if they would not swear, as appears by *Cunningham* of *Montgrenan's* Deposition before the Council, August 1681. which hath been more than once printed: Yet such a Man is now pitched on to execute the Laws.

Nov. 9. a Commission granted to *Cherford* of *Arduillan*

At the same *Sederunt*, a Commission is granted to *Adam Urquhart* of *Meldrum*, in Terms of the Act, August 3. above insert. It relates to the Parishes of *Stow*, *Herriot*, *Borthwick*, *Pennycook*, *Glencors*, *Creightoun*, *Falla*, *Temple*, *Nicolson*, *Carrington*, East and West *Calders*, with the Bounds granted to him before.

To Meldrum

November 16. they grant a Commission to the Earl of *Linlithgow*, for the Shire of *Linlithgow*, which needs not be repeated; and, November 23. they grant a Commission to *John Skene* of *Hallyards*.

To Earl of Linlithgow and Hallyards

And, December 20. the Council grant a Commission, in Terms of the Act of August 3. to *Kenneth Mackenzie* of *Suddie*, for the Shires of *Ross* and *Cromarty*, where there were, it seems, Irregularities; and the Effects of the ministerial Labours of *Mrs. Hog*, *Macgiligan*, and other Presbyterian Ministers, continued till the Revolution.

To Kenneth Mackenzie of Suddie

Thus we have seen a broad Foundation laid for a heavy Persecution in all Corners of the Country, and even in the Northern Shires, where Presbyterians were comparatively very few. In the next Section, I shall give some Hints of the Prosecution of these Powers granted to so many.

### S E C T. III.

Containing some general Account of the Persecution up and down the Country, this Year.

WE have just now seen Foundations laid for a very severe and general Persecution, this Year; but it is needful, that this Matter may stand in its full Light, to take a View of what followed upon these large Commissions in the West, South, and other Places: And I shall leave the particular Hardships I have larger Accounts of, to the next Section.

Sum of this Section

I have already noticed, that this new and general Persecution owes very much its Rise to the Prelates, and Bishop *Paterfon's* Journey to *London*; and therefore, towards the End of *May*, their Schemes for further Persecution came to take some Air. The Views of them that Presbyterians had, will appear from an original Letter of the Reverend Mr. *John Carlyairs*, to Mr. *Robert Wylie*, then in *France*, of the Date *May 30*. The Passage relative to this is, ' Things here have still a most formidable Aspect, and I hear, that quickly the Gentlemen of our western Shires, will be put to bind for themselves and these under them, that they live peaceably and orderly; which, if refused, will draw the Forces on them, wherewith they have been so fore squeezed already. Not going to Church, Baptizing, Marrying with any other than the regular Incumbents, are almost every where severely mulcted and punished; neither

Prelates the Spring of this Persecution



1682.

The Matter of  
Refet and  
Converse  
run very high  
this Year

Consequences  
of the Com-  
missions this  
Year, come in  
under the fol-  
lowing Years.

Soldiers sent to  
the different  
Shires where  
the Commis-  
sions are grant-  
ed.

Some of their  
Work.

Presbyterians  
now generally  
attacked, even  
those no way  
concerned in  
any Rulings.

neither is there any probable Appearance of an Outgate : *The Lord knoweth how to deliver the Godly out of Temptation.* Many Ways are obvious to him, when none appear to us ; he can save by Prerogative, when Salvation cannot be expected by common Rule.

A good Number of the Heritors concerned in *Bothwel* were forfeited, or had compounded. The common Prisoners were either transported, or otherways disposed of ; but then Multitudes had not fallen into their Hands, some of whom were declared Fugitives, but many were, either not got Notice of, or overlooked, and had been now openly about their Business, and at Kirk, Market, Fairs, and some of them in Posts under the Government, so that the most cautious were perfectly secure as to their Converse with them. Yet this Year the Matter of Refet, of Converse with such, yea, with such as were habit and repute to have been in the Rebellion, was screwed so high, as involved the whole Country, and every Body was at the Mercy of the Soldiers and Managers. Tho' no legal Sentence had been pronounced against a Person for being at *Bothwel*, yet if two Witnesses deposed he was repute to be there, and that you had conversed with him, this was reputed Treason, as in the Case of *Blackwood*, and many others. And the utmost Severity was resolved on in this Matter ; and the vast Number of Commissions given out, were partly in order to the executing of this.

The lamentable Fruits of this Multitude of Commissions will appear not only in this but the following Years ; and I know Commissions were granted to several others who are not mentioned in the Council Registers, if I have not overlooked them, as to the Laird of *Lagg*, and others. It is only some general Hints of the Persecution this Year, most of it by virtue of these Commissions, I am to insert here. And, it may be, some of them may belong to some of the following Years, since they want particular Dates sometimes.

I shall only observe further, that the Soldiers were sent to those Places of the Country where these Commissioners were to act, and many of the Commissioners were in some Office in the Army. The Pretence of this was, as the Commissioners represented to the Council, that many withdraw their Goods to elude the Sentences for not keeping their Parish Kirks, &c. And the Council allow them to send for some Soldiers after Citation or Sentence, to see that none of their Goods be withdrawn, and that they be inventared, and that the Soldiers pay for their Quarters. And September 2. they order a Party of Soldiers to go to *Kirkcudbright*, to secure the Lord *Livingstone* in Possession of the Estates of the Rebels there gited to him. And by other Papers I find *Claverhouse's* Troop came in and kept Garison at the *Kenmuir*, September this Year, and ilk Horse had allowed him three Pecks of Corn, and eight Stone of Straw or Hay weekly. And at the same Time another Troop was settled at *Kirkcudbright*, and had allowed for each Horse, Two Pecks of Corn, and Seven Stones of Straw or Hay weekly.

And when I am upon this Head, the Reader will have some View of the Work of the Soldiers of *Kirkcudbright*, at this Time, from an original Order just now before me, to a Serjeant and Fifteen of them, which deserves a Room here ; and, from it, we may guess at their Practice in other Places. The Order follows.

**S**Erjeant *Persie*, in obedience to my Lord *Livingstone's* Commands to me, you are hereby ordered to go with your Fifteen Dragoons, presently under your Command, and quarter them proportionally, as you think convenient, upon the pretended Heritors of *Mircartney*, and Tenants thereof, the pretended Heritors and Possessors of the Lands of *Bar*, ( and *Glisters* pertaining thereunto ) ay and while they come into *Kirkcudbright* to me, and take Tacks of the haill forementioned Lands from me, in name of *George Lord Livingstone* Donatar of the same ; and not only find Caution for the yearly Rent thereof in Time coming, but also make Payment of all Bygones, preceeding the Term of *Whitsunday* last, from *Bothwel*. You are to exact free Quarter during your Abode, and, if Need be, to take what you stand in Need of for your Provision, from them, without Prejudice to any other. You are also to dispossess and remove the Lady *Holm* younger, forth of the Lands of *Mircartney*, and to cause some of your Party to possess the same till further Orders. And you are not to remove from any of your Quarters, till such Time as you receive my Order of new for that effect. Subscribed, for Warrant, at *Kirkcudbright*, the 23 Day of *October*, 1682.

*Tho. Lidderdale.*

It is Time now to give some general View of the Oppression of the Country this Year, in prosecution of the former Laws, and these Commissions and Powers. The Efforts of the Persecutors were unweariable, in their harassing of all Nonconformists to Prelacy, by their Soldiers, Searchings, Courts, and many other Ways ; and we shall have Occasion to observe the inferior Clergy prtty open, and most willing Agents in these Cruelties. The Attacks were now made almoste universally upon all Presbyterians and Nonconformists to Prelacy ; and the most Part now brought to Trouble, had no active Share in *Bothwel* or *Airs-moss*, and could not be reached for Field-conventicles.

Parti-



Particular Instances would be endless. I shall then put together some few Things in each Part of the Country where the Persecution raged, as a *Vidimus* of the lamentable State of the Country at present. There was no Register kept of the Courts held by them, nor was it their Interest it should be so; and any Accounts I give, are the more short and indistinct. 1682.

To begin with the South this Year, *David Graham* held Courts both in *Galloway* and *Niddale*, whether under *Claverhouse*, or by a particular Warrant, I know not. I shall notice a few Instances which are before me, without any other Date than the Year. In the Parish of *Twinam*, he had all his Informations from the Curate. He imprisoned several Country Women with sucking Children on their Breasts, because they would not give Bond to keep the Church, and hear their persecuting Incumbent. *Instances in different Places.*

In the Parish of *Tunnergarth*, in *Niddale* I suppose, Courts were held, at which Husbands, under such and such Penalties, were made to oblige themselves either to bring their Wives to the Church, or to engage not to harbour or reset them; and some in the Parish, who scrupled at hearing the Incumbents, were forced, by their Husbands, to wander up and down; and others, by Force, were carried to hear the Curate: And when he came into the Pulpit, some of them would speak and cry out against him, as the Fountain of all their Trouble. *Tunnergarth.*

In the same Place, there was a poor old Woman, really pious, as my Information bears, lame of both her Arms, and having but little Sight to guide her any where from her own House, for mere Nonconformity was cast out of her Cottage by the Soldiers, and her House razed to the Ground. Upon this, she was obliged to hide her self in a neighbour House. The Curate getting Notice of it, came himself with a Party of Soldiers to the House, and, having found her out, said, *Jean, you shall crook no more in Moss-side*, and sent her away with the Soldiers, that she might be turned out of the Parish; and added, *She was a scabbed Hog, and would infect all the Flock*. However, her Brother, by a little Money, prevailed with the Soldiers, and got her back, and harboured her a few Days, till she got to a better World. *The Curate's Severities there.*

The same Incumbent hearing of several religious People in *Tunnergarth*, who used to meet together for Prayer, fell upon such Methods as to hinder their meeting in any House of the Parish; and plainly threatned any House he suspected they could gather in, with staging them for a Conventicle. The honest People betook themselves to a retired Place in the Fields, and used to meet there for that Exercise. As soon as this came to the Incumbent's Knowledge, he went to them himself, and scattered them, threatning to delate them; and, which was worse, having noticed the Persons carefully, he sent for a Company of Soldiers, and directed them to their Houses, which they pillaged and rifled, for no other Cause than what is above.

No small Share had the Episcopal Ministers in this hot Persecution in this Country, at this Time. In the Parish of *Lochmaben*, I find Mr. *George Graham* Incumbent there, a violent Pulver of Severities against Nonconformists. He used to give in Delations against them, and was really the Cause of all their Hardships; tho' the Papers before me say, it is notoriously known, that he skreened some Things of a deeper Dye. Some of his Elders, such as they were, used habitually to profane the *Sabbath*; some good People of the Parish, threatned them with a Delation, and were resolved upon it, had they not been hindred. Some of the profane Persons against whom they resolved to complain, way-laid them, and endeavoured to murder them; and it was notour, Mr. *Graham* did all in his Power to palliate them as to both; and he was generally observed to overlook the Fornicators in his Parish. *Lochmaben, the Curate's Share of the Persecution.*

Near by, in the Parish of *St. Mungo* in *Annandale*, an old Man was fined by Cornet *Graham*, for bare Nonconformity, and forced to leave his House and wander; and he, with too many in the same Circumstances, were really put very hard to it. The Country were so bound up, by the Fear of Soldiers, and not a few by direct Oaths, that they could have no Reset, and were in the greatest Difficulties for Want of Subsistence. The old Man sometimes haunted about his own House, mostly to get a little to satisfy his Hunger; whereupon his Master was fined in Five hundred Merks at some of these Courts, and allowed Regrefs. And further, he was impowered, upon Notice of his coming on his Ground, to employ the Soldiers to catch him, and if he was caught, he was to be discharged his Fine, and if he was missed, he was to pay it. *St. Mungo.*

In that same Parish of *St. Mungo*, there was a Boy, not above Sixteen Years of Age, cited to one of the Courts held this Year or the next, for not keeping the Church, and his Age made him free of any other Thing. When he did not compear, Cornet *Graham* sent a Party of Soldiers to quarter upon his Father, who was regular enough. Mean while, the Father was cited to the Court next Meeting, where the Cornet required a Bond of him, never to reset, converse with, countenance, or any way supply his own Son. The Incumbent of the Parish sitting in Court, said, *That it was fit and reasonable the Father should suffer for his Son, who was but a Child, and his Parents ought to have made him regular by a Bridle.* *Boy of 16 Years.*



1682.

Parents per-  
secuted to Chil-  
dren, mean  
while Papists  
are overlookt.

Galloway.

Balmaghie.

New Glenluce.

Anworth.

Air Shire.

The poor Youth however, was forced to wander up and down in Cold and Storms, without any Shelter, till he fell into a most violent Fever, and had no Body to look after him. Innumerable are the Instances of this Nature, that might be gathered from the different Parishes in that Country. Parents who were entirely regular, were bound under great Penalties, not to speak to, or resist their Children; and some of the coarser Sort of them were brought, by Frights from the Soldiers, to use great Severities on their Children, to force them to go to Church. Mean while, neither Clergy nor Soldiers troubled the Papists in these Bounds: They had Popish Priests continually among them, and *Mas's* publicly and regularly gone about; but, it seems, these were their good Friends, and never disturbed.

Let us turn in to *Galloway*, and we shall find Matters much in the same Posture. In February this Year, there was a very honest Country Man in the Parish of *Balmaghie*, suspected to have been at *Bothwell*, but no Evidence found against him; however, the Soldiers came to search the House for him, but he was got out of the Way: His Wife was but a few Hours brought to Bed of a Child, and they most barbarously turned her out to the Fields, and rifled the House. This same Man was in April delated for Nonconformity, and as suspected of being at *Bothwell*, by the Curate. By a little Money, he got his Name scored out of the Roll, which the Curate noticing, challenged, and nothing would satisfy him till he got a Party of Soldiers sent to his House, who rifled it a second Time.

In August this Year, *Claverhouse* attacked Multitudes of Nonconformists, who were not so much as alledged to have been in any Rising. In the Parish of *New Glenluce*, he seized *John Archbald*, *Anthony McBryde*, *John Macleanochan*, and *John Wallace*, merely for not hearing of the Incumbents. They were brought in to *Stranraer*, and lay in Prison Twelve Weeks; and because they refused to oblige themselves to wait upon Ordinances, and live regularly, as it was termed, they were not only kept in Prison, but Soldiers sent to their Houses to quarter on their Families, and eat up all their Living: Twelve Horie were quartered upon one, Seven upon another, and so proportionally, as their Stock would bear. *Anthony McBryde's* Seven Soldiers, tho' they had Plenty of Victuals in his House, such as Country Places afford, they would have his Wife go out on the Sabbath Day, and bring in Two Sheep and slay them: This she refused, whereupon one of them threatened to throw her into a large Fire before them, and attempted to do it, but was prevented by the Family. After these Men had been a Quarter of a Year in Prison, and their Houses thus spoiled, *Claverhouse* ordered them to be tied Two and Two together, and set upon bare-backed Horses, and carried into *Edinburgh*, there to be tried. When they had gone one Day's Journey, he sent his Servant to them, with Bonds to be signed by them, a Thousand Merks per piece, and promised them their Liberty; the Bonds ran just in common Form, and therein they obliged themselves to pay the Sum upon Demand. This was yielded to, and they got Home; and the most of them paid the Money, yet this did not prevent many new Hardships during the following Years. This is another Instance of Oppression of People in their Civil Rights, under pretext of Religion.

Another Instance of Cruelty, at this Time, I meet with in the Parish of *Anworth*. A Troop of Dragoons came into that Parish, and a Gentleman there had Seven of them for his Share. They wanted for nothing in that House but Ale, and, instead of that, had Milk in abundance. One of the Soldiers came to the Gentleman, and ordered him to provide them in Ale; the other answered him calmly, *There was none about them to be had; and till the Waters, at present very much up, were fallen, none could be had.* The Soldier said, *He would have Ale, if he should go to Hell and seek it.* The Gentleman said innocently to him, *If once you were there, you will not come back to tell News.* Whereupon the Soldier fell a threshing him with a Thorn Staff; immediately the Gentleman closed in, and wrestled with him in his own Defence, till the rest of the Soldiers parted them. The Soldier in a little Time went off, and, resolving to be avenged, came to his commanding Officer with a Multitude of Lies, and got another Party, by his Direction, who took the Gentleman, as he was on his Way coming to inform the Officer, and carried him away Prisoner. The Cause was not heard for some Time; mean while both the Parties quartered upon the House, eat up all about it, perfectly destroyed the Meadows, and took away all the Gentleman's Horses. When the Officer came to examine the Matter, he found the Soldier had misrepresented the Thing to him, and dismissed the Gentleman, but would not punish the Soldier, nor restore what was taken away by his Men, far less satisfy for Damage done.

This same Year, *James Harris* of *Ardmenoch*, and *John* his Son, Men of known Integrity and Usefulness in their Stations, were, for mere refusing to hear the Incumbents, after many Ravages committed upon their Houses and Lands, carried Prisoners to *Dumfries* by Captain *Strachan*, and kept there till they paid Fifteen Pounds Ten Shillings Sterling, Fine, besides Thirty Shillings to the Jaylors. The old Man had paid Forty Pounds Scots to Sir *James Turner*, besides several other smaller Sums at different Times.

I come now to the Shire of *Air*, and there *Ardmillan*, but especially Major *White* oppressed the Country most grievously. *John Boyd* Schoolmaster in *Cowend*, formerly an Indweller in the Shire of *Air*, was this Year, at the Instance of *Ardmillan*, merely for not hearing the Curates,



Curates, sorely harassed. His House was Three Times robbed of all the Furniture in it, by the Soldiers. He was forced to pay Forty Pounds *Scots* to *Ardmillan*, and after that carried in Prisoner to *Edinburgh*, where he lay Three Months in close Prison, and before he was liberate paid upwards of an hundred Pounds *Scots*, whereby he was reduced to great Wants. Major *White* did in a particular Manner exerce his Commission this Year, in the Shire of *Air*. He went through almost every Parish in particular, fining Nonconformists, and imprisoning not a few.

I find him, together with Mr. *John Cockburn*, and *William Crichtoun* Sheriff-depute, holding a Court at *Kilmarnock*. Much of the Country round was summoned, and the Curates were the principal Delaters; and at this Place he pressed the following Bond.

Bond pressed  
by Major  
*White* at *Kilmarnock*.

‘ We Undersubscribers respectively bind and oblige us, our Wives and Children, and Servants, that we shall in all Time coming keep our Parish-church, and shall not be present at House or Field-conventicles, nor receive Baptism to any of our Children from any Minister, but our own Parish Minister, and in case of his Absence, from the next conformist Minister; and shall not harbour, refect, or entertain any intercommuned Persons or vagrant Preachers: And all this under the Pain and Penalty of an Hundred Merks, to be paid by me to ———— for each Failie in the same.’

When the Country People appeared before this Court, they were first sworn to declare the Verity, and nothing less or more, of every Thing which should be enquired of them. Then they were enquired upon Oath, if they were guilty of hearing Sermon at House or Field-conventicles, since the Indemnity 1679. Further, they were asked if they had kept their Parish-kirk during that Time, at least once in Three Sabbaths, with many other Questions. If they declared upon their Oath, that they had been regular, they were dismissed upon their signing the Bond; but it was few who were summoned could do so. Such as either would not swear, or who confessed any Thing, were fined by the Major in exorbitant Sums, some in Sums far above what they were really worth. After the Sentence, the Major had his own Ways of signifying, that if they gave the Clerk so much, Six Dollars was the ordinary Quota, and the poorer Sort less, for an Allowance to take the abovementioned Bond, they should have no more Trouble: But all who took not this Bond, or at least who paid not the said Sums, which were heightened in case the Bond was not complied with, were immediately sent to Prison; and such Multitudes were imprisoned, that they were in Hazard of stifling. Vast Quantities of Money were this way extorted from the poor Country, and that almost in every Parish. I have seen very large Accounts of the Sums in some Parishes of the Shire of *Air*.

In the small Parish of *Dalmellington*, at one of Major *White*’s Courts this Year, the following Persons were fined in the after Sums, for being present at one Sermon preached by Mr. *George Barclay*, at the Chapel in *Straitoun* Parish. *Roger Dun* in *McColmstoun*, actually paid an Hundred Merks, besides Thirty Pounds to *Drumfry*, to bring his Fine so low. *John Edgar* in *Dabarro* paid Fifty Merks. *Robert Dun* in *Lassie-hill* paid an Hundred Merks, and Thirty Pounds to *Drumfry*, to bring it so low. *Peter Mcwhitter* in *Waterside* paid an Hundred Merks, and some time after this an Hundred Pounds for his Wife’s not keeping the Church. *David McGill* in *Drumgrange* paid Fifty Merks. *John Wright* in *Barclaystoun* paid Fifty Merks. *James Dun* in *Bluewhet* paid an Hundred Merks. *Ronald Rob* paid Twenty five Merks, and was imprisoned Four Days. *John Cunningham* in *Keirhill* compeared not, and his Family was obliged to disperse, and all left in his House was plundered. *Anthony Bizzard* in *Dynasken*, was fined in an Hundred Pounds. *John Bizzard* in *Laight* paid Twenty five Merks, and was imprisoned Four Days. From such Multitudes in so small a Parish for one Sermon out of the Parish, of which I have an attested Account, the Reader will guess what was uplifted in other Places.

*Auchinleck* and *Cummock*.

This same Year, the Earl of *Dumfries* charged all Persons in the Parishes of *Auchinleck* and *Cummock*, to appear before him, and fined all who had baptized Children with any other than the Incumbent, in Fifty Pounds each, poiding and driving their Cattle and Goods till they paid it. My Information bears, that one *Andrew Pathe*, in the Parish of *Auchinleck*, was forced to pay his Fifty Pounds, because he kept his Child unbaptized Six Weeks, tho’ afterward he carried it to the Incumbent. Another in the same Parish, *Hary Stopton*, was fined in Sixty Pounds, because he refused to tell who baptized his Child. Such who did not compear before these iniquous Courts, were in Absence most rigorously and severely fined.

Thus *David Moody*, in the same Parish, for not appearing before Major *White*’s Court, was fined in an Hundred and eighty Merks, and was forced to displenish his House, and wander up and down, where for many Weeks he lay in the open Fields. But these Oppressions and arbitrary Finings are in such Multitudes in this and the following Years, that I can name but a very few of them. It may be, I shall essay in some Place or other in this History to give a general Estimate of them.

I come eastward to the Shire of *Lanerk*. In the Town of *Rutherglen* the Provost was very severe in his Finings, as I find by an attested Account. He sent his Officers to a Widow

*Lanerk*, *Rutherglen*.



1682.

Widow Woman's House there, to seize her only Son, who did not hear the Curate. The Youth did not incline to appear, and with a Struggle got out of the Officers Hands; whereupon the Provost, with his Officers, came and seized his Sister, alledging she was accessory to her Brother's Escape, and fined her in Thirty Pounds. The old Woman mean while, through Sorrow, Fear, and Concern, sickned, and had no Body to look after her, and yet so cruel was the Provost, that he would not allow her Daughter to come out on Bail, and minister to her in her seemingly dying Case. Instead of this, in a few Days, December. 27. 1682. after Ten at Night, he came with his Officers, assaulted the House with Sword in Hand. The poor Woman calmly opened unto him, and seeing his Sword drawn, said, Dear Provost, sober your self, what are you seeking? He answered with Oaths, he was seeking her Son, who, he was sure, was in the House praying. He searched the House, and found him not, but left not the poor Woman till she paid him Twenty Merks. The People in that Place could not but observe, that his Wife in a few Days died in Child-birth, and Three Children in a very little Time died of the King's Evil, and a Fourth not long after, and himself fell under the Scandal of Adultery, and died childless.

A great deal of this Severity was owing to the Incumbent of this Place. Upon every Turn I have Occasion to observe, that the Clergy not only instigate to this rigorous Procedure against such who could not in Conscience submit to them, but were the prime Informers against poor People. In their visiting of Families they were very careful to examine, and generally took a Note of such who did not keep the Church. Without Breach of Charity, I may say, this was one of the main Views some of them had in Visiting; and at most of their Courts the Rolls of Delinquents were formed out of the Incumbent's Roll. I have a well vouched Account of that profligate Man Mr. *Hugh Blair*, Incumbent at *Rutherglen*, to this Purpose. This Year he was visiting in that Town, and challenged a Woman very hard upon her not keeping the Church. She began to give her Reasons, and among other Things spoke of the Obligation of the Covenants: This put the poor Man into a terrible Rage, and among other opprobrious and abominable Discourse, he called her very openly a covenanted Whore. The Woman had not so learned Religion as to render Railing for Railing, tho' she had good enough Ground to have told him, he was at that Timelying in Whoredom with one of his own Servants, as within a while came publickly to be known.

In the Parish of *Kilbride*, in the same Shire, Captain *Inglis* harassed many Families, under Pretext of searching for Wanderers and such who had been at *Bothwell*, especially *John Nisbet*, who had been at *Drumclog* and *Bothwell*. He seized Three Country Men, *Andrew Mack*, *John Carnduff*, and *Thomas Miller*. Those Men either would not, or could not give him the Information he was desirous of, and therefore he put them to their Oath *super inquirendis*, but they peremptorily refused to give it; whereupon he caused bind them, and put fiery Matches twixt their Fingers, which put them to terrible Torment, and perfectly maimed their Hands. One of them in the Extremity of his Torment, confessed somewhat or other he knew, which, afterward upon his Reflection, well nigh distracted him. This Power of Torture lodged in every Commander of a Party of Soldiers, I am of Opinion can scarce be paralleled in any other Christian or civilized Nation.

The same Captain came a little after this to a Widow Woman's House in the same Parish, with a Design to apprehend her Son. He was happily from home that Day. The Captain missing him, and being told he was really from home, called all the Neighbours together, and obliged them with the Family it self to swear in this Form, *By the eternal God, and as I am content to lose my Part in Heaven, I know not where John Mack is*. One of them refusing to swear this irreligious Oath, the Captain with his Soldiers beat him with Guns and Staves, till they left him for dead. This Power to every Soldier to impose horrid and unaccountable Oaths upon the Lieges, is another Peculiarity of these Times, which I leave to their Advocates to vindicate.

Much about the same Time, the Laird of *Hallyards*, with a Party of Soldiers, made terrible Havock in the Parish of *East-monkland*, and neighbouring Places in the same Shire. He and his Party came upon Seventeen or Eighteen Families in that Parish, and seized upon their whole Crops and Substance, for no other Reason but mere Nonconformity, and proven only by the verbal Information of the Incumbent. He would allow them the Use of nothing which was their own, until they paid a Fine as large as he pleased, besides Fourteen Pence for each Day he and his Men had been eating their Meat, and his Horses their Straw and Corn. Some paid an Hundred Pounds *Scots*, some an Hundred Merks, some Fifty, together with the former daily Quota for Riding-money; and the Consumption and Destruction made upon their Houses, came very near to as much as their Fine. They used to fettle Corn for their Horses, much more than they could consume, and then would abuse and cast out the rest; they were sure to spoil every Thing they did not destroy, and such who would not compound with them, and pay their Fine, had every Thing that was theirs destroyed.

And to give the Whole of this Barbarity on this Parish together, next Summer *Meldrum* came after *Hallyards* upon the very same Families, and drove their Cattle and Goods, and took

Methods of  
the Clergy  
to help on  
this Persecuti-  
on.

*Kilbride.*

*East-monkland.*



took Four of the Men Prisoners, and forced them to pay an Hundred Merks apiece, and the rest were obliged to compound. *Eastfield*, a Feuair there, would enter into no Agreement with them, and they robbed him of Goods and Victual, moderately speaking, to the Value of a Thousand six hundred Merks. 1682.

And to complete their Ruin, in Winter that same Year, *Archibald Inglis*, a Commander under *Hallyards*, came upon them, and seized upon their Crop for their continuing in Nonconformity. He alledged that the Persons who had bought their Crop last Year, had suffered them to possess it and their Goods; and their Ground was sown with Corn bought from the Soldiers, and the Increase was theirs, and they had a Title to seize it, unless they could produce Testimonials, that they, their Wives and Children had kept the Church. Presbyterians have been most groundlessly and foolishly charged with asserting, that Dominion and Property are founded upon Grace; but according to this Reasoning Dominion and Property are indeed founded on Conformity to Prelacy.

The poor People were forced to compound a Second or Third Time, for what was their own, and such as did not, were cast out of House and Holding. And if any of their compassionate Neighbours offered to save any Thing that belonged to them, or harboured them, the Soldiers dealt the same way with them.

One Piece of Barbarity at this Time I cannot omit. The same *Inglis* came with a Party to the Western *Arnbuckles* in the same Parish; the Man they were searching for was fled, or was not at home. The Soldiers alledged that some Part of that Year's Crop was disposed of, and forced the Women of the House to swear if it was so, when they saw the Goodman, or if they knew where he was. After this they found a Boy of about Fifteen Years or under, and would have him to swear as above, and upon Oath declare where his Master was: The Youth refusing, they struck him with Swords till he was all running down in Blood; in this Pickle they dragged him by the Hair of the Head to the Fire, and after they had wrung about his Nose till it was gushing out in Blood, they held his Face to the Fire till his Eyes were like to leap out of his Head. The poor Women not able to help him, prayed him with Tears to tell any Thing he could, before he were burnt to Death. When in this Torment, they held drawn Swords to his Breast, cursing and swearing they would immediately send him to Eternity; and then struck and beat him upon the Head, till he fell down dead among their Hands, as they thought, and so left him as such, and the House. However, he recovered, but was distracted for some Time, after this barbarous Usage.

A terrible Barbarity in the Western *Arnbuckles*.

This was the Treatment of the West Country this Year, and all this is but some few Gleanings of what might be gathered, but those Instances may help the Reader to form some Notion of the Iniquity of this Time. I shall only add a Passage or Two from the East and North of *Scotland*, for the same Spirit was raging every where, tho' the great Scene of the Persecution was in the West and South.

I have an attested Account of a Sermon this Year, at *Eyoncraig*, in the Parish of *Pennycook*, or near by, which brought no small Trouble to the People about. Some officious Person or other went and informed the Master of the Ground, *Sir Alexander Gibson*, who presently got a Party of Soldiers, and came to the Place; but the Sermon was over, and the People dismissed before they came. Two Prisoners were taken into *Edinburgh*, and severely fined. Some Days after the Sheriff came and held Courts upon the Place, and called in all the Inhabitants about, Men and Women, and obliged them to swear whether they had been at that Sermon. Some through Fear swore falsely, and afterward fell under Terror, and died miserably. Many were fined, some in Fifty, some in an Hundred Pounds, and several fled and quit their Houses and Lands.

To step over to *Fife*, I find in *July* this Year, the abovementioned *John Archer*, then living in *Stramiglo*, with several others in that Town, fined in Three hundred Pounds Scots each, for mere Nonconformity. This Sum they were not able to pay, and so had Soldiers quartered upon them: Twenty Dragoons were ordered to ly in their Houses, while they and most of their Family were forced to flee and leave the House to the new Guests. The Dragoons took them up, and did as they pleased in them, till the Feuars of that little Town gave Bond to the Superior, and he to that Sheriff or his Depute, that they should never after be reset or harboured in that Place, under the Pain of the hail fore-said Fines. Besides this, before they could get rid of these unhappy Neighbours, the Riding-money, as above, of the Dragoons was laid upon the Feuars, altho' they had plundered the Houses, and taken away every Thing that was left, by which their Charges was much more than paid.

*Fife.*

*Stramiglo.*

By this Severity the said *John Archer*, his Wife, and Family of five small Children, were forced to hide and wander from *July* to *November* this Year. In *November* Two of Mr. *Archer's* Children fell sick of a dangerous Fever, and when lying in a House they were discovered, and the poor People who took a Care of them were threatned, and in Hazard to be brought to Trouble, for this Act of Humanity to Two Infants in Distress: Yea, so far was the Malice and Barbarity carried, that the poor innocent Babes behoved to be removed, to the great Hazard of their Lives; and after many had refused to lodge them for Money, their Father got a retired House for them in the *Path-head* of *Kirkaldy*, where the other

*John Archer.*

Three



1682.

Innerkeithing.  
Andrew Adamson.

Three sickned, and there this pious Man fell under new Persecution in February next Year, as I shall notice.

About this Time, not a few in the Town of *Innerkeithing* were brought to no small Trouble. I have an attested Account of some Severities used against *Andrew Adamson* Chirurgeon there, who was chargeable with nothing but Nonconformity. Before *Bothwell*, several Parties came to apprehend him at his House; he still escaped, but every Time his House and Family escaped not Damage. This Year *Alexander Malcom*, Sheriff-depute of *Fife*, put in by the Earl of *Balcarras*, when the Sheriffship was lodged in his Hands, upon my Lady *Roths* and the Earl of *Haddingtoun* their refusing the Test, rigorously pressed Conformity; and there was no escaping sore Oppression without taking the Test. Mr. *Adamson* was forced to hide for some Months, at length returning privately to his own Family, he was imprisoned by the Magistrates for not hearing the Incumbent; but after paying a considerable Fine, he was let out. Within a little the Sheriff-depute attacked him, but he getting Notice, left the Place with his whole Family, and lived as hiddenly as he could in *Edinburgh*, till the Revolution.

Mean while the Dragoons came to his House, and finding him gone, went to the House of *James Fergusson*, and quartered upon him Twenty Days, together with their Horses. Under the Prospect of this, Mr. *Adamson* had caused his Victual that Harvest to be stacked with the Victual of others in the Place, who could not be reached by Law. Mr. *Alexander Irvine*, the Episcopal Incumbent there, who was indeed the Author of all the Severities honest People in *Innerkeithing* met with at this Time, had got Notice of this by his Spies and Informers whom he entertained and paid, and came himself with the Dragoons to the Stackyard, and caused all the Stacks be cast, and as much as came to Mr. *Adamson's* Share, was taken out and put into a large Barn, where they put the Dragoons Horses loose, till the whole of it was rendred useless. And the Magistrates of the Town uplifted the Rents of several Houses and Lands in that Place belonging to Mr. *Adamson*, till near the Revolution.

Yea, such was the Virulence of Mr. *Irvine*, that after Mr. *Adamson's* Family was removed, he went to the Magistrates and threatned them with a Council Process, and more than once formerly he had got them summoned before the Council, because they would not go into every severe Prosecution he proposed, if they did not make a Proclamation through their Town, discharging Mr. *Adamson*, or any in his Family, to be seen in the Streets, and ordering them to be apprehended, under the highest Pains; which, for Peace sake, they did. And yet Mr. *Adamson* was not only useful in his Business in that Place, but universally known for his Moderation and harmless Carriage, and lived in very much Friendship with Dr. *Scot*, while Episcopal Minister there, tho' he differed as much in his Principles from him, as from Mrs. *Lawder* and *Irvine* his violent Successors. I have given this Account more largely, being vouched by Mr. *Adamson's* Son, a reverend Minister of this Church.

By Mr. *Irvine's* Influence, many other worthy Persons in the same Town were brought to no small Trouble for their not hearing. *Thomas Thomson* elder, a Master of a Ship, *Thomas Thomson* younger his Son, *William Brown Baxter*, *Robert Stuart* Master of a Ship, who was a long Time Prisoner in the Tolbooth of *Edinburgh*, with Mr. *Forrest* of *Three-acres*, near *Stirling*: Those, with several others, for mere Nonconformity, were obliged to remove with their Families, and sustained great Loss.

I shall end this general Account of the Severities of this Year, with an Instance or Two from the North, where there were not many to persecute.

Mr. Alexander  
Pitcairn turned  
out of Dron.

This Year the reverend Mr. *Alexander Pitcairn*, who, by good Providence had been Minister at *Dron* near *Perth* for many Years, was forced to leave his Charge. He was indeed an Eye-sore to the Episcopal Clergy in that Country. After he had sitted many Citations and Summons to remove, the Marquis of *Athole*, as we have seen, came and turned him out. I have no further Accounts of this worthy and learned Minister, who is known through the Reformed Churches by his Writings. Only I find *Holland* was the Place of his Shelter, where he continued until the Liberty, when he, with many worthy Ministers, ventured home from their Exile. And after the happy Revolution, Mr. *Pitcairn* was made Provost of the old College in *St. Andrews* by King *William*.

Lawrence Gibson.

*Lawrence Gibson*, in the neighbouring Parish of *Arngask*, who used to be a daily Hearer of Mr. *Pitcairn* while at *Dron*, was about the same Time brought into the Tolbooth of *Perth*. This Man was married to a Servant of that excellent Family of *Ruthven*, who did what they could for his Liberation, nothing being to be laid to his Charge but hearing a Presbyterian Minister not turned out of his Church. Several Ladies went into *Perth*, and most earnestly besought his Liberation; and when that was not allowed, they offered sufficient Caution, and craved he might be bailed till he answered his Indictment, but nothing could be heard; yet those Persons of Honour had no Weight in so reasonable a Request. The poor Man was sent into *Edinburgh*, and there, upon no other Head than what is above, was sentenced to be a Recruit to one of the *Scots* Regiments, in the Service of the States. The Sentence was executed, and he went over, and continued in that Service till his Father in Law, *John Ruthven*, advanced a considerable Sum of Money to Captain, afterward Major *Henry*



Henry Balfour of Dunbog, who procured his Pass, and so he got home, and continued a Servant in the Family of Ruthven, till the Revolution. This remarkable Severity I have attested by a Person of Honour, nearly related to that noble Family, who knew him and all the Steps of this Matter.

1682.

A few more Instances offer, from an attested Account, of some Sufferings in Perth and Angus, before me.

David Peter and James Proctor were attacked by the Sheriff of Forfar, for not hearing the Incumbent, and imprisoned, and all their Goods seized without any Process or Trial, whereby they were brought to great Hardships, and put from their Residence. The same Sheriff apprehended Thomas Clepan, in the Parish of Kerrimuir, for mere Nonconformity, and kept him in Prison till he paid a considerable Fine, tho' he was aged and infirm through the Wounds he had received in his Youth, in the King's Service, at Innerkeithing; but nothing of this Kind was now minded.

David Peter,  
James Proctor  
of Forfar, and  
Thomas Clepan  
in Kerrimuir.

Mrs. Minniman, a Presbyterian Minister's Widow, was apprehended by the Magistrates of Perth, for mere Nonconformity, while her only Son was dangerously sick: And the poor Child took a violent Crying for his Mother, and continued so till he died, and this religious Gentlewoman offered to bind her self under all she was worth in the World, to re-enter Prison after a Day or Two's Attendance on her dying Son; yet such was the Inhumanity of this Period, that she could not be allowed once to see her Child. In a little Time after, this good Woman died also of Grief.

Mrs. Minniman  
in Perth.

Those Things may suffice to give a general View of the State of Presbyterians Sufferings this Year, and I have put them together, wanting the particular Dates of them. I come now to give a Narrative of some Sufferings of particular Ministers and Gentlemen this Year, of which I have more full and distinct Accounts.

## S E C T. IV.

Of the Sufferings of the reverend Mr. Patrick Warner, Mr. Henry Erskine, and some other Presbyterian Ministers and Gentlemen, this Year 1682.

I Have of design deferred the more particular Accounts of the Sufferings of the worthy Persons I am to mention in this Section, to this Place, both because the Importance of the attested Narratives of their Sufferings deserves a Room by themselves, and also that the former Section is sufficiently swelled already, so I give them just in the Order of Time they happened. It needs scarce be remarked, that the Government had nothing to charge them with, but their Non-subjection to Prelacy.

Contents of  
this Section.

Upon the former Year, I promised to give an Account here, of the rest of the heavy Sufferings of that good Man James Gray of Chrystoun; and that the Reader may have the Thread of the Story together, as likewise that my Work afterwards, where particular Instances will grow upon my Hand, may be shortned, I shall give all his Sufferings after this together, as also those of some of the rest I am to mention, tho' several Branches of them were in the following Years.

The remaining  
Sufferings of  
James Gray of  
Chrystoun.

I left Strachan's Dragoons last Year, eating up all this Gentleman's Substance, till the End of December, when they went off. In January this Year, Mr. Gray ventured Home to see his Family; and, upon a Sabbath Evening, a Party of Dragoons, who by this Time knew his House well, having got Intelligence of him, came out of Glasgow, seized him, and brought him in Prisoner to that Place, without giving any Reason, or shewing any Warrant. He was that Night examined by the Lord Ross, and some other Officers of the Army there, and by them committed to Prison, whence, after Three or Four Weeks, he was carried in to Edinburgh.

He is seized at  
his own House,  
Jan. this Year.

There he lay a long Time in Prison, without being called for by any Court or Judge: His Friends represented, That Mr. Gray had formerly been purged in Law, relaxed from the Horn, and restored to the Peace, and that now he was imprisoned without any Libel or Charge against him, and therefore begged he might be liberate; but all was in vain, unless he would engage to conform in all Points with the present Church-establishment, which he could not in Conscience do.

He continues  
long in Prison  
at Edinburgh.

After about a Year's Imprisonment, he was brought before the Council, who attacked him with their captious Questions, in order to ensnare him. He declined answering at first, and

His Examination  
before the  
Council.

com-



1682. complained of his Seizure contrary to Law, and wrongous Imprisonment now upwards of a Year; but they would not enter upon these Heads, and, having him now in their Clutches, began to press him to declare his Thoughts and Opinion anent the Bishop of St. Andrews's Death, whether Murder or not; the Rising at Bothwell, whether Rebellion or not; yea, King Charles I's. Death, whether Murder or not; and many other Questions of that Nature.

Unto several of their Questions he answered, That he did not reckon himself obliged peremptorily to judge of the Actions of others. As to King Charles I's. Death, after he had signified how much he was surprized at their going so far back, he told them, he was of the same Mind with the then Church and State of Scotland, who did highly resent it.

In short, upon his owning it as his Opinion, that the Matter of the Covenant was lawful, and its Obligation binding, and his declaring the Principle of Self-defence, upon just Grounds, to be what he took to be natural to every Man, and highly rational; and upon his refusing to assent or swear to their slavish Position, *That it is unlawful for Subjects, upon any Pretext whatsoever, to take up Arms against the King, or any commissionate by him, or to meet, treat, or consult about any thing, Civil or Ecclesiastical, without his Warrant;* and his refusing to give any Engagement to subject himself to the present Church-establishment, he was sent back to Prison.

Where he lay for more than Two Years. Now and then, when they were at Leisure, they would call him before the Council, or its Committees, and interrogate him upon the foresaid and other Heads they proposed to him, with the same Success.

In the Month of July or August, 1684. he was again sifted before the Council, and had the Test, and other Things then pressed, tendered to him, which he refusing, the Council past a Sentence of Banishment upon him, and he was again returned unto Prison. And, August 1685. after Three Years and a Half's close Imprisonment, he was, without the least previous Notice given him, carried from the Tolbooth of Edinburgh, and hurried aboard a Ship, Captain Love Maister, and, with about 140 others, as we may afterwards notice, was transported to Jamaica.

In their Voyage, as Mr. Gray gives Account, they were most barbarously used, and had scarce so much Food allowed them as was sufficient to keep them from starving, and what they had was very coarse. They were shut up in such a Throng, under Deck, as occasioned a sore Fever among them; and, in their Sickness, they had no Refreshment allowed them. Many of them died merely for Thirst; some of them offered a Crown for one Drink of Water, whereof there was Abundance in the Ship, but it was still denied them. The Hardships they suffered were truly inexpressible, and can hardly be believed to have been what human Creatures would be capable of exercising one upon another.

After a Voyage of Three Months, they arrived at Jamaica, where they were sold. Mr. Gray was now near Sixty, and not very saleable, and had a Cast by common. They who had the Disposal of him would neither sell him with the rest, nor would they take the highest Rates they got for the strongest in the Company, and would not part with him but for a vast Sum, knowing he had an Estate; and therefore he was for some Time kept close Prisoner in Jamaica. While in Prison, he fell very sick, and was near unto Death; and then, rather than lose all, they liberate him for Fifteen Pounds Sterling. It pleased the Lord he recovered, and got Home to his native Country, where he was singularly useful in the Parish of Calder, after the Liberty and the Revolution; and he died in the Lord in Peace and full Age, some Years ago, leaving his Estate to his worthy Son, who, as he had some Share in his Father's Sufferings, desires to adhere to the Covenant of his Father, and essays to follow his religious Pattern. To him the Reader is indebted for some very valuable Hints in this History. I could add here several very remarkable providential Deliveries and Preservations Mr. Gray and his Family met with in their Suffering; but this Work is growing upon my Hand far beyond my Expectation.

Another Gentleman's Sufferings begin likewise this same Month of January this Year. We shall meet with him in the following Section, from the Justiciary Records, in Company with many others; but having a signed Account of some Branches of the Trouble he met with, I insert an Abbreviate of it here. Thomas Fergusson of Finnarts, a very sensible knowing Gentleman, in the Parish of Ballantree, upon the Borders of Galloway, was, with several others, forfeited, as we shall hear, and forced to flee for his Life to the Kingdom of Ireland, which was a Shelter to many worthy Sufferers upon that Side, as Holland was to a great many in the Eastern Parts of Scotland.

He was now aged Sixty one, and never had been in Arms in opposition to the Government, neither had he been actively accessory to the Rising at Bothwell; his only Crime was his not falling in with the Courses of this Period, and his having an Estate. The only Shadow of Ground for this Gentleman's Persecution and Forfeiture, was the Deposition of Two Men, for any thing I know, suborned, That a little before Bothwell, a Boy came out of a House in Ballantree, where Finnarts was, and warned all the Neighbourhood who had

Sent back to Prison, where he continued some Years.

Banished 1684. and, 1685. sent off in a Ship to Jamaica.

Hardships in the Voyage.

In Jamaica, he fell sick, he is imprisoned, and there, sickening, is liberated.

Thomas Fergusson of Finnarts his Sufferings



had a mind to joyn the Party in Arms about *Glasgow*, to repair to the said House, to receive Money and Arms. The Story indeed does not tell, and, except in this Instance, I have not met with any such Methods used to gather People to the West-country Army: But more than this the Prosecutors of his Forfeiture had not against him, nor any Proof of his Concern in that Boy's Actings, or Consent unto them; and I am assured no more was libelled against him than is above.

1682.

This was found sufficient to forfeit his Life and Estate. Upon his Forfeiture, Captain *William Seton*, one of the Guards, got a Gift of his Estate heritable and moveable; and when *Finnarts* was fled to *Ireland*, in May this Year, the Captain came South, and took Possession of all; yea, such was the Equity of this Time, that *Seton*, after some Pains, having got Notice of Mr. *Fergusson's* Debtors, pursued them at Law, and got paid him of Sums owing to *Finnarts*, upwards of Four thousand Merks. For Six Years the Captain possessed the Estate, lifted the Rents, and mean while, forced his Wife and Six Children out of their own House. For some Time they were obliged to lodge in the open Field, in a Glen near by, where they had a Fire for readying their Meat; at length, with great Difficulty, the Captain was prevailed with to suffer the Gentlewoman to return to her own House, and to have a small Bit of Land, upon her paying Twenty Pounds more of Rent, than ever had been before paid for them, when set in Tack.

I come now to give some Account of the Sufferings of a venerable and worthy Minister, yet alive, now, since his Brother's Death, last Year, 1716. the eldest Minister at present in the Church of Scotland, which began in February 1682. the Reverend Mr. *Patrick Warner*, who, since the Revolution, was Minister of *Irwin* about Twenty Years, till, by Age and Infirmary, finding himself unequal for so great a Charge, of late he hath demitted his pastoral Relation to that People. His own Modesty, and my near Relation to him, will not permit me to say what I could, as to his personal and ministerial Character, Piety, Learning, and Usefulness; his Character indeed is so savoury and well known in this Church, that I need say nothing of it.

Sufferings of Mr. Patrick Warner.

There are but a very few of these old suffering Ministers now alive, to give distinct Accounts of their own heavy Troubles, which is no small Loss to me in writing this History; and therefore, having the Advantage of a few Hints of his from himself, I shall give the Reader a fuller Account of the Severities he met with from the Government and Managers, and his Carriage under them.

And we may easily form a Judgment from their Procedure with him and some others formerly hinted at, of the Methods now used with many other excellent and worthy Presbyterian Ministers, who were heavily prosecuted in this Period, and some of them about this Time forced to flee their native Country; of whom it is Matter of Regret to me, that no particular Accounts have come to my Hands.

From the Methods used with him, we may have some View of the Sufferings of others about this Time, of whom I have no particular Accounts, as

Such as the very learned, singularly modest and excellent Mr. *George Campbell*, Professor of Divinity in the College of *Edinburgh* since the Revolution, that truly extraordinary Person, Mr. *Thomas Hog*, Minister at *Kiltairn* in the Shire of *Ross*, Mr. *James Veitch* Minister at *Mauchlin*, Mr. *Alexander Pitcairn* at *Dron*, Mr. *James Kirkcoun*, since the Revolution Minister at *Edinburgh*, of whom some Hints have been given, but very far short of what they suffered, Mr. *Alexander Hasty* Minister at *Glasgow*, Mr. *Robert Langlands* Minister first at the *Barony* of *Glasgow*, and then at *Elgin* of *Murray*, a Scholar of the first Rate, and fully Master of most part of the Branches of polite Learning, Mr. *William Archbald*, Mr. *John Harroway*, and Mr. *Patrick Cowpar*, and others who may not have come to my Knowledge, all of whom I think were Refugees in *Holland*: With several others whose singular Hardships forced them to take on a voluntary Banishment; which was likewise the Case of many Noblemen and Gentlemen, such as the Earl of *Lowdon*, the Lord *Strathnaver*, afterward Earl of *Sutherland*, my Lord *Stair*, the Accounts of whom I am sorry I cannot transmit to Posterity.

Mr. George Campbell.  
Mr. Thomas Hog.  
Mr. James Veitch.  
Mr. Alexander Pitcairn.  
Mr. James Kirkcoun.  
Mr. Alexander Hasty.  
Mr. Robert Langlands.  
Mr. Archb.  
Mr. John Harroway.  
Mr. Patrick Cowpar.  
Earl of Lowdon.  
Lord Strathnaver, Lord Stair.  
Mr. Warner licensed 1669.

Mr. *Warner* was licensed, some time after *Pentland*, to preach the Gospel, and very amply recommended by the Presbyterian Ministers in and about *Edinburgh*, when his Trials were over, to their Brethren the Dissenting Ministers at *London*, where after some Stay about the 1669. he was pitched upon by them to be recommended to the *East India* Company, who were then very willing to make use of Presbyterian Ministers in their Settlements, and was ordained at *London* with this View. Accordingly after various Providences, and his being taken at Sea by the *Dutch* Fleet when in an *English* Ship, he got safe to the *East Indies*, and was for about three Years Minister of Fort *St. George* upon the Coast of *Cormandel*.

Ordained at London, and Minister at Fort St. George in the East Indies.

There he was very kindly dealt with, and much importuned to stay longer by the *East India* Company, but longing to be home, he returned to his native Air about the 1677. when he preached sometimes with Mr. *John Welsh*, and sometimes with others in the Fields as Providence opened a Door, and sometimes with the Presbyterian Ministers who were indulged. During the whole Summer, 1677 or 1678. he and Mr. *Welsh* frequently preached together in *Galloway*, *Carrick*, and other Places.

Returns to Scotland and preaches with Mr. John Welsh and others, 1677 and 1678.

Thus he continued till the Defeat at *Bothwell*, which Day he was preaching to a large Meeting



1682.

Meeting in *Galloway*, and wanted not Impressions of the Disaster befallen the West-country Army, tho' he could have no Accounts of it. As soon as these reached him, he went straight for *London*, where, and in *Holland*, he continued till he ventured Home again last Year, and, as he had Opportunity, now and then preached in Houses. In the Middle of December 1681. he was married to one of the Daughters of the Reverend Mr. *William Guthrie*, that burning and shining Light, of whom in the first Book.

February this Year he is taken at his Mother in Law's House.

I should not have remarked this, had it not been accented to his Sufferings, which I now come to. Towards the End of February this Year, when living peaceably in the House of his Mother in Law at *Edinburgh*, some two Months after he was so comfortably settled, without any Citation or Summons, a Party of the Guards commanded by then Captain, and since deservedly Major-general *Maitland*, joyned with some of the Town Company commanded by Major *Johnstoun*, came and beset the House in the Middle of the Night; and having with Fore-hammers violently broken open the Doors (the first Account Mr. *Warner* got) which would have been opened to them had they thought good to have demanded it, they took him out of his Bed, ransacked the whole House, and took away upwards of Twenty Copies of *Calderwood's* History, lately printed mostly upon his Charges, with some Hundreds of the *Second Book of Discipline* lately reprinted, and several other valuable Books out of his Closet, with a considerable Number of more valuable Manuscripts, some of them his, but mostly belonging to his Mother in Law *Mistress Guthrie*, which had been her Husband's. So rude were they, that they searched his very Pockets, and took what Money they found, and a good Watch; but Captain *Maitland* was so kind and just, as, when he heard of this, to cause the Watch to be returned to *Mistress Warner*. *Johnstoun* and his Men were not so discreet, for they carried off Mr. *Warner's* wearing Clothes and Linens, and several other Things in the Rooms; the Books and Manuscripts were taken to the Council-house, to be looked over, but were never restored.

Carried to the Abbey Guard.

Straightway he was carried, in the Middle of the Night, through almost the whole City of *Edinburgh* and *Canongate*, to the *Abbey*, where the Duke of *York* was then lodging, and committed to his Guards, where he continued till the Morning. That same Night Mr. *William Livingstone*, as we shall hear, was seized. Next Day at 10 of the Clock Mr. *Warner* was carried up the Street to the Parliament-house, under a Guard of a whole Company of Musketeers, as if he had been some remarkable Malefactor.

Next Day is examined before a Committee of Council.

There a Committee of Council were met to examine him. He remembers, upon the one Side of the Table were the Marquis of *Montrose*, the Earl of *Queensberry*, Sir *George Mackenzie*, and some other Noblemen whom he knew not; and upon the other side the Archbishop of *St. Andrews*, Bishop *Paterfon*, and some more. By the particular Account of his Examination, the Reader will best understand what they had to lay to his Charge, and perceive the Grounds of his Sufferings, and therefore I shall set it down in the precise Words, as far as at this Distance of Time he can remember.

His Examination.

The Archbishop began with asking his Name, which he told: Then he enquired if he was a Minister. Mr. *Warner*, without giving him his Titles, owned he was: Next he was interrogate where he was ordained; he answered, at *London*. The Primate questioned him how he came to preach in *Scotland* being ordained at *London*: The other replied, he reckoned being ordained he might preach any where upon a Call. The Archbishop replied, he ought not to preach unless he were fixed to a particular Congregation; to which it was answered, that he always thought that a Minister's first Relation was to the universal Church, and a Relation to a particular Charge only secondary. The Bishop told him, the Laws did not allow him to preach unless fixed to a particular Congregation; to which the Prisoner answered, he was heartily sorry the Laws did not allow him to fix in a particular Congregation, which he inclined to if a Door were open.

As to his Preaching in the Fields.

Then the Marquis of *Montrose* asked Mr. *Warner*, if he had not sometimes preached in the Fields: The Prisoner answered with a due Respect, he humbly hoped his Lordship would not put such Questions to him as might oblige him to accuse himself; yet for his Lordship's Satisfaction he did declare, that since the Act of Indemnity he had not preached in the Fields. The Marquis insisted, and enquired if he had not preached in Houses where there were many without Doors. Mr. *Warner* asking his Lordship Pardon, as above, replied, he would neither say nor gainsay what he had asked; yet acknowledged candidly, that wherever he came to a House, if the People desired it, and their Case needed it, he had not refused, as the Lord enabled him, to preach to them, tho' in the mean time it was not improbable, there might be some at the Doors and Windows, which he could neither foresee nor prevent.

Upon this the Archbishop asked the Prisoner, how he came formerly to say he had not kept any Field-meetings since the Indemnity: He answered, when he said so, he understood by Field-meetings, such as are properly and absolutely so called, and not interpretatively. The Bishop replied, but these are Field-meetings absolutely, because the Law condemns them. The Prisoner replied, if he was in any Error by using that Distinction, it was his Majesty and Council had led him into it, because in their Proclamation they used a Distinction in Field-meetings, and such as were by Law interpreted to be Field-meetings.

Then



Then the Marquis resumed the Enquiry, and asked, what a Field-meeting was that he had kept near *Monnigaff* in *Galloway*. He put him again in Mind, that he did not expect to be put to answer such Questions; yet he would own he had kept several Field-meetings at or near to *Monnigaff*, before the Indemnity, but did not know which of them his Lordship meant. Next, he was asked, what a Presbytery it was he had kept in *Galloway*, with his Brother *Mr. George Barclay*, and some other Presbyterian Ministers. The Pannel insisted upon his former Request, not to be urged with such Questions, since his Lordship knew in what Circumstances *Mr. Barclay* was, (we have before heard he was intercommuned and fugitive) adding, for him to confess Converse with one in *Mr. Barclay's* Circumstances, would lay him open to Punishment by the present Laws. Well then, said the Marquis, abstracting from *Mr. Barclay*, What Presbytery was it you kept with your own Brother, and some other Ministers? To which he answered, he had indeed been in Company with his Brother, and one or Two Ministers more at most, but he never kept Presbyteries with them; for they had never constitute in a Judicatory, or chosen either Moderator or Clerk.

Again that Lord asked him, What he thought of the Bishop of *St. Andrews's* Death. *Mr. Warner* replied, he could not help thinking it a very great Hardship, to be questioned upon his Thoughts and inward Sentiments, yet, in hopes his Lordship would not pose him with any more such Queries, he would freely tell him he did not approve it. But, said the Marquis, it may be, that is because you think they went not wisely enough to Work. No, My Lord, said he, it is because they were but private Men, and not clothed with Authority: But, added the Marquis, do not you think it an abominable Murder? The Prisoner replied, My Lord, I have said as much already, as to those Questions, as I humbly conceive may satisfy, and am not willing further to be imposed upon; I am none of these Mens Judges, nor do I desire to be a rigid Censurer of others, especially being now a Prisoner, and not knowing what Measure I my self shall meet with.

The Advocate next took him up, and said, You are very moderate, *Mr. Warner*. He replied, I hope your Lordship does not condemn Moderation: No, said the other, but you are not so moderate to the late Marquis of *Montrose*, but call him *James Graham*, by way of Contempt, in a Paper here found among your Papers. He replied, I know of no such Paper, neither is there any such belongs to me. Then, said the Advocate, it must belong to *Mr. Livingston*, (who, we heard, was likewise seized with all his Papers last Night.) I know not, answered the other, to whom it may belong, but I know it is none of mine.

Next, the Advocate questioned him, here are a great many Copies of the *Second Book of Discipline*, which, it seems, you have spread through the Country; are you the Printer of them? No, answered he. How came you by them then? said the other. It was answered, they had been sent him from *Holland*: But, said *Sir George*, you should not spread such seditious Books. The Prisoner replied, it was a Book had been printed and reprinted many Years ago, and he had never heard of any *Index prohibitorius* or *expurgatorius* against it.

By this Time, the Earl of *Strathmore*, with whom *Mr. Warner* had the Honour to be acquainted at the University, came in to the House. As far as was understood, he was not a Member of the Committee, at least he did not take his Place with the rest, but stood at the Foot of the Council-table, with the Prisoner. When he perceived the Members were over with their Questions, he asked *Mr. Warner*, if he had not been educated at the University of *St. Andrews*. Yes, my Lord, answered he, as your Lordship also was. Then, said the Earl, I know you very well, and was pleased to add some Things to his Commendation, more than *Mr. Warner* thinks he deserved. The Bishop of *Edinburgh* said to him, I believe you have been at that College when I was there; he answered, he was. The Advocate added, there was one of your Name there when I was there, but I know not whether it was you or your Brother; what Time was your Brother at the University? He answered, he did not distinctly remember; but it was some Four or Five Years before he was at it. The Advocate asked, when he was there, and the Earl was pleased to say, he was there about the 1658 or 1659. Then, said the Advocate, *Mr. Warner*, your Brother was the Person that was my Condisciple, and was my very intimate Acquaintance, and I would very gladly know what is become of him. This the Prisoner thought convenient to answer by Silence, not being willing to awaken sleeping Dogs, remembering his Brother, by a Process at the Advocate's Instance, had been declared Fugitive. Whether the Advocate knew it, his Name being mixed with many others, or would not now appear to mind it, he could not determine, and reckoned it safest to hold his Peace. These little Incidents, tho' not very material, discover to us the Forms, if not the Fetches used by these examining Committees.

*Mr. Warner* began now to conceive some Hopes, he would not meet with very great Severity, since so many did him the Honour as to scrape Acquaintance with him, and, as he thought, spoke kindly and favourably to him; and the Advocate was pleased to tell him, he was acquainted with several of his and his Wife's Relations.

However, he was sent to the Tolbooth, where he had not been a Quarter of an Hour, till he was called for again by the Committee; and when brought in, the Advocate told him,

1682.

As to the Prisoner's Death

Upon some Papers where in the M. of Montrose is termed James Graham.

Upon the Second Book of Discipline.

Mr. Warner sent to Prison



1682.

and from  
brought back  
and examined  
upon a Trans-  
lation of  
*Buchanan de  
jure regni*

him, we have found here among your Papers, a Translation of *Buchanan de jure regni apud Scotos*, and desired to know if he was the Translator of it. He answered, he was not. Translate it who will, said the Advocate, it is a very bad Translation : That may be, said the other, but I am not to answer for it. But are you not the Writer ? said the Advocate. The Prisoner denied. Then he was desired to come and look upon it, and consider if it was not his own Hand Writ. To satisfy you, my Lord, said he, I come; and when he looked upon it, he assured him it was not. But, insisted the Advocate, is not this your Paper ? It is none of mine, said he, I never saw it before. Sure, said the other, it must be yours, and now you are not dealing ingenuously, for it is declared here, that it was brought from your House, with many other Papers, for which he attested the rest of the Counsellors. The Prisoner still averred what he had said, but told them, that Captain *Maitland*, who by this Time was at the Bar, had been so exact in seizing all Papers, that he had carried away a whole Trunk-ful of Manuscripts, belonging formerly to Mr. *William Guthrie*, Yesterday in Possession of his Mother in Law, Mrs. *Guthrie*, which he himself had never seen; which Fact Captain *Maitland* assented to; and, added he, it is possible that Paper may have been amongst them.

*Haltoun's Ex-  
position about  
him.*

By this Time *Haltoun* came into the Committee, and asked the rest what the Prisoner said of the Bishop's Death; one of them answered, He doth not approve of it, but will not call it Murder. Then said *Haltoun*, he shall be hanged, which the Prisoner answered with a Smile.

He is challeng-  
ed upon  
some Letters  
found in his  
Pocket.

Sir *William Paterfon*, being all this while perusing some missive Letters sent to Mr. *Warner*, found in his Pockets, began to pose him concerning one of them sent from *Edinburgh* to Mr. *Warner*, when he was at *London*, bearing, *That his Friend had sent him the Notes he had writ for from Edinburgh, but found not his own Bond among them.* Now, says the Clerk, this must certainly be some Bonds you have been employed in, and Collections you have been carrying on for some treasonable Design or other.

Terrible  
Stretches at  
this Time put  
upon Peoples  
Letters and  
Words.

By the way, we may notice, what perverse Meanings and terrible Stretches they put upon Matters, and how much they inclined to find such as came before them, guilty. Mr. *Warner* gave them a very candid and true Account of these Letters they were pleased to find such a Mystery in; that they were some Notes and Receipts he had from Persons to whom he had delivered some Tokens, and other Things of Value committed to his Care, when he came home from the *East Indies*, for which he had given his Bond safely to deliver them, and accordingly he took their Receipts. He had likewise the Writer's Bond for some Money, which, it seems, his Friend missed, and that he directed him also to it.

He is blamed  
for the Place  
where his Let-  
ters are directed  
to be left.

So nice were the Committee in their Inquiries, that looking on the Direction of some of Mr. *Warner's* Letters, they further challenged him, because they were directed to be left at *Dorman Newman*, Bookseller at *London*, his Shop. Now, says the Clerk, this *Newman* prints all the seditious Libels and Pamphlets against the Government. The Prisoner replied, That Mr. *Newman* was a known Bookseller at *London*, from whom he had bought several Books, and whose Shop he frequented, which, being better known than his Chamber, he had ordered his Letters to be directed to be left there; that he was a Printer of seditious Papers against the Government, was what he did not know before.

The Clerk's Brother, Bishop *Paterfon*, further acquainted the Committee, that he had found among the Papers brought from Mr. *Warner's* House, a great many Debates 'twixt the publick Resolutioners and Protesters, which the Committee very little regarded.

When thus, after all their Search and Examination, nothing material was found, Mr. *Warner* again was sent back to the Tolbooth, where he remained full Sixteen Weeks, hardly enough used, being put into a common Room there with Five or Six other Prisoners.

Mean while, great Endeavours were used to find Matter of an Indictment against him, for which end *Claverhouse* in the West Country and South, and *Meldrum* in the East, were employed to search if Mr. *Warner* had been at *Bothwel-bridge*, or if in his Sermons he had preached any Thing that might be made Sedition or Rebellion. Both of them were very forward in the Inquiry, and travelled among the conformable Clergy, who were very willing to be Informers; yet such was his Innocence, that the most malicious could find nothing of this Nature against him.

*Claverhouse* indeed brought in an Account, that Mr. *Warner* had preached the same Day upon which the Engagement was at *Bothwel*, about Forty Miles distant from it, upon these Words, as he repeated them, *Sorrow be to him that withholdeth his Sword from shedding of Blood.* This *Claverhouse* told to a Gentleman of Mr. *Warner's* Acquaintance, one Day on the Street of *Edinburgh*. The Gentleman acquainted him there was no such Expression in the Scripture: Upon which an Appeal was made to a Curate in the West Country, who was standing near by; he told them the Expression he supposed *Claverhouse* pointed at, was, *Cursed is he who withholdeth, &c.* In a little Time the Gentleman came to the Prison, and gave Mr. *Warner* an Account of what had passed, who desired him to assure *Claverhouse*, that he never preached upon these Words, and his Information was false; which he did, and there was no more of this Matter.

When



When this failed them, the Managers applied to some Gentlemen of the Name of *Gordon*, who were of Mr. *Warner's* Acquaintance, now at *Edinburgh*, and in Hopes, by the Marquis of *Huntley's* Interest, to get an Indemnity for being at *Bothwell*, and likewise to *McClellan* of *Barscob*, who was now getting his Remission; but none of them could serve them in this Point. It would be endless to set down all the Pains they were at, to fix Guilt upon this good and innocent Man. I add but one Instance more, of which Mr. *Warner* had an Account at that Time, from a Friend of his, to whom the Gentleman told the Story.

1682.

*Dunbar* of *Baldoon*, a very considerable Gentleman in *Galloway*, who had been at home in his House during the Rising at *Bothwell*, and with whom Mr. *Warner* had several Times lodged, was dealt with in private with a great deal of Earnestness, to declare what he knew about the Prisoner: This Person of Honour told them, he had nothing to say to his Disadvantage, that he had known him well, and found him a very worthy Person; adding, in a Jest, that he heard now that some People said he was a Jesuit.

In a little Time *Baldoon* was severely threatened by Bishop *Paterfon*, and told, if he did not witness against Mr. *Warner*, he himself would be cited for Converse with, and harbouring of an intercommuned Person; mean while, Mr. *Warner* had never been intercommuned. The Thing this Gentleman was so much importuned and threatened about, was, some Words alleged to have been spoken by the Prisoner at *Baldoon's* Table, for the Lawfulness of defensive Arms, which they interpreted to have been said in Vindication of the Rising at *Bothwell*, the Conversation, as they pretended, having been either in the Time of, or a little after the Rising. When thus threatened, the Gentleman plainly told them, they might deal with himself as they saw good, but he could not be distinct in what had passed 'twixt the Prisoner and him, in private Conversation in his own House, upon these nice Heads, and would not serve them in that Affair.

What Treatment *Baldoon* would have met with for this Refusal, I shall not say, had he lived; but that worthy Gentleman died very soon, much regreted. Thus after all their Efforts, Mr. *Warner* continued in Prison without receiving an Indictment, not for want of Inclination or Pains, but Matter.

But nothing found.

When the Party who seized him, as hath been narrated, took him away Prisoner, his Books and Papers were left in the House that Night, but under a Guard: And in the Morning, Sir *William Paterfon* and *Hugh Stevenson* of *Montgremar*, Clerks to the Council, were sent to bring them to the Parliament-house. The Manuscripts, and among them several little Pocket-books, containing Notes of his Sermons, were put into Bishop *Paterfon's* Hands, to search for Matter of Indictment against him, but none was found.

Yea, so strict were the Seizers of his Papers, that they spared nothing. His very civil Rights and Bonds for Money he had lent out, were carried away with the rest, so that he could not command any Thing of his own for his Sustenance and Charges in Prison, which were not small. Whereupon he petitioned the Council, that his Books, Manuscripts, and Papers might be restored to him; but that Justice could not be granted, only they allowed him to get back his Rights and Bonds.

During his Imprisonment, he lectured and preached twice every Lord's Day to the Prisoners, and a few others, who, by their Acquaintance with, and giving Money to the Keepers, got in. He petitioned the Council for his Liberation, since nothing worthy of Bonds or Imprisonment was laid to his Charge, but in vain. When the Advocate was dealt with by his Friends for this End, in a huffing Way he told them, he had Orders to draw an Indictment. Mr. *Warner* sent again to him, begging of him that he might hasten it; but he heard no more of it.

He lectured and preached twice every Day to the Prisoners in the Tolbooth.

Upon repeated Applications from Mr. *Warner's* Friends to the Counsellors, it was signified, that since he had acknowledged he had preached contrary to Law, he behoved to reckon upon one of Three; either to give his Bond to preach no more unless he conformed, or remain in perpetual Prison, or remove out of the Kingdom, finding Caution not to return without Leave, under the Penalty of Five thousand Merks. One of these, he was told, they were resolved on, and tho' any of them was severe enough, yet of the Three Evils he chose that which appeared to him to be the least, to go off the Kingdom, and wait till Providence should open a Door for his Return; yet when they passed their Act for his Liberation, as they allowed him but Ten Days to order his Affairs, before he removed off the Kingdom, so they clogged it with this Condition, that he should oblige himself not to preach during these Ten Days. This he had not Freedom to do, and so continued still in the Tolbooth.

Three Things proposed to him.

About a Fourthnight after, as *Montgremar* afterwards told Mr. *Warner*, one Day when the Council had gone through their Work, and were just a rising, the Clerk asked the Chancellor, My Lord, What will you do with Mr. *Warner*? adding, You have ordered him to oblige himself not to preach during the Ten Days allowed him for ordering his Affairs, but if you knew him as well as I, you would as well order him to go to the Grass-market to be hanged, for he will do the one as soon as the other. What shall we do with him then, Hugh? said the Chancellor. My Lord, said the other, If you would take my Advice, instead of taking him obliged

His Liberation!



1682.

Act for Lay Li-  
beration, June  
7. 1682.

not to preach, I would take his Engagement to preach Thrice a Day, while he stays in the Kingdom, and so you will burst him, and be quit of his Din. The Matter was laughed over, and the Clerk allowed to draw his Liberation without that Clog. A good well-timed Jest, both in *Lawderdale's* Administration, and now, sometimes went further than Law or Justice.

I find a Copy of the Act for his Liberation in the Council-register for Acts and Decrets, and being but short, it follows. 'June 7. 1682. ancient a Petition by Mr. *Patrick Warner*, Prisoner in the Tolbooth of *Edinburgh*, shewing, That whereas the Petitioner was apprehended in his own House, upon the 22 of *February* last, and incarcerated in the Tolbooth of *Edinburgh*, and having formerly resolved to depart this Kingdom, and withal having several Affairs calling him forth from it, which, during his Restraint, he has no Access to attend, and therefore humbly supplicating, that the Council would ordain the Petitioner to be set at Liberty, he finding Caution not to return without Licence, and to grant a competent Time for settling his Affairs here. The Lords of his Majesty's Privy Council having heard this Petition, wherein the Petitioner offers to take Banishment on him, give Warrant to set him at Liberty, he giving Caution to depart in Fifteen Days, and never to return without Licence, under the Pain of Five thousand Merks.'

Mr. Warner  
removes to  
*Berwick*, where  
he continues  
to be persecuted.

At the Time appointed Mr. *Warner* removed towards *Berwick*, and stayed some Time in *Tweedmouth*, upon the *English* Side, till he could conveniently get his Family removed, and hired a small House near a Village called *Spittle*, and preached there to a very small Auditory, sometimes in his own, and sometimes in a neighbouring House. His Enemies in *Scotland* hoped he would have gone further off, and were dissatisfied when they heard he was so near them; and, upon an Information given of this to the Council, they wrote to the King, and an Order came down from his Majesty and the *English* Council, to apprehend Mr. *Warner*. And several Parties of Horse in *Northumberland*, commanded by Colonel *Struthers*, were very busy in searching for him and others; and here a new Period of his Sufferings began at the Heels of the former.

When sought  
after by Colonel  
*Struthers*, he  
retires to *New-  
castle*.

Once and again some Parties of *Struthers's* Men came to his House, and as oft very providentially mislead him. Being daily thus in Hazard of being seized, tho' he had obtempered the Council of *Scotland's* Sentence, and had committed no new Fault, Mr. *Warner* found himself obliged to retire a little further into *England*, leaving still his Family at *Spittle*. Accordingly he stayed some Time near *Arwick*; but finding no Convenience there, he went to *Newcastle*, and, having hired a House, brought his Family thither.

Near to which  
he is seized.

By this Time, it seems, Colonel *Struthers* had repeated Orders to seize Mr. *Warner*; so invidious and importunate were the Bishops and their Managers at *Edinburgh* in their Informations. And Mr. *Warner* having gone up the River *Tyne*, about two Miles, to visit a Friend, thither, a Party having got previous Notice, came, and apprehended him, tho' neither at a Conventicle, neither could they prove he had broken the Laws since he came to *England*. That Night he was carried five or Six Miles off to a private House, and kept Prisoner there. The Party pretending to do him a Kindness, offered to send one of their Number to *Newcastle* to acquaint his Wife, and bring him Linens or what he needed, he yielded, suspecting no Evil; but the Persons sent rifled his House, and brought off what Papers they could find. And next Day he and his Papers were brought to Colonel *Struthers*, who was a Justice of the Peace, as well as Commander of the Troops.

What passed  
between Colonel  
*Struthers* and  
him.

When Mr. *Warner* was brought to the Colonel, he shewed him his Act of Liberation and Banishment from *Scotland*, and civilly asked him what he had to lay to his Charge since he came to *England*, and the Cause of his being made Prisoner. The Colonel told him, that upon a Letter of the Council of *Scotland*, bearing, that since his Banishment he had returned and preached on the *Scots* Side, the King and Council at *London* had ordered him to apprehend him, and send him back to *Edinburgh*. Mr. *Warner* assured the Colonel, that the *Scots* Council had been misinformed, and the Accusation was most false and invidious; that since his coming from *Scotland* at the Time of his Liberation, he had never returned, or been nearer the Border than *Tweedmouth* or *Spittle* where he resided; that the Council already had Security under a great Sum in case of his Failure, in that Point, which undoubtedly they would exact from his Sureties if they could prove him guilty, and offered immediately to find Bail to answer to any Indictment should be given him on that Head.

The Oath of  
Allegiance put  
to him.

This seemed very surprizing to the Colonel, who said no more to him that Night, but ordered him a Room in his own House, with a Soldier to guard him. To Morrow he called for the Prisoner, and asked if he was willing to take the Oath of Allegiance: This was as surprizing to Mr. *Warner*, who modestly answered, he was very ill acquainted with the Laws of *England*, and knew not whether they obliged him who was a Stranger and mere Sojourner, to swear that Oath; nor was he willing to take any Oath without an evident Necessity, and therefore desired Time to consider of it. The Colonel seemed now to be afraid from the Assurances given him Yesternight, that some Time or other he might be questioned for a wrongous Imprisonment, and therefore fell into this Method, to save his own Bacon in case of after Enquiries, to tender the Oath of Allegiance.

Mr.



Mr. Warner upon this was carried Prisoner straight to the Goal of *Newcastle*, his *Mittimus* bearing only he had refused the Oath of Allegiance. Here he continued seven or eight Weeks, until one of the Judges came to that Town in his Circuit for a Goal-delivery. At this Time, upon *Alexander Gordon* of *Earlstoun's* being seized near by *Newcastle*, with several of the Papers and Letters from the Societies for Correspondence, strict Orders came to the Mayor and Aldermen of *Newcastle*, to apprehend all *Scotsmen* Strangers there, and seize all their Papers and Books; by virtue of which Twenty of *Calderwood's* Histories, and some other Books were taken from him, which were faithfully given back after the Revolution, by one of the Aldermen to whom he applied. But the like Favour as to the Copies taken from him at *Edinburgh*, and the far more valuable Manuscripts, he could not obtain from Bishop *Pater-son*, to whom they were committed, tho' several Times he was promised it.

At the Goal-delivery, the Oath of Allegiance was to be put to him, and he, being informed of this, endeavoured to consider its Import, and satisfy himself about it, as far as he could, against that Time. The Oath of Allegiance in *England*, is distinct and quite different from the Oath of Supremacy. And considering it had nothing of the Supremacy in it, Mr. Warner had no Scruple as to its Lawfulness, considered absolutely in it self. But when he considered how much Guilt the Land had contracted by taking and breaking so many publick Oaths, he was a little doubtful as to the Expediency of such Oaths publickly and universally imposed, and for some Time entertained a Reluctancy against it, till he upon the other Hand considered, that the Practices of some of our Nation, had given the *English*, and other Foreigners, Occasion to apprehend, that Presbyterians were against all lawfull Power and Government, and denied all Allegiance and Obedience, and if he, while in *England*, would state his Sufferings upon that Head, it would undoubtedly be so constructed of by many; so after a full pondering of all Sides, he came to a Resolution to take it, and that with such Caution as he judged might afford him full Peace and solid Quiet afterwards.

When the Day came, he was called upon to take the Allegiance. Mr. Warner, with all due Submission, in open Court acquainted the Judge, that seeing an Oath ought to be taken in Judgment as well as Righteousness, before he swore, he humbly desired to be satisfied in a few Things. The Judge allowing, he asked, 1<sup>mo</sup>. 'Whether this Oath did bind him to Allegiance to the King's Successors *de facto*, as well as these *de jure*? The Judge answered, It did not. 2<sup>do</sup>. Whereas the Oath binds him to be obedient to the King and Laws, he desired to be satisfied, 'Whether in case any of the Laws should be such, as he could not in Conscience give active Obedience to, if in that Case he was bound by this Oath any further than either to obey or suffer according to Law? The Judge declared, He was bound no further. 3<sup>mo</sup>. Seeing he was a Stranger in *England*, and not probably to continue long there, but to remove to some other Nation or Kingdom, he desired to know, 'whether he was, by the Oath offered just now, bound to give the Obedience formerly mentioned any longer than he was in *England*, seeing when he comes to live in another Nation or Kingdom, it may be supposed he must be obedient to the Laws thereof, and yet these several Things may be different from these of *England*.' The Judge told him, His Obedience was no longer due than while he continued in *England*.

And Mr. Warner having, in open Court, declared it was with these Cautions he was content to take the Oath, and no otherwise, the Judge tendred it to him, and he took it, and thereupon was liberate from Prison.

Upon the whole, the Reader cannot but observe, that this Trouble and Persecution this worthy Minister met with, was without either Accusation, Proof, or Libel, but entirely on Whispers and calumnious Information. It was likewise no small Charge to him: His Jayl- fees at *Edinburgh* and *Newcastle*, and his Petitions again and again to the Council, amounted to a considerable Sum. Besides, having engaged in the Printing of that useful Book *Calderwood's History*, and lent a great deal of Money to help it on, he was obliged to take for his Payment, some Hundreds of the Books in Quires; and besides his Loss of the bound Copies at *Edinburgh*, those which were unbound, by his frequent Removes, were many of them put in Disorder and Confusion, and so on the Matter lost to him, and many of them seized, which, after he had redeemed, were sometimes taken a second Time. At a very moderate Computation, his Loss was upwards of an Hundred Pounds *Sterling*. Meanwhile, there is neither Act of Parliament or Council against that Book, neither did the Committee before whom he appeared, blame him for having so many of them as were seized, and yet they would not order them back to him, when desired.

After all this Trouble and Expence, Mr. Warner saw there was no Safety for him in *England*, as long as there were any base malicious Informers, to forge a Story about him, and the Council at *Edinburgh* were willing to believe it. In a very little Time, new Orders might come down from *Londn*, and he be brought into new Trouble. Therefore, in a few Days after his Liberation, he went over to *Rotterdam*, and when he had hired a House there, brought over his Wife and Family not long after. There he staid mostly until the Liberty 1687. and he and other worthy Ministers were not, even in that Place of Refuge, free from the Malice, and restless Endeavours of the Party in *Scotland*.

1682.

Upon his taking Time to consider this, he is sent to the Goal of Newcastle, &c.

At the Goal-delivery, he heard the Oath is to be required of him, he is allowed on both Sides.

His Queries to the Judge when required to take it.

He takes it in open Court.

Reflections upon Mr. Warner's Sufferings.

Goes over to Holland, and remains till 1687.



1682.

Mr. William  
Livingstone im-  
prisoned, but  
soon liberate.

We have formerly heard, that Mr. *William Livingstone*, Son to that shining Light, Mr. *John Livingstone* of *Ancrum*, of whom in the First Book, was, with all his Papers, seized the very Night wherein Mr. *Warner* was apprehended. I find by the Registers, *March 21.* a Petition to the Council, bearing, 'That Mr. *William Livingstone* having been seized *February 22* last, and sifted before a Committee of Council, was questioned upon collecting and distributing Money to Rebels, and corresponding with them, and importing and vending several seditious Books, to which the Petitioner answered negatively, acknowledging, before the late Indemnity, he had got some Money to be distributed among the Prisoners that were starving.' His Petition is granted, and he is ordered to be liberate, upon his finding Caution to appear when called.

Thomas Greg his  
Sufferings.

Upon the 4 of *April* this Year, *Thomas Greg*, Merchant in *Carrick*, fell under very hard Treatment. This good Man is lately deceas'd, and I have this and other Branches of his Sufferings, more than once from himself. Nothing was to be laid to his Charge but mere Nonconformity; he was upon the high Road with his Pack, following his Calling, when *Claverhouse* seized him. Immediately they took all his Money and Goods from him, and carried him forward, whither the Party was going, to the *Newtown* of *Galloway*, and from thence to *Dumfries*, next Day, on a bare-backed Horse: And tho' they had taken his Pack and Money from him, and had nothing to lay to his Charge, they would neither allow him Meat nor Drink all that Time; and he had fainted, yea, starved for them, had not the Country People upon the Road, and where they lodged, given him some little Thing.

At *Dumfries*, he and some others they took at this Time, were put in Prison, and the good People in that Town provided them in Meat and Drink, else they had starved; and even this the Soldiers did sometimes cast on the Ground and destroy, because they said it was not brought from some Persons they would have employed for providing such of the Prisoners who maintained themselves. After Eleven Days Imprisonment, without any Trial or Sentence, he was carried to *Leith*, and, with some others, put aboard a Ship going to *Holland*, and gifted to be Recruits there. I need make no Reflections upon this hard Measure this honest Man met with, as well as many others, in this Time of sad Oppression.

Sufferings of  
Mr. Henry  
Erskine.

I come forward to give the Reader some Account of the Sufferings of that worthy, faithful, and singularly successful Minister of the Gospel, Mr. *Henry Erskine*. These, with some very remarkable Providences relative to this excellent Man, I have from his Sons, Two reverent Ministers of this Church, to whom the Reader owes this distinct Account. I must omit several singular Providences, and shall only give a brief Detail of what relates to his Sufferings, and put it all together in this Place.

Mr. *Henry Erskine* was Son to *Ralph Erskine* of *Shielsfield*, who had his ordinary Residence in *Dryburgh*, upon the Border of *England*. About the 1649. he was ordained Minister at *Cornhill*, about Ten Miles distant from *Dryburgh*, upon the *English* Side. There he was ejected by the Act of Uniformity, after he had been much owned of God in his Work, among that ignorant and almost barbarous People. Having received no Stipend when he was ejected, he was advised to go up to *London*, and apply his Majesty for a Warrant to uplift what was his justly, and by Law; which he did: And after presenting his Petition, and long and expensive Onwaitings, he was told for Answer, That he could have no Warrant for Bygones, unless he would for Time to come conform to the established Church; and some of the *Scots* Noblemen at Court made him Offers of very considerable Benefices if he would do so: But he had not so learned Christ.

In his Return from *London* by Sea, he met with very remarkable Interpositions of Providence, for his Provision and Relief, having spent any little Money he had at *London*, which I want Room for here. When he got to *Scotland*, he transported his Family from *Cornhill* to *Dryburgh*, and lived in an House of his Brother's there, preaching sometimes in the Fields, and frequently in his own House, till this Year 1682.

When, *April 23.* the Laird of *Meldrum* came upon him with a Party of Soldiers on the Lord's Day, when he was at Family-worship, and carried him Prisoner to *Melroth*, Two Miles from *Dryburgh*: To Morrow, a Bond of Five thousand Merks was given for his Compearance when called, his Nephew *James Erskine* of *Shielsfield* being Cautioner.

Upon the 8 of *May* following, *Meldrum* being returned from some persecuting Work he had been employed about in the West Country, called for Mr. *Erskine* and his Cautioner, and having given up the Bond, he carried him Prisoner with him to *Fedburgh*, where he was a second Time liberate, upon Bond and Caution to appear at *Edinburgh* the 12 of *May*.

By that Time a violent Ague had seized Mr. *Erskine*, yet he behaved to be at *Edinburgh* by that Day, and was brought before a Committee of the Council; where, after some previous Examination, the King's Advocate asked him, if he would give his Bond to preach no more at Conventicles. Mr. *Erskine* positively refused this, and said, *My Lord, I have my Commission from Christ, and tho' I were within an Hour of my Death, I durst not lay it down* at



at any mortal Man's Foot. The Advocate having made a Report to the Council, his Affair was delayed till the 6 of June, and he gave Bail, under Four Thousand Merks, to appear at that Time. 1682.

Upon the 6 of June, he appeared before the Council, where a Libel was read, charging him with Preaching at Conventicles, disorderly Baptizing and Marrying. The Chancellor asked him, what he had to say to the Libel. Mr. Erskine answered, he denied the Whole; adding, that it was well known to all who lived about him, that from September 1681. to January last, the Lord's Hand was on him by a violent Flux, so far as he was not in Case to bow a Knee before God in his Family, or ask a Blessing on his Meat; and that after February, he had been seized with a violent Ague, which had laid him under an Incapacity for his ministerial Work. The Chancellor, according to the ordinary Method, tho' contrary to the known Maxim in Criminals, *Nemo tenetur jurare in suam injuriam*, asked him, if he would depone he had not preached, baptized, or married, from September last, till June instant; he answered, he was not free to give his Oath for the Whole of that Time.

The Council, tho' nothing was proven against him, immediately sentenced him to pay Five thousand Merks of Fine, and to go to the Tolbooth of Edinburgh that Night, and to Morrow to be carried to the Bass, there to ly till the Fine was paid, and Bond given that he should preach no more.

To prevent, if possible, his going to the Bass, which would have gone far to have killed him in his present weakly Condition, in the Afternoon he petitioned the Council, that the Sentence might be altered, and Liberty granted to go off the Kingdom, promising to find Caution so to do. Through the Interest of some Friends this was allowed, and Mr. Erskine's Nephew, John Brown of Park, bound himself with him in 5000 Merks, that in Fourteen Days Mr. Erskine should leave the Kingdom. These Appearances and Petitions still stood Ministers Money; and I find Mr. Erskine had 21 Dollars to pay to the Clerks, and 4 Dollars to the Jaylor and his Servant.

Within the Time appointed, he removed off the Kingdom, not knowing whither he went, but Providence ordered better for him than he could foresee; and he fixed in Parkridge about Ten Miles from Carlisle, and brought his Family there, and lived pretty free of Trouble for Two Years and an Half; when he was invited by Mr. Philip Gray of Presson, to be under him in an obscure Place called Monnilaus, about a Mile from Cornhil his old Charge: But he was not long in Safety there, for, July 2. 1682. he was apprehended by Eight of the Militia Horsemen, and carried first to Woolter, and next Day to Forberry, to Colonel Struthers, who acquainted him he must go to Newcastle to Sir John Finwick, by virtue of an Order from the King, and so was returned that Night to Woolter Prison, where he met with the Reverend Mr. Luke Ogle a Fellow-prisoner. July 4. both of them were carried under a Guard to Eglingham, to a Justice of Peace his House; and upon Munday, July 6. for it seems the English were a little more careful of the Lord's Day than our Scots Persecutors, they were taken to Newcastle. Tho' Mr. Erskine was suddenly taken that Morning with a violent Cholick, so that he expected his Death every Moment, yet no Pity was shewn him, he behaved to take Journey, tho' scarce able to sit on his Horse.

At Night, they came to Sir John Finwick's Gate, who not only immediately ordered them to Prison, but took both their Horses from them, which were never restored; there Mr. Erskine's Pain and Sickness continuing, he got out by the Jaylor's Kindness, for a Fourtnight, to a private House, Mrs. Man's, who took Care of his Health, and would take nothing for his Entertainment. Upon the 22 of July, they were liberate by the Indemnity which came out.

Mr. Erskine continued preaching every Lord's Day at Monnilaus, until the Liberation 1687. when he got an unanimous Call from the Parish of Whitson, on the Scots Side, where he preached in a Meeting-house, from September 1687. till the happy Revolution, when he was called to be Minister of Churnside, and continued there till his Death, August 10. 1696. the 72 Year of his Age. His Life was full of singular and sweet Appearances of Providence in all his Straits, which were not few, and his Death was most pleasant and edifying. There are Thousands yet alive in the Places where he preached, to whom his Name and Memory is most savoury, for his affectionate, close, and faithful Preaching of the Gospel. As he was very bold in his Master's Work, so he was singularly blessed with remarkable Success.

By the Council-registers, I find, June 9. Mr. Thomas Archer had been a long Time in the Canongate Tolbooth, for being at a House-conventicle, and Nonconformity. He was an excellent Youth, Brother to the forementioned John Archer, a good Scholar, and close Student. While he was in the Canongate Tolbooth, I am informed, he made himself Master of the Hebrew Tongue, the Chaldaick, Syriack, and some other of the Oriental Languages. Upon the 9 of June, he petitions the Council, signifying his Design to leave the Kingdom, and begging the Council may liberate him. There was nothing to be proven against him, and he had lien long in Prison, so his Petition is granted; and the good Youth went over to Holland, and continued there, very much improving himself in all valuable Branches of

Mr. Thomas Archer liberate from Prison, and goes to Holland.



1682.

human Learning, as well as solid Religion. There he was ordained by Mr. *Fleming*, and the rest of the *Scots* Ministers then at *Rotterdam*, Mr. *Alexander Hastie* having preached the Ordination Sermon. Mr. *Archer* had been licensed in the excellent Lady *Riddel's* Family, before he was taken, which was at the Time when Mr. *Scoble* was seized, of which before. He came over with *Argyle*, 1685. when we shall meet with him.

Mrs. James Rymer, Rob. Gillespie, Thomas Arnot, John Harroway, John Fergusson, John Gillespie, John Moncrief, denounced.

At the same Diet of Council, June 9. a Process is intended against some very worthy Presbyterian Ministers, Mr. *James Rymer* at *Lethom* in *Fife*, Mr. *Robert Gillespie* at *Auchtermuchty*, Mr. *Thomas Arnot*, Mr. *John Harroway* in *Kirkaldy*, Mr. *John Fergusson* of *Parthead*, and Mr. *John Gillespie* and Mr. *John Moncrief*. They are libelled for keeping Conventicles in Houses, since 1679. and, upon Noncompearance, these worthy Persons are all denounced and put to the Horn. I can give no more upon them, than what offers from the Records, and regret I have so small and confused Accounts of them.

Robert Nairn in Bonhill his Sufferings.

July 7. this Year, *Robert Nairn* in the Parish of *Bonhill*, in the Shire of *Dumbarton*, fell under no small Trouble, for nothing else but his not hearing of the Episcopal Incumbent. Last Year, he had been fined, for Nonconformity, in Twenty Pounds *Scots*, at the Regality Court at the Ferry of *Bellach*, and now it is wholly exacted. He was a Shoemaker in *Napierstown*, and was obliged, notwithstanding of his paying his Fine, to leave his House and Family, and dismiss his Servants, and give over his Employment. The Sheriff-officers frequently came and searched his House for him, and they seldom came without carrying away somewhat or other with them. February 1685. the Depute of the Regality came at Midnight to his House, with Two Officers. His Wife with a sucking Child was forced to flee to the open Fields; the Depute found none in the House but Three Children and a Servant Maid. Having, with their Swords drawn, searched the House, they took the eldest Boy, not Fourteen Years of Age, and, with their Swords over his Head, threatened him to tell where his Father was; but he could not. They inventoried all that was in the House, except the Cradle, which in their great Mercy they left for the Child, and arrested all in the Hand of the Landlord of the House, and gave him Summons of Forthcoming for them. The Two Infants, the eldest not above Five Years old, they turned out of their Beds, and carried away the Bed-clothes. The Maid they would carry with them to Prison, till she found Bail to answer when called.

In April thereafter, being informed of some Things belonging to *Robert Nairn*, in a Neighbour's House, they seized upon them, and that Night they searched *Robert's* House, took his Wife out of her Bed, and carried her to Prison, where she lay till she found Bail to keep the Kirk. In the Beginning of Winter, *Robert* ventured Home to his own House, but was not long there till his Persecutors got Notice, and one Night, he hearing Two Men were near the House, made his Escape; the Men followed him, and both shot at him, and narrowly missed him: He got into a Wood about a Mile from his House, and escaped them.

But contracted such a Cold by lying there, after his running, that shortly after he fell very sick, and came again to his House, that he might have some little Accommodation under his Illness. Notice was quickly got of this, and, Saturday, December 26. Two Officers came to carry him Prisoner to *Dumbarton*, with Orders to bring him on Horse, if he was so sick as he could not go. His Landlord *John Macallaster*, who had done him many Kindnesses, hearing of this, found Means to detain the Officers, till *Robert* was carried that Night to a Barn, where he lay till the Morrow, when he was carried to a Friend's House, about a Mile's Distance, where that Night he got to his everlasting Rest, beyond the Persecutors Malice, except as to his Body, which, it seems, they ceased not to shew their Malice at.

Upon Monday, to prevent Trouble to the Family where he died, his Corps was carried to his own House. His Friends designing him a decent Burial, which became them, he being a judicious Christian and Saint of God, sent for the Parish Mort-cloth, but the Curate having that in his Custody, refused it; and when on Tuesday the Beadle came to make his Grave in his Burial-place in the Church-yard of *Bonhill*, the Incumbent came out upon him and hindered him, and locked the Gate, as if this good Man had been unworthy of a Christian Burial. However, his Friends afterwards prevailed to have the Grave made, and he was buried. But the Defunct's Relict and Son were summoned for Breach of the Arrestment laid upon all that was in the House, and that immediately after the Interment, before the Company were dismissed, which Process cost them Twenty Pounds *Scots* before they got rid of it.

John Bredin there.

About the same Time, *John Bredin* in the same Parish, and at present one of the Elders of *Bonhill*, fell under much the same Steps of Persecution. His House was frequently searched, his Goods taken away to a considerable Value, himself narrowly escaped, and forced to flee and hide himself, and all this merely for not keeping the Kirk.

John Flockhart.

About this Time, *John Flockhart* in the Hole of *Kippen*, for his alledged Presence at Conventicles, had Seventy Troopers of *Clackmanan's* Dragoons quartered upon him, who spoiled his House and Cattle, to the Value of Two hundred Pounds. He was imprisoned several



veral Months, and paid a considerable Fine ere he got out; and afterwards, for his Marriage by Mr. *William Somerwel* Minister at *Crawford-john*, Thirty six Dragoons were quartered on him, who damaged him One hundred and fifty Pounds, and afterward he paid an Hundred Pounds Fine for his irregular Marriage.

I have before me an Account of the Sufferings of *Thomas Thomson* in *Easter-couchland*, in *Falkland*, about this Time, from his worthy Son a Minister of this Church. For mere Nonconformity, he was fined in an Hundred Pounds *Sterling*, the one Half to the Earl of *Balcarras*, and the other to *A. Malcolm* Sheriff-clerk; and till Payment Soldiers were quartered on him, who threshed out his Corn, and did eat it up. And, besides their Maintenance for some Months, he was forced to give each of the Dragoons a Shilling per Day. In some Time he was ordered to be apprehended, and his House frequently plundered, when the Parties missed him; yea, so barbarous were they, that one of his sucking Children was torn from the Mother's Breast, and cast on the Floor, whereby his Life was much endangered. These Severities forced him from his Farm, and brought his Wife and Children to great Difficulties, and he himself was obliged to hide and wander, till the Liberty 1687.

1682.

Thomas Thomson in Falkland.

*John Key* in the Parish of *Biggar*, now in *Walstoun*, this Year, merely because he went not to Church, had his whole Cattle driven from him by *Meldrum*, who sold them at pretty high Rates to his Neighbours, from whom he again bought them afterwards. He was at different Times fined in near an Hundred Merks, merely for not hearing. Instances of particular Persons would be endless.

John Key in Biggar.

*November 16.* I find that excellent Person, Dame *Katharine Rig Lady Cavers*, after Citation, appearing before the Council. This Lady is libelled for keeping Conventicles, and being present at them from 1679. to this Time; that she heard Mr. *Donald Cargil*, Mr. *Samuel Arnot*, and Mr. *Gabriel Semple*, declared Traitors, and Mr. *Thomas Douglas*, Mr. *Archibald Riddel*, Mr. *James Osburn*. No Probation being offered, the Libel is referred to her Oath, and she refusing to depone, is held as confess, and the Council fine her in Five hundred Pounds *Sterling*, and send her to Prison till she pay it, and find Bail to be present at no Conventicles. She is first sent to *Edinburgh Tolbooth*, and then carried to *Stirling Castle*, where she continued a good Part of Two Years, till her Son, the present *Cavers*, came home from his Travels, and made some Transaction in her Favours. We shall meet with her afterwards.

Lady Cavers' fined in 500 Pounds Sterling for Conventicles, and imprisoned a long Time.

At the same Diet of Council, Mr. *William Erskine* is ordered to be taken from *Stirling Castle* to *Blackness*. I am sorry I can give no more Account of him, he was many Years in Prison for preaching the Gospel. It escaped me to observe upon Mr. *Henry Erskine's* Sufferings, that *June 6.* Mr. *John Linlithgow* in *Redpath*, was joyntly proccessed with him for preaching at Conventicles, and came under the same Sentence. Whether he was sent off the Kingdom, or to the *Bass*, I know not.

Mr. William Erskine, and Mr. John Linlithgow.

Upon the last of *November*, the Council pass an Act, obliging the Presbyterian Ministers connived at in their preaching, to take the *Test*. Whether this was the first Bell to the turning out of the Indulged, or did comprehend them, I cannot say; but the Words of the Act follow, and with it I shall end this Section. 'The Lords of his Majesty's Privy Council being informed, that several of these nonconformist Ministers, who, for these several Years, pretend to be connived at to preach, have since the first of *January* last, continued to preach and exerce other ministerial Functions, without taking the *Test*, in manifest Contempt of the Sixth Act of his Majesty's current Parliament, recommend to the Bishops and Archbishops forthwith to silence them, and to plant their Parishes with regular Men, and report; and recommend to the Lords of Exchequer, to grant Gifts of the *Escheats* of those Ministers, according to Law.'

Act of Council Nov. 30. requiring the Bishops to silence nonconformist Ministers connived at, unless they take the Test.

## S E C T. V.

Of the criminal Prosecutions before the Justiciary, and publick Executions of the Sufferers, this Year 1682.

HAVING given a pretty large Narrative of the general Oppression of the Country, and the particular Sufferings of Gentlemen, Ministers, and others, not unto Death; this Year; I come now to end this Chapter with the criminal Proceses for Life and Fortune, and some publick Deaths and Executions, just in the Order of Time as they happened.



1682.

Heritors in  
Linlithgow,  
Stirling, and  
Air Shires,  
proceeded be-  
fore the Ju-  
stices.

In November last, the Council received a List of Heritors in *Linlithgow*, *Stirling*, and *Air* Shires, who had been at *Bothwell*; they order them to be proceeded before the Justices, by their Act following.

‘ His Royal Highness his Majesty’s high Commissioner, and Lords of his Majesty’s Privy Council, having considered the List underwritten, of Persons alledged guilty of having Accession, or being in the late Rebellion, viz. *James Hunter* Heritor in *Linlithgow*, *Robert Hergin* Heritor there, *James Burkney* Heritor and Litter there, *James Carmichael* younger of little *Blackburn*, *Patrick Marshal* of *Crochill*, *Edward Marshal* Heritor in *Kaemuir*, *George Arthur* Portioner of *Balquhatstoun*, *Thomas Houstoun* of *Middlerig*, *Robert Gibson* Portioner of *Balcastle*, *James Forrest* in *Greenhill*, *John Hastie* Feuar of *Boghaugh*, *John Paterfon* of *Peatbridge*, *David Forrest* in *Kilmore*, in *Kippen* Parish, *Alexander Buchanan* Fiar of *Bucklyvie*, *Donald Connel* Portioner of *Bucklyvie*, *Ure* of *Shargartoun*, *Walter Lerkie* of *May*, *John Key* in *Glennis*, *Arthur Dougal* in *Arncamuel*, *John Dougal* his Son, *John Mackenzie* there, *Thomas Miller* in *May* there, *John Gardner* Wadsetter in *Holhouse*, *John Auld* Heritor in *Balmitchel*, *John Taylor* elder Heritor in *Holhouse*, *John Taylor* younger Heritor there, *John* and *James Schaw*, Sons to *John Schaw* Heritor in *Easter Greenhill*, *George Mochrie* Fiar of *Stonridge*, *Robert Howie* Seaman there, *James Boyd* Tenant to *George Arthur*, Heritor and Portioner of *Balquhatstoun*, *Zachary Neil*, Son to *Thomas Neil* in *Dalwherne*, *George Hastie* Webster there, *Patrick Russel* Servitor to *Margaret Miln* in *Dalwherne*, *John Allan* Webster there, *William Robertson* Carrier, *Thomas Marshall* in *Waterdykehead*, *Patrick Salmond*, Brother to *Robert Salmond* in *Balquhatstoun*, *Steil Smith* at *East-bridge*, *James Falconar* Servitor to *Middleridge*, *Thomas Ure* in *Glens*, *James Galbreath* there, *William Young* Cordner in *Gargunnoch*, *Andrew Miller* Smith there, *James Macarcher* there, and *Thomas Fergusson* of *Finnarts*, do hereby give Order and Warrant to his Majesty’s Advocate, to pursue a Process of Forfeiture before the Commissioners of Justiciary, against the said Persons, for the foresaid Crime.’

‘ His Royal Highness his Majesty’s high Commissioner, and Lords of his Majesty’s Privy Council, do hereby give Warrant to General *Latzel*, to cause apprehend, and bring in Prisoners to the Tolbooth of *Edinburgh*, such Persons as his Majesty’s Advocate or Solicitor shall give up to him in List, as necessary Witnesses in the Process pursued before the Justices, against several Persons in *Linlithgow*, *Stirling*, and *Air* Shires, for being in the Rebellion, provided that any of these Witnesses, who in all find Caution for their Appearance before the Justices at the Diet, be free of Imprisonment or any Trouble upon that account.’

Jan. 9. *Shargartoun* and several others forfeited.

Accordingly, *January 9.* they are tabled before the Justiciary, but the Advocate at this Time insists only against a few of them. The Witnesses adduced prove, as before, that they were seen in Arms travelling from one Place to another, about the Time of the Rebellion, and some of them wanted Arms. The Assize brings them in guilty just in the Terms of the Depositions of Witnesses, some proven to be in Arms, and some not. Some, after Probation is led, make a Renunciation of their Estates to the Lords of the Treasury, as in the Processes above, and the Diet is deferred *simpliciter* as to them. The Sentence of Forfeiture is pronounced in common Form upon *George Arthur* of *Bunnahill*, Portioner of *Balquhatstoun*, *James Ure* of *Shargartoun*, *Donald Connel* Portioner in *Bucklyvie*. Those are *Stirling* Shire Heritors, *Thomas Russel* of *Middleridge*, *Edward Marshal* Heritor of *Kaemuir*, *John Taylor* elder in *Holehouse*, *John Schaw*, Son to *John Schaw* of *Easter Greenhill*, *George Mochrie* Fiar of *Stonrig*, *Thomas Fergusson* of *Finnarts*, in the Shire of *Air*, of whom before.

Sufferings of  
the Family of  
*Shargartoun*.

Some well attested Accounts of the Sufferings of the Family of *Shargartoun*, are come to my Hand, of which I shall here give an Abbreviate. This Gentleman, *James Ure* of *Shargartoun*, having left hearing the Episcopal Ministers, joyned himself to the persecuted Presbyterian Ministers in *Stirling* Shire and *Monteith*, and heard them, and had his Children baptized with them; upon this he was many Times searched for, and his House frequently spoiled by Parties of Soldiers before *Bothwell*. Mr. *Robert Young*, Curate in *Kippen*, was the great Informer against him and others in that Neighbourhood. In short, after great Losses, he was forced to leave his House and Family, and wander the best way he could. In this Case, for his own Safety, he joyned the People in Arms at *Bothwell*. Such as came from *Kippen*, *Gargunnoch*, and that Country, joyned themselves to him as their Captain, and he and they were placed at the Bridge to defend it, which he did with a great deal of Bravery, till his Ammunition failed, and the Army fled, and several of his Men were killed, and he got off himself with very great Hazard.

For nine Years Time he and his Family underwent inexpressible Sufferings, and till the Liberty 1687. for that Space he was not Three Nights in his own House. When he was forfeited his Rents and Moveables were all seized, and Parties of Soldiers came to his House, upwards of Thirty Times in Quest of him, and often did continue there and among his Tenants for several Weeks.

About this Time there was a Sermon at the *Gribloch*, where many were apprehended, among others the old Lady *Shargartoun* his Mother, a Gentlewoman above Seventy Years. They



They were carried Sixteen Miles Prisoners, with great Severity, to *Glasgow Tolbooth*. There by the Crowd, and Want of Accommodation, this aged Lady fell very ill, and petitioned the commanding Officers that she might be liberate upon sufficient Bond, or, if that might not be, that she might be taken out of the Crowd to another Room, or a House in Town, being in Hazard of her Life: But no Favour could be allowed her, and in a few Days she died among the Throng of other Prisoners.

1682.

Mean while, the Fury continues against this worthy Gentleman, and an Hundred Pounds *Sterling* were offered to any who would bring him in dead or alive; whereupon he was obliged to flee to *Ireland*. Notice being got of this, Mr. *Young* at *Kippen* procured one *Mathew*, who knew him, clothed as a Soldier, to be sent with a Party of Soldiers to *Cartfaike* and *Greenock*, to search the Ships going for *Ireland*. Providentially *Shargartoun* was not aboard at the Time, and so got to *Ireland*, where he continued about Half a Year, when he turned anxious to see his Lady and Family, and ventured home, and for some time was undiscovered; but his Persecutors got Notice at length, and he was forced to the Fields. During the Winter 1684. for several Weeks he was obliged to ly in the Wood of *Balquhan* all Night, the Frost was so great, that when he awoke, his Clothes would have been frozen to the Ground. As soon as Day broke, he retired to a Tenant's House, *Duncan Chrystal's*, at the *Muir-end*, where he had a Hiding-place in a Barn behind some Corn.

His Lady was apprehended in a little Time for conversing with her Husband, and was taken in Prisoner to *Stirling*, with a sucking Child on her Breast; there she was some Weeks Prisoner, and thence carried into *Edinburgh*, and put in the *Canongate Tolbooth*. After she had been there some time, her Friends got her out on Bail, to answer when called, under Two thousand Merks. In a little Time she was called, and went to the Council-house with her Infant on her Breast: But some of the more moderate being ashamed of this Barbarity, she was dismissed, and got home again. Her Husband continued hiding till the Liberty, and under his long Tract of Sufferings he met with very providential Deliverances.

At the Revolution he came in with some of his Tenants, and joyned with others, who were a Guard to the Convention of Estates. Afterward he was Captain-lieutenant in *Argyle's* Regiment, where he was very useful against the Highlanders: For which *Reaton*, *Cannon* and *Buchan* sent down a Party upon his Lands, they attacked the House of *Shargartoun* likewise; but his Lady, with the Servants, and some Tenants she got in, very courageously kept out the House against them. This good Man had his Forfeiture taken off at the Revolution, and outlived the unnatural Rebellion 1715. and observed the Righteousness of Providence, in making some of his Persecutors taste of the Cup he had drunk so deep of; and after all his sore Sufferings died in Peace at his own House.

February 20. *William Harvey*, Weaver in *Lanerk*, is before the Justiciary. He is indicted for being at the late Rebellion, and being present at publishing the treasonable Declaration at *Lanerk*, May 29. 1679. The Witnesses prove him present at the publishing of the Declaration plainly, and the Assize bring him in guilty of being at the late Rebellion, and publishing the late treasonable Declaration at *Lanerk*. Whether this relates to the Declaration January 12. last Year, or, as he says in his Speech to the People, for proclaiming Mr. *Welsh's* Declaration, and he is now executed upon his being at *Bothwell*, I cannot say; but the Justiciary delay pronouncing Sentence till the Council ordain them to pronounce Sentence of Death on him, and appoint a Party of Guards to carry him West, and be present at his Execution, March 3.

*William Harvey* sentenced to be hanged at *Lanerk*, March 3.

Accordingly, by his original Testimony and other Papers writ at that Time, I find he was hanged at *Lanerk*, March 3. this Year. The Collectors of the *Cloud of Witnesses* have no Account of this Man, it may be because he owns the King's Authority. His Testimony is very short, and he got Liberty to deliver it, tho' Two Drums were ready on each Hand to ruffle as Major *White* should order them. 'He declares himself a Presbyterian, and that in his Judgment People should obey the King in his lawful Authority. He says, the Law has condemned him to die in that Place for proclaiming a Paper over the Cross, which they called Mr. *Welsh's* Declaration, because there was something in it against Prelacy; that he did this in the Integrity of his Heart, and when he had done, said in Sincerity, *God save the King*; and that this was all he was condemned for. He declares, he believed what was in the Scriptures, and adhered to the Confession of Faith, national and solemn League and Covenant, our Catechisms, and all the faithful Testimonies since the Year 1660. He declares he is for kingly Government, according to God's Word.'

His Testimony, and what passed at his Execution.

After he had prayed fervently upon the Scaffold, he went up the Ladder, and spoke to the People a little, pressed them to make their Peace with God sure, and serve God and obey the King so far as the Word alloweth, and no further. He prayed again on the Ladder, and committed himself to the Lord's Mercy, declared his Willingness to die, and his forgiving all who had a Share in his Death, and died with a great deal of Composure. In short, he seems to have been made a Sacrifice to the Managers Resentment, for the last Declaration at *Lanerk*, tho' I cannot find he was concerned in that, but only in proclaiming the West Country Declaration before *Bothwell* Engagement.

U u u

Another



1682.

Process against  
Christian Fyfe,  
March 27.

Another Process against a poor ignorant simple Woman, I find before the same Court. *March 27. Christian Fyfe*, late Indweller in *Fife*, is indicted for invading a Minister, and Treason. The Probation adduced against her is her own Confession, before the Committee for publick Affairs. ' *Edinburgh, 21 March, Christian Fyfe* confelleth, that on Sabbath last, she did beat *Mr. Ramsay* in the Old Kirk, at the ending of the Sermon, and the Reason was, she thought he was profaning the Sabbath. She declares she thinks the King is not lawful King, nor the Judges lawful Judges, otherwise they would never have murdered *Mr. Donald Cargil* and *Rathillet*. Since *Mr. Cargil's* Death she thinks there was not an honest Minister in *Scotland*: That she thinks it very good Service to kill all the Bishops present, and all of them that are in *Scotland*; declares the Reason why she went to the Church, was to beat and not to hear the Minister. '

When before the Justiciary, she judicially adheres to all she had formerly confessed, and declines them as her Judges; and adds, she went not to the Kirk to beat a lawful Minister, but one whom she thought a *Judas* and a Devil. That these who killed the Archbishop were at their Duty. Without any Difficulty the Assize bring her in guilty, and the Lords sentence her to be hanged at the Grass-market, upon the 7 of *April*.

When ever any of the forfeited Persons were caught in their Wandrings, the old Sentence in Absence took Effect on them, and the Lords of the Justiciary named a Day for their Execution. Thus *April 7*. I find four Gentlemen before the Justiciary, and a Day named for their Execution; and it seems, in these Cases a Warrant was necessary from the Council, who at this Time assumed the Powers of Parliament, Justiciary, and every Thing which made for the carrying on of the Persecution. Their Sentence runs.

Fleming of  
Auchinfin,  
M'leuraith of  
Auchinfloor,  
Barscob, and  
M. Learmond  
have the Day  
of their Execu-  
tion named  
*April 7*.

' By Virtue of a Warrant from the Lords of Council, the Lords Commissioners of Justiciary, having considered the Dooms of forfeiture already passed on *Robert Fleming* of *Auchinfin*, *Hugh Mackleuraith* of *Auchinfin*, *Major Joseph Learmond*, and *Robert McClellan* of *Barscob*, for Crimes of Treason and Rebellion; and having examined them, they acknowledged they were the same Persons forfeited in Absence, and against whom the Sentence is pronounced, by which they are ordered to be executed to Death, and demeaned as Traitors when apprehended: Ordain *Robert Fleming*, and *Hugh M'leuraith* to be hanged at the Grass-market, *Wednesday* next the 12 Instant, and *Major Learmond* and *Barscob* to be hanged on the 28 Instant, and the Heads of *Major Learmond* and *Robert Fleming* to be affixed upon the *Nether-bow* Port, and that the Magistrates of *Edinburgh* see to the Execution.

Afterwards  
they are  
reprieved, and  
some of them  
got Remissions.

None of these Four were executed, as far as I hear. Interest was made for them, and some of them got Remissions, and *Barscob* made Compliances, and was of some Use to the Managers afterwards. *April 20*. I find a Petition presented to the Council, by *Robert McClellan* of *Barscob*, *Robert Fleming* some time of *Auchinfin*, *Hugh M'leuraith* sometime of *Auchinfloor*, and *Major Learmond*, Prisoners in the Tolbooth of *Edinburgh*, and under Sentence for Treason and Rebellion, for a Reprieve. And the Council reprieve and continue the Execution of the Sentence till *May 19*. *May 13*. *Major Learmond* is sent to the *Bass*, and reprieved till further Orders. *Barscob* and *Auchinfloor* appear at the Council-bar. The Duke of *Tork* declares his Majesty hath pardoned them.

Further  
Account of  
*Major Learmond*.

By an attested Account under his Son's Hand, I find that *Major Joseph Learmond* was under a continued Tract of Hardships since his Forfeiture after *Pentland*, and was sometimes obliged to go to *Ireland*, and other Times was under Hiding at his own House, which was frequently riddled and spoiled. This Year he was taken Prisoner. By Interest made for him, at this Time near eighty Years of Age, his Sentence of Death was turned to a perpetual Imprisonment in the *Bass*, though, if he would have taken the Test, he might have prevented this. There he was close Prisoner five Years, till falling indisposed, upon the Declaration of Physicians that he was in a dying Condition, he was let out on Bail. Next Year the happy Revolution came about, and he returned to his own House of *New-holm*, where in a little Time he died in Peace, in the Eighty eighth Year of his Age.

Process against  
*Robert Gray*  
*Englishman*,  
*May 17*.

In *May*, one *Robert Gray* was brought before the Justiciary. I can give but a very short Account of him. He was an *Englishman* who lived in *Northumberland*, and had been taken, I know not upon what Pretext, about Ten Months before, and lay all this Time in Prison in hard enough Circumstances. After he had been examined before a Committee of Council, I find him before the Justiciary *May 17*. The Matter of his Indictment was precisely a Letter he had writ to *John Anderson* Prisoner in *Dumfries*, wherein he disowns the King's Authority, and before the Justiciary he owned the Letter, and the Expressions in it to be his Opinion; upon which he was sentenced to be hanged at the Grass-market upon the 19 of *May*. His Testimony is in Print already, and therein he declares, Men had unjustly taken away his Life, merely for adhering to his Principles, tho' they had no Matters of Fact to charge him with. When he was carried from the Prison to the Place of Execution, some of the Magistrates of *Edinburgh*, as was ordinary, were ordered to see him executed. He told them, he was very apprehensive, that the much innocent Blood shed in that City, would draw down heavy Judgments on it. Amongst his last Words, he expressed his firm Hope, that the Lord would yet send very glorious Times to *Scotland*.

Mr.



Mr. Gray's original Indictment is in my Hand, and being but short I shall insert it here, as another Instance of the Severity of this Time.

1682.

Robert Gray Prisoner in the Tolbooth of the Canongate, you are indicted and accused, that albeit by the Laws of this and all other well govern'd Nations, the Crime of Treason is punishable by Death, and Confiscation of all Estate, heritable and moveable, and particularly by the 12 *Act, Parl. 8. Jam. VI.* the Declining of the King's Authority and Royal Power in any Case whatsoever, either Spiritual or Temporal, is Treason, but much more the calling him a Tyrant, and declaring that his Subjects ought not to obey him, and that he ought not to be owned as King, is the highest Degree of Treason and Lese-majesty. And by 2 *Act, 2 Sess. 1 Parl. Char. II.* Whoever shall contrive any bodily Harm against the King, or endeavour to put any Restraint upon his Person, or to deprive, depose, or suspend him from the Stile, Honour or Kingly Name of the Imperial Crown of this Realm, and shall by Writing, Printing, or any advised Speaking, declare such their treasonable Intentions, they shall be adjudged as Traitors. And by 43 *Act, Parl. 2. Jam. I.* and the 83 *Act, Parl. 6. Jam. V.* the Crime of Leasing-making against the King, and his People, and his Parliament, is punishable by Death. And by the 10 *Act, 10 Parl. Jam. VI.* to declaim, or speak, or write any Purpose of Reproach or Slander of his Majesty's Person, State, or Government, or to deprave his Laws and Acts of Parliament, is punishable by Death. Yet true it is, that you the said Robert Gray, having shaken off all Fear of God and Respect to his Majesty's Laws, did most treasonably write a Letter upon the 18 of April last, to John Anderson Prisoner also for Treason in the Tolbooth of Dumfries, wherein you did declare our present Sovereign, the best and most merciful of Kings, to be a Tyrant, and that therefore he ought not to be owned as King. Likewise you did by that Letter incite his Majesty's Subjects not to obey him, and did deprave the late Act of Parliament made for taking the *Test*, calling it the black *Test*, and destructive of all the Work of Reformation. And you being called before the Lord Chancellor, and a Committee of Council, upon the 13 of May Instant, you did of new again not only adhere to the said Letter, and all that was in it, but did of new commit the foregoing Crimes, by declaring that you owned all these Principles, and that it was a Duty upon you to write so to your Brother who was in Prison. Of the which treasonable Crimes you the said Robert Gray are guilty, and Actor, which being found by an Assize, you ought to be punished with the Forfeiture of Life, Lands and Goods, to the Terror of others to commit the like hereafter.

Follows a Double of the Letter mentioned in your Dittay.

Dear Friend,

I Received yours, and am very much refreshed to hear of any one, at this Day, that is holding by the Truth, and is helped to witness against the Wrongs done to our Lord and Master, which is the main Thing we are called to be at in this Time, by which God is glorified, and it shall bring Peace to us in the End. As for Answer to that of owning this Tyrant in Ecclesiastical Matters, I hope it is beyond all Doubt and Debate, with all zealous exercised Christians in Scotland, that he should not be owned at all in it, whatever the Fine-servers who will sail with any Wind that blows, do, who, like Esau, sold his Birth-right for a Mess of Portage, we are not concerned. And as for owning him in Civil Things, to me it is very clear, now as Matters are stated, he should not be owned: In a Word, for his Breach of the Civil Law, in pardoning and setting free Murderers and Buggerers, and murdering poor Innocents, and making his Will a Law, and placing none in publick Trust but such as have taken the black *Test*, utterly disowning the whole Work of Reformation, with which Way I cannot meddle directly nor indirectly, without saying, A Confederacy, with them. I cannot tell how much more might be said on this Head, if Time would permit; but this, I think, with what our late Worthies did in casting this Tyrant off, and out of the Church, might give full Satisfaction not to own them in any thing, seeing they have acted for the Devil more than ever, and their Work has prospered in their Hand more than formerly. Indeed, if we consult Men at this Time, in the Matters of Godliness, no Wonder we be in the Dark: But, O! beware of that, and flee to the holy Word of God; beware of looking out at any Back-door, or halting twixt Two Opinions, for of a Truth there is a Halting that will not be approven of by God; and I think those will not be approven of God, in meddling with this malignant Party, directly or indirectly; 'tis a Thousand to one if they see it.

P. S. Barfcob and Major Learmond got their Sentence on Friday last, to die on the 28. and Hugh M-lewraith and Robert Fleming had their Sentence that Day too, and should have died this last Wednesday, but they got a Remission to the 28. and it is reported that Barfcob and the rest have offered to take the *Test*, and they have sent up to the Tyrant upon that

His Letter to  
John Anderson



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' account, to save their Life. As for *John M'lurg* and *Robert N.* there is no Word yet what is to be done with them. I shall give you Account afterward. My Soul is grieved to see the Treachery in the Matters of God, that is used among the Prisoners, and their seeking sinful Shifts to be free of the Cross of Christ. O! dear Friend, seek to be kept steadfast in the Day of Trial. Now I can say no more, but leave you in his Hand who has brought you to the Trial, and can carry you clearly through it. I rest,

*Your Fellow-prisoner and Friend,*

*Robert Gray.*

His Confession  
May 13.

' *Edinburgh, May 13.* I *Robert Gray* acknowledge I did write this Letter, but am not acquainted with the Man to whom it is directed, only I wrote this, having received one from him.'

*Robert Gray.*

' Follows your Examination before the Committee, *Edinburgh, May 13. 1682.* *Robert Gray* being called before the Lord Chancellor, and Committee of Council appointed for publick Affairs, and interrogate, if he knew *John Anderson* Prisoner in *Dumfries*, he declared he did not know him, but had writ a Letter to him, and that Letter being produced, he owned the same, as he hath testified by his Subscription at the End of it. Being asked, if he thought of the King and Government, as is express in that Letter, he said he did, and he owned that as his Judgment; and being asked, if he thought the King a Tyrant, he said, he had written so, and owned he had writ this Letter to *John Anderson*, as his Duty to his Brother.'

*Geo. Gordon* Cancel

He is executed,  
May 19.

This is all the Managers had to lay to the Charge of this knowing and sensible Person, a Stranger, and not a *Scots* Subject, who had done nothing worthy of Imprisonment; and, when in Prison, had only writ this Letter, in answer to one he had from a Fellow-sufferer; and, upon this score precisely, they indict him on the 17. and execute him on the 19.

*Thomas Lauchlan*  
in *Lanark*.

In *August* this Year, I find *Thomas Lauchlan* before the Justiciary. I have nothing further about him than what is in the Registers. It seems he had formerly been forfeited in Absence, and was now taken, and the old Sentence took effect. *August 3.* he is brought before the Lords Commissioners of Justiciary, who are now the Earl of *Perth* Justice-general, *Forsyth*, Lord *Collingtoun*, *Bayfour*, Lord *Forret*, *Esq* Lord *Harcourt*; and this Day *Seton* Lord *Pitmedden* is admitted one of the Lords of Justiciary.

His Sentence,  
August 13.

The Prisoner's Sentence is, ' The Lord Justice-general, and Lords Commissioners of Justiciary, having considered the Verdict of the Assize returned against *Thomas Lauchlan* in *Lanark*, now Prisoner in the Tolbooth of *Edinburgh*, upon the 21 of *March 1681.* whereby he was found guilty of being at the Rebellion 1679. together with the Doom then pronounced against him, to be executed to Death, and denominated as a Traitor when apprehended, at such Time and Place as they should appoint; and he being called before them, and owning himself to be the Person designed in the Verdict and Doom, they ordain him to be hanged on *Wednesday* next, the 16 Instant, at the Market-cross of *Edinburgh.*' I have no more about him, nothing was laid to his Charge but his being in the Rising at *Bothwell*, for which great Numbers had been already executed; and, after Three Years, it seems, they inclined to give a new Proof of their Virulence this way.

Mr. Robert Kennedy  
proceeded  
criminally.

No more Executions offer till *December*, when we shall have them in Plenty. *September 29.* I find the Council order the Advocate to process Mr. *Robert Kennedy* Prisoner, criminally, for being at the Rebellion 1679. and Field-conventicles since the Indemnity. If any thing was done further about him, I have not observed it in the Registers of Council or Justiciary. I notice, that now the Journals and Proceedings of the Committee for publick Affairs, are read in Council, and approved, but not insert in the Registers. The most Part of Matters relative to the Persecution, came first before this Committee, and since I want its Minutes, I must necessarily omit many remarkable Parts of the present Sufferings.

Process Criminal  
against  
Gentlemen in  
*Galloway*.

*November 14.* the Council appoint the Advocate to prosecute criminally, about thirty Persons, mostly *Galloway* Gentlemen. Accordingly in the Justiciary Records *December 11.* I find Process King's Advocate contra *Galloway* Rebels. Criminal Letters had been raised against them for being at *Bothwell*, where I know several, and probably most of them were not. That Day the Advocate produces a Commission to pursue the following Persons before the Justice Court, *Hay of Arrioland*, *Alexander Hunter* of *Colquhassen*, *Andrew Martin* of *Little-Elton*



Ellies, James Welsh of Little Clowdon, Mculloch of Barholm, Gordon second Son to the deceased Laird of Holm, Mr. Samuel Arnot late Minister at Tongland, Mr. Thomas Warner late Minister at Balmaclellan, Haliday of Mayfield, William Thomson younger of Mon-craig, Kennedy younger of Knock-nallonie, Macnaught younger of Overtoun, Thomas Crichtoun of Hole of Balquhassie, Brown Smith and Heritor of Newtoun. Several others had been ordered to be prosecuted by the Council, but Interest had been made for them, and these only I find in this Day's Process.

Those Persons being cited to this Day, did not compare to answer for the Crimes of rising in, and being at Bothwell-bridge, harbouring, converting, aiding and assisting Rebels : The Commissioners of Justiciary adjudge the said Persons named, to be our Sovereign Lord's Rebels, to be put to the Horn, and their moveable Goods and Gear to be brought in to the King's Use, they being Outlaws, and Fugitives from the Law.

It seems this Sentence was found too soft ; and therefore, December 18. I find many of the same Persons and others are proceeded upon Treason, that their heritable Estates might fall into the Managers Hands. For Room's sake the Depositions of some Witnesses are taken ; and some of them were seen in Arms in different Places of the Country before the Rising at Bothwell. The Witnesses depone they saw others of them at Hamiltoun-muir ; yet 'tis but few that were seen there. The Assize bring them in guilty, and the Lords of Justiciary, considering the Verdict of the Assize returned against the deceased Samuel Grierson of Dalgonar, William Grierson of Kitchuber, James Welsh of Little Clowdon, John Brown Heritor in Newtoun, Henry Mculloch of Bornholm, Haliday of Mayfield, Mr. Thomas Warner sometime Minister at Balmaclellan, George Gordon second Son to the Laird of Holm, Alexander Macnaught younger of Overtoun, Anthony McKie of Glencard, Mr. Samuel Arnot late Minister at Tongland, James Crichtoun of Hole of Balquhassie, Hay of Arrioland, Alexander Hunter of Colquhassie, Andrew Martin of Little Elies, Alexander McKie of Drumbuy, and Fullarton of Sennick, whereby they were found guilty of Treason and Rebellion. The said Lords therefore adjudge the said Alexander McKie of Drumbuy, and Anthony McKie of Glencard, Prisoners, to be executed at the Cross of Edinburgh, the first Wednesday of July next ; and the rest, except Grierson of Dalgonar deceased, to be executed to Death, deemed as Traitors, and under the Pains of Treason when apprehended, at the Places and Times the Lords shall appoint. And appoint their Names, Fame and Memory to be extinct. However, sovereign Providence appointed otherwise, and I think none of them were executed.

Upon the same 11 of December I find another Process, which took more Effect, before the Criminal Court, against James Robertson ordinary Residenter in the Parish of Stone-house, William Cochran in Carnduff, and John Finlay in the Parish of Kilmarnock. I shall give some Account of these three Sufferers unto Death, from the Justiciary Registers, and some other Papers before me.

James Robertson was a Merchant in Stone-house in the Shire of Lanerk. This serious and religious Person used to travel up and down the Country with a Pack ; and in October this Year, when in the Town of Kilmarnock about his Business, he went in to see a Prisoner there of his Acquaintance, and when with him, without the least Offence or Provocation, he was seized and carried to the Guard-house ; his Pack and his Goods were taken from him, and never restored, and himself kept close Prisoner in the Guard-house Ten or twelve Days.

During this Time he was brought before Major White, who would have him give his Oath *super inquirendis*, which the Prisoner absolutely refused to do, whereupon he was very barbarously used. My Accounts bear that the Major himself pulled him by the Nose, and wrung it about, till he gushed out in Blood. After this Treatment he was sent to Prison, and when there, whilst he and his Fellow-prisoners offered to worship God together, the Captain of the Guard getting Notice, came in with great Rage, and pulling the Bible out of James Robertson's Hand, swore bloodily he would burn it if he offered to go about that Work again.

In a few Weeks he was carried into Edinburgh under a Guard. At Linlithgow he was pressed to drink the King's Health, which he refusing, the Soldiers treated him very rudely, and tied his Head and Feet together with Cords, and left him in that Posture upon the cold Earth all Night. To morrow, when on Horseback, they tied his Feet together very hard under the Horse's Belly, and in that Posture carried him into Edinburgh. There he was several Times examined by the Committee for publick Affairs, and his Interrogatories being very ensnaring, and his Answers pretty cautious and pointed for one of his Education, I have insert his Examination as it was brought as the only Evidence they had against him.

James Robertson being interrogate, Whether or not it was lawful for these at Pentland and Bothwell, to rise in Arms against the King : He answered, that it was lawful as they rose, in their own Defence, and that of the Gospel, and this, says he, is acknowledged by the Confession of Faith, whereupon the Test it self is founded, which owns it lawful to resist Tyranny. And being asked if the King be a Tyrant. He answers, he desires that the Obligations in his Coronation Oath, and his present Practice may be considered, and his

X x x

: Usurpation

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Their Sentence.

December 18 it is made more severe, and some others added.

James Robertson William Cochran John Finlay tried December 21.

Circumstances of James Robertson, his being taken

His Confession



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‘ Usurpation upon the Privileges of the Church of God, and the Prerogatives of Jesus Christ, and his being made absolutely Supreme in Ecclesiastical Matters, from which let it be considered by Persons at home, and Nations abroad. As to the Archbishop’s Death he answers, he is not a Judge to cognosce upon it, and refuses to answer otherwise: And being desired to say *God save the King*, he answers, he is not in Composure for such an Action, adding, Prayer ought to be gone about in Deliberation.’ When what is above is read, he confesseth it is as he said, but refuses to subscribe, and the Lords sign the Confession.

His Answers are set down in the *Cloud of Witnesses*, as he remembred them, and contain some Things, which, it seems, the Clerk of the Committee did not think worthy the setting down. When the President of the Committee asked him, Is the King your lawful Prince, yea, or not? He answered, ‘ Since you make your Questions and my Answers Matter of Life or Death, it were reasonable to give me Time to think upon what I say; but since I am put to it, I answer, as he is a Terror to evil Doers, and a Praise to them that do well, he is, or he is not.’ He was interrogate, if he was at *Bothwell-bridge*; and answered, you count that an Act of Rebellion which is criminal, bear Witness of it, and so make it evident against me. Then he was ordered to purge himself upon Oath from that, and he should be liberate. He answered, I will say no more upon that Point. When I told some of you the Truth upon that Head, I was not believed. One of them said, now I will try you if you be a Man of Parts, jesting him, there was an Act of Parliament standing when the *Confession of Faith* was made, declaring the King was Supreme, which all the Presbyterians of that Time owned. The Prisoner returned, how could that be owned, since the Confession, which declares otherwise, was owned? and desired the Act might be read, for he knew it not; but it was not produced. At the Close the President said, now after all, as a Test of your Loyalty, will you say *God save the King*? He answered as above; whereupon one of them replied, would you ask a Blessing to your Meat? He answered, if you were present you should know, but the Case differs. Another of them said, these Principles of yours will condemn you. *James* calmly answered, if I be absolved of God, the less Matter tho’ Men condemn me.

These Examinations at this Time were Preliminaries to an Indictment, and generally speaking, the Advocate formed his Indictments against Country People out of their Answers, having for the most part no other Proofs. Accordingly, he was indicted for denying *Pentland* and *Bothwell* to be Rebellion, denying the King’s Authority, which, mean while, he did not do; but the great Matter they took his Life for, tho’ they could have no Probation for it, was a Surmise they had that *James Robertson* was the Person who affixed a Protestation against the Test upon the Church Door of *Stonehouse*, containing several pointed Reasons against it.

*William Cochran* (the *Cloud of Witnesses* names him *Mungo Cochran*) was next indicted much upon the same Heads: His Answers to the Interrogatories before the Committee, were all the Proof they had against him, and are in short. ‘ *William Cochran* being interrogate, if it be lawful for Subjects to rise in Arms against the King, refuses to answer. Being interrogate, whether the King be lawful King, answers these are kittle Questions, and will say nothing of them, being a Prisoner. Being desired to say *God save the King*, refuses to say any Thing. Can write, but refuses to sign his Answers.’

*John Finlay* was the last of the Three, and held much on the Reserve likewise. ‘ Being interrogate, whether it be lawful to rise in Arms against the King, refuses to answer, these being kittle Questions, and he a poor Prisoner. Refuses to say *God save the King*, but says he loves the King as well as any Person. Confesseth he was present at *Drumclog*, but without Arms. Being asked, if he conversed with Mr. *Donald Cargil* within these Two Years, refuses to answer otherwise, than that a Man is neither by the Law of God nor Man, bound to have a Hand in shedding his own Blood. Declares he cannot write.’

All the Three own judicially before the Criminal Court, that these were the Answers they gave before the Committee of Council. And Two Soldiers are adduced as Witnesses against them, who depone that the Two last took their Arms from them, and left them bound in the Fields. The Assize bring them all in guilty of Treason, tho’ the Reader may see their Answers are mostly negative, and the Court sentence them to be hanged at the *Grass-market*, on Friday next, being the 15 of December.

This harsh and iniquous Sentence was accordingly executed. When *James Robertson* offered to speak upon the Scaffold, he was interrupted by the Ruffling of the Drums, and when complaining of this, *Johnstoun* the Town Major beat him with his Cane, at the Foot of the Ladder, in a most barbarous Manner. This abominable Rudeness to a dying Man, and the Patience and Cheerfulness of this good Man in suffering all this, I know was the Occasion of a deep Conviction to some who were present, of the Evil of Persecution and Prelacy; and there are severals yet alive, who can date their first serious Impressions of Religion, from their seeing some of the persecuted Party suffer, as they themselves have informed me.

They are executed December 15.

John



*John Finlay* was a dear Comrade of *James Robertson's*, and, if I mistake not, his visiting him was the Occasion of his being taken; and *William Cochran* lived in the same Neighbourhood, in the Parish of *Evandale*. This last says, in his Paper he left behind him printed in the *Cloud of Witnesses*, that the main Article upon which he received his Indictment, was his refusing to say *God save the King*. Somewhat hath been said of this above, and it may not be out of the Road to drop a Word further here upon it, since this was put to all these Three.

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This and the like seeming Condescensions are mightily insisted upon, in some of the Pamphlets which defend the Reign I am now describing, and it is said with a vast deal of Triumph, that those Persons might have had their Lives upon the easy and fair Condition of praying for the King, and this is mightily magnified as an Instance of the Lenity of this Period. This plain honest Country Man gives a very distinct Answer to this: 'When I was bid say *God save the King*, I could not comply with this, when they had set him up as an Idol in the Mediator's room, without being guilty of saying *Amen* to all they had done against the Church and People of God, the true Subjects of the Kingdom, and the fundamental Laws thereof; neither could I bid him God speed, lest I should be Partaker of his evil Deeds: Yea, adds he, they said before our Face he was King over all Persons, and in all Causes, which is a putting him in God's room; they sentenced me because I (they said) disowned Authority, which was a Diving into the Thoughts of my Heart.'

Remarks upon the Sufferers refusing to say! God save the King.

These were the Sentiments of the poor serious Country People who suffered, and when they had this View, that praying for the King was really an Approbation of all now done; it will not appear so narrow a Point on which they stated their Sufferings, as at the first it may seem, and the Prelatists represent it; especially, considering the poor Country People's Ignorance and Education. And these blood-thirsty Men were so far from endeavouring to instruct and convince the Pannels, that they essayed to ensnare them; and proposed their Queries so, as the poor Men could scarce miss concluding, that their saying *God save the King* was an Approbation of what was done in his Name. They required this as a Testimony of their Loyalty, as we saw in *James Robertson's* Case; so this Piece of Reproach may very justly be turned over upon the Managers, who had no Matter of Fact, no Act of Rebellion or Treason to charge many of them with, but endeavoured to ensnare them with captious and double-fac'd Questions, and then took away their Lives upon the poor People's being unwilling to approve the Wickedness of this Time.

I come now to end this Year with one of the most flaming Instances of the Rigour of this Period, in the Execution of that excellent and worthy Gentleman *Alexander Hume* of *Hume*, toward the Close of this Year. This good Man had been apprehended, and in his taking sore wounded, by a Brother of the Earl of *Hume*, and was brought in Prisoner to *Edinburgh*. The Ground of his Sentence was only Converse with some of the Party who took the Castle of *Hawick*, in the Year 1679. and every Body owned that the Probation of that small Crime was not clear, and the Verdict of the Assize was evidently different from the Oaths of the Witnesses: Yea, he was at his first Trial assailed, and the Diet plainly deserted, his Innocence appeared so plain to the Criminal Court: But afterwards a new Process was begun, when these People who thirsted after his Blood, and resolved to have his Estate, had got some more Pretexts against him. I shall give an Abstract of his Process from the Registers.

Alexander Hume of Hume.

November 15. *Alexander Hume* Portioner of *Hume*, Prisoner, is indicted before the Justice-court. Because Indictments are so numerous now, and it would take up much Room to insert the whole of them, and they all run much in the same Strain, excepting some few Particulars in the Application to particular Persons, I do not insert them, but observe here, that they generally begin with a large Enumeration of the Laws they alledged were broken, as *Act 5. Sess. 1. Parl. 1. Jam. I. Act 129. Parl. 6. Jam. VI. Act 10. Parl. 10. Jam. VI. Act 4. Parl. 16. Jam. VI. Act 2. Sess. 2. Parl. 1. Char. II.* And the Indictment goes on with, 'Nevertheless it is of Verity, that the Pannel hath committed, and is guilty of the same Crimes, in so far as *John Balfour* of *Kinloch*, the deceased *David Hackfoun* of *Rathillet*, and others, having on the Third Day of *May*, 1679. murdered his Grace the late Archbishop of *St. Andrews*, they, to escape Justice, and involve others, fled to the western Shires, and there joyned in a desperate and avowed Rebellion.' And then follows an Enumeration of the different Steps, *Drumclog*, the Attack upon *Glasgow*, *Bothwell-bridge*, according to the different Pannels. And tho', as in this Case before us, and many others, the Pannel was no way concerned in what was done either in *Fife* or the West Country, yet still the Narrative is much the same, so I only consider what is peculiar to the Prisoner, and the Depositions of Witnesses.

His Process.

Mr. *Hume* is particularly indicted, 'Of rising in Rebellion against the King's Majesty, with in the Shires of *Roxburgh*, *Berwick*, *Selkirk*, and *Peebles*, in marching up and down in Arms, rendezvousing with the Rebels in *Bewly-edge*, resisting and fighting a Party of his Majesty's Forces, under the Command of the Master of *Ross*, besieging the Castle of *Lauswick*, robbing the Arms therein, and marching towards *Bothwell-bridge*.' The Lords for several

His Indictments.



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several Causes desert the Diet *simpliciter*. In short, the Process was perfectly invidious, no Probation appeared, and had there been any Justice and Righteousness in the present Procedure, the Gentleman ought to have been liberated: But by no Means could he obtain that without taking the *Test*, which in Conscience he could not do; and so he continued in Prison till December 20. when new Occasions are sought against him.

December 20. he is again accused and indicted by the Advocate, 'That in June 1679. he rose in Rebellion, as above; that he came to the House of Sir Henry M'Doual of Muckerstoun, besieged it, and called for Horse and Arms; and being bolted out, came armed to Kelfo, Selkirk, and Hawick, and searched and sought for Horses and Armour, and carried away Militia Colours, Drums, &c. and wounded Mr. John Purden Schoolmaster at Hawick, and did resist his Majesty's Forces at Bewly-bridge, (or Boig) under the Command of the Master of Ross, and marched forward to Bothwell-bridge.' None of these Matters of Fact are at all proven.

Sir Patrick Hume, Advocate for the Defender, offers presently to prove, that he came only accidentally to Muckerstoun's House, being only in his Way to his own, having no Body with him but one Servant; and when challenged by Muckerstoun where he was going, told him he was riding home, and accordingly he and his Servant went home most peaceably. The Advocate opposes the Dittay, and the Lords repel the Defence, and remit the Libel to Probation, without allowing this Exculpation, tho' most reasonable.

The Witnesses are called, none of them are *ad idem*, and all of them most lame. The Matter, as far as I can gather, seems to have been this: There had been a Sermon at Bewly-bridge, and Lilius Leif-muir, where Mr. Hume had been with his Sword and Pistols, as Muckerstoun had likewise been; and as he was returning from one of them, he, with his Servant, called on Munday at Muckerstoun's House, and offered to buy his Bay Horse. However, the Advocate, December 21. 'bring him in guilty of commanding a Party of the Rebels Horse, in besieging the Castle of Hawick, tho', as far as I could notice in the Depositions of the Witnesses, there is no Probation of this. Whereupon he is sentenced to be hanged at the Market-cross of Edinburgh, upon Friday December 29. 'twixt Two and Four of the Clock after Noon.'

His Sentence  
to be executed,  
Dec. 29.

Mr. Hume earnestly begged so much Time as his Case might be laid before his Majesty, but this was peremptorily refused, and the Day hastened in order to prevent it. By a written Account before me, I find, that Interest being made at Court, under the Prospect of what Mr. Hume's Friends saw was designed against him, for a Remission, it actually came down to Edinburgh some Days before his Execution, and was kept up by the Earl of Perth; and that on the Day of his Execution, his Spouse Isobel Hume, came in the most moving Manner to the Lady Perth, begging she might interpose for her Husband's Life, urging she had Five small Children. The Lady's Answer was so inhumane, that I shall not put it in Writing, tho' I have these Accounts under the Hand of a reverend Minister yet alive, who was well acquainted with this Gentleman and his Family.

I cannot but remark here, that the Managers at this Time were so full of Rage, that not only, as in the former Instances, by their ensnaring Examinations and Questions, they brought poor ignorant Country People to do before them, what they made a denying of the King's Authority; but even when the King's Authority was owned, and no Act of Rebellion proven, merely upon Converse with Rebels, and Presence at a Field-meeting, and that alledged only and not proven, they shed the Blood of the Lord's Saints.

His last Words upon the Scaffold, are so full of the primitive Spirit of the first Christians, in their Martyrdoms, so agreeable to our own first Three Worthies, and those after Pentland, and contain so much of the Temper and Sense of the Body of Presbyterians in Scotland, that I could not but insert them here.

His last Words  
at his Execution.

*The last Words of Alexander Hume Portioner of Hume, when he suffered at the Cross of Edinburgh, upon the 29 of December, 1682.*

*Men and Brethren,*

There is a great Confluence of People here at this Time, and I would fain hope there are some amongst you that desire to be edified by the last Words of a dying Man, which shall be but few, because I do not think or judge my self so qualified, to enlarge upon any thing I have to say, as Need requires, and some might expect; and moreover, the Time allowed is but short. And now I am come here to lay down my Life, and I bless the Lord that I am not to lay it down as an evil Doer, and albeit I be a sinful Man, as others are by Nature, yet, through his Grace, I hope I am planted in Jesus Christ, in whom I have Redemption and Remission of Sins, through his Blood, and am separated from the Generation of Unbelievers: Free Love only hath made the Difference, and happily hath



ordered it so, that I have been born within the Church, where the blessed Device of the Gospel hath been discovered, and the Means of Salvation made effectual for converting and building me up in Grace, and begetting in me the Hope of that Glory and Redemption which I am now going to possess.

The Ground of my Sentence is the alledged Converse I had with that Party that took in the Castle of *Hawick*, in the Year 1679. the Probation whereof was not clear, and from which the Verdict of the Assize did materially differ; as is evident from the Witnesses subscribed Depositions, and the recorded Verdict of the said Assize, the Equity and Justice whereof I leave to God and all unbiassed Persons to judge.

I need not be ashamed to live, (as through his Grace I am not ashamed to die) and here I dare say, it has been my Study to keep a Conscience void of Offence towards God, and also towards Man. The World represents me as seditious and disloyal, but God is my Witness, and my own Conscience, of my Innocency in this Matter; I am loyal, and did ever judge Obedience unto lawful Authority, my Duty, and the Duty of all Christians. I was never against the King's just Power and Greatness, and this I commend to all that hear me this Day; but all a Christian doth must be of Faith, for what clatheth with the Command of God cannot be our Duty, and I wish the Lord may help the King to do his Duty to the People, and the People to do their Duty to the King.

It doth minister no small Peace and Joy to me this Day, that the Lord hath set his Love upon me, one of *Adam's* unworthy Posterity, and has given me the blest Experience of his Grace working in my Heart, whereby he hath inclined me to look towards himself, and make Choice of him for my Soul's everlasting Portion. It is the Lord Jesus, and he alone, who is my Rock, and the Strength and Stay of my Soul: All my own Righteousness I do utterly renounce, as a Garment too short for me, yea, as filthy Rags. I die a Protestant and Presbyterian this Day, adhering unto the holy Scriptures, and Work of Reformation from Popery and Prelacy, according to the Engagements, personal or national, lying on me; and I do leave my Testimony against all the Steps of Defection therefrom, either in Doctrine, Worship, or Government, and all the Encroachments made upon the Kingdom and Privileges of *Jesus Christ*, and whatever is against the Life and Power of Godliness.

It was the Glory and Happiness of our Land, that the Lord *Jesus Christ* made Choice of us, to dwell in the Midst of us by his Gospel, and the Ordinances thereof, the precious Symbols of his Presence, by which we had the Advantage of many, if not of all the Churches about us. But ah and alas! how far are we degenerate, and what Contempt of this precious Gospel are we become guilty of? We have not received the Love of God in our Hearts, nor improven him for Growth and Progress in Holiness; in place whereof, all Manner of Impiety and Naughtiness does abound, which I fear shall provoke the holy and jealous God, to send many heavy Judgments on the whole Land, whereby it may be laid utterly desolate, without an Inhabitant. 'Tis to be feared, that these Things may turn this Church into a Den of Idolatry, and provoke the Beloved to put a Bill of final Divorce into our Harlot Mother's Hand. O! what Cause is there to fear, that this People, partly through their own Ignorance, and partly through the Unfaithfulness and Delusion of their pretended Teachers, shall return again in Multitudes, into the Darkness and Superstition of Popery, from which the Lord in his Mercy delivered our Fathers. O! that the Lord would give Repentance to this Generation, that the evil Day might be prevented. Be exhorted to turn from your Sins, and make your Acquaintance and Peace with God in Time, which is not so easy a Work as many apprehend; and who wants his own Challenge for Negligence in this Matter? People love to defer this great Concernment until it be too late, unhappily preferring the Pleasures of Sin to the Favour of God, and all the Expectation of the Saints, within or beyond Time. Was there ever a Generation wherein so many sad Prognosticks of divine Wrath, upon its near Approach, did so much abound amongst Men of all Ranks and Capacities, of whom far other Things were expected, and I am sure, solemnly thereunto obliged, no less than these who have suffered at their Hands, upon that account? which cannot but highly aggravate Sin, heighten and hasten Judgment beyond ordinary, which I pray the Lord may prevent. He knows, I desire not the evil Day, I would exhort the Lord's People to study much Nearness to God, and Oneness among themselves, that being of one Mind and one Spirit, they may stand fast for the Faith of the Gospel, which is in such palpable Hazard this Day, as all who have but Half an Eye may see. I cannot but be sensible of the Sharpness and Severity of my Sentence, which, after strict Enquiry, will be found to be as hard Measure as any have met with before me; which seems to flow from some other Thing than what Law and Justice could allow. I wish I may be the last that may be thus dealt with; I question not but if competent Time had been given, that Application might have been made unto his Majesty, his Clemency would not have been wanting in this Case. Nevertheless, I bless the Lord, I find it in my Heart to forgive all Men, even as I desire to be forgiven, and obtain Mercy in that Day; and if there be any at whose Door my Blood may more directly ly than others, I pray the Lord



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Lord forgive them; and now I wish it may be well with the Land when I am gone. My Conscience bears me Witness, I ever studied the Good of my Country. I hope I shall be no Loser, that I have gone so young a Man off the Stage of this World, seeing I am to make so blest an Exchange, as to receive eternal Life, the Crown of Glory, the near and immediate Fruition of the blessed Father, Son, and holy Ghost, in place of a short, frail, and miserable Life here below. I bless his Name he made me willing to take Share with his persecuted People, for I hope I shall also share with them in their Consolations, when he shall wipe all Tears from their Eyes, and they shall suffer no more, but reign with him in his Kingdom. I am shortly to be clothed upon with my House from above, and that City that hath Foundations; I shall sin no more. O desirable Condition! when, beyond all Hazard of offending God any more, I shall be capable both of serving God, and enjoying him more: I shall wander and toil no more, having reached that Harbour of eternal Rest. I now contentedly take my Leave of the World. Farewel all Enjoyments, earthly Pleasures and Contentments: Farewel Friends and Relations, in whom I had much Satisfaction: Farewel my dear Wife and Children, dear indeed unto me, tho' not so dear as Christ, for whom I now willingly suffer the Loss of all Things, and yet am no Loser; I leave them on the tender Mercies of Christ. Now welcome blessed Father, Son and holy Ghost; welcome innumerable Company of Angels, and Spirits of just Men made perfect; welcome celestial City; welcome endless Joy: And now, O Father, into thy Hand I commend my Spirit, Lord Jesus receive my Soul.

Alexander Hume.

I am of Opinion the Collectors of the *Cloud of Witnesses*, have done their Collection no Service, by leaving out this Testimony, if, as I doubt not, it hath come to their Hands, and shewn themselves not a little partial in leaving out so valuable a Paper, unless they are of the same Sentiments with relation to Mr. Hume, which they own themselves to have as to the Earl of *Argyle*, to whom they allow the Honour of dying a Martyr for the Protestant Religion, but not for the Presbyterian Establishment of it.

Mr. Hume, when the Rope was about his Neck, and immediately before his being turned over, concluded his Life with singing the last Verse of the 17 *Psalms*. His Estate was forfeited, his Wife and Five Children exposed to very great Hardships till the happy Revolution, but the Lord carried them through; and since the Revolution, his eldest Son enjoys, by divine Retribution, double more Estate than was forfeited, while these who enjoyed the Forfeiture were not able to repay their vicious Intromissions.

At the End of this Year, the Laird of *Blackwood's* Prosecution before the Council and Justiciary begins; but I shall leave it till it come in all together next Year, which I now go to.

## C H A P. VII.

### Of the State and Sufferings of Presbyterians, during the Year 1683.

Persecution grows heavier the longer it lasts.

Contents of this Chapter.



THE Circumstances of the persecuted Party grew worse the longer the Persecution continued; the harassed People came to be known, their Haunts discovered, and the Persecutors, by Continuance, improved in their Acts and Methods against the poor Sufferers: So that this Year and the two following open a blacker Scene than we have yet had.

Nonconformity to Prelacy is now more directly and universally levelled at, and every Body is oppressed, who wanted Freedom to partake of Ordinances dispensed by a Set of Men who were at the Bottom of all the Troubles of Presbyterians. New Methods are taken, and the former Ones were continued, and more generally extended.

We



We shall meet with very exorbitant and excessive Finings this Year, and most diligent Searches accomplished, many Lives taken, together with the ordinary and yearly Oppressions by Courts and Commissions, and the Severities of the Soldiers, and likewise an itinerant Circuit at *Glasgow, Air, and Dumfries*, whereof I cannot give so large Accounts as I wish, but they are fuller than I expected, some of the Procelles being insert in the Criminal Books at *Edinburgh*, which is seldom done in this Period.

All which Hardships are the more aggravated, that the Prelates had now no Field-meetings to grate them, and the Government had no Risings of armed Persons to term Rebellion, and to be a Pretext to their Severities; but when they wanted this, they look back to *Bothwell*, yea, even to *Pentland*.

The *Test* was violently pressed at the Circuits, upon Persons who were not obliged by Law to it, and the alledged Plot broke out this Summer, was a good Handle to fall foul upon Multitudes of worthy Persons no ways concerned in it, but their Troubles come mostly in next Year.

I shall then confine my self very much to the Multitude of Facts and Instances I meet with this Year, in the Council and criminal Books, adding now and then an Instance from remoter Parts, which could not be in the publick Registers, and begin with the Commissions and Proclamations, which are the Foundation of what follows: Then I'll go through the particular Sufferings of Gentlemen, Ministers, and others, mostly from the Records of Council; then give some Account of such who were prosecuted for their Lives before the Justiciary Court, and next, a more particular Detail of the Circuits this Year, and shut up all with but some Hints at the Plot, and some other incidental Things, which I would not mix with what directly related to the Sufferings.

## S E C T. I.

*Of the Proclamations, Commissions, and Instructions, given in order to the further persecuting of Presbyterians this Year.*

What I have in mine Eye here, is mostly from the Council-register, to give Account of the publick Warrants granted, and Steps more generally taken, to continue and help on the Persecution: And the Particulars which follow in the second Section, will be a Commentary on this Text. I shall give them just in the Order they offer, throughout this Year.

We heard before of *Skene of Hallyards* his Severities in several Places of the West Country; and as a Reward of what he had done, and to enable him further to harass the Country, *January 4.* he receives a new Power from the Council, as follows. 'The Lords of his Majesty's Privy Council, considering that *John Skene of Hallyards*, is commissioned by the Lord High Treasurer of this Kingdom, for to uplift the Rents of the forfeited Heritors, in the Sherifdoms of *Lanerk, Stirling, and Linlithgow*, and Burghs within the same Shires, and also for intromitting with the moveable Goods of these who were at the late Rebellion 1679. or who had Accession to the late Rebellion, who are living within the said Shires, with Power to call before him any Person he thinks can give him Information of these who were present at the said Rebellion, or had Accession thereunto, the said Lords have thought fit, for the better Execution of the said Commission, hereby to give and grant Power to the said *John Skene*, to call any Person before him, who he thinks can give him Information of those who were in the said Rebellion, or had Accession thereunto, within the said Shires, and examine them upon Oath; and if he shall find any sufficient Probation against any Persons, for being present at or having Accession to the late Rebellion, or Resettlers of those who have been at it, then to secure and sequestrate their Goods, ay and while he find a Merchant to buy them, with Power to the said *John Skene*, if the Witnesses refuse to depone, and find Caution for appearing to bear Witness before the Lords of Justiciary, against these Persons who were at the late Rebellion, or had Access thereunto, to imprison them in the next Tolbooth.'

New Powers  
granted to  
*John Skene of  
Hallyards*.

I shall make no Reflections upon this or many of the following Commissions; a great deal of Power is put in the Hands of the Persons commissioned, they may attack any Body they think fit, high or low, and that upon very large Heads, Accession to *Bothwell*, &c. and such as can give Information thereanent. No Body was safe when such extensive Powers were granted

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granted to such naughty Men. Indeed it was generally Country People of the most substantial Sort, who were attacked, and from them prodigious Sums were exacted, merely to be free of these unaccountable Powers given to him and others. How exact he was in this Commission, may be guessed from what hath been narrated, and some further Instances may afterwards be given.

Scarce any thing in the Management of this Period, was less accountable, than the attacking of Husbands for the Nonconformity of their Wives, and Fathers for conversing with their own Children; and therefore it may be worth while to insert here the Council's Procedure upon these Heads.

Queries about  
fining of Husbands and Parents, Jan. 11.

The Magistrates of *Edinburgh*, in their prosecuting of Nonconformists, frequently had this Case before them, of the Nonconformity of the Wives of Conformists, and they drew up the following Queries, which were presented to the Council, and a Committee was appointed to consider them, and Answers were brought in, formed mostly by the Advocate, which were approved, *January 11*. They are but short, and I insert them both.

### *Queries anent Fines.*

1. **H**OW shall they fine Women whose Husbands are also fined? and whether these Women be finable only in the Half of their Husbands Fines? since the Act against Conventicles appoints only the Wife to be fined in the Half of her Husband's Fines; and the Act against Separation specifies no Fines or Proportions as to any Women.
2. If the Wives of regular Men should be fined, and to what Proportion, and if their Husbands should be liable for these Fines?
3. To what Proportion should Relicts be fined, who are not Liferenters, or have not Liferents suitable to their Husbands Estate?
4. In what Proportion should unmarried Women be fined, who want their Fathers?
5. After what Age should young Persons be fined who have Parents, and to what Proportions, and if the Parents, especially the regular, should be liable?

### *Answers to these Queries.*

Answers.

**T**HE Committee, having considered the abovementioned Queries, are of Opinion.

As to the First, that seeing Withdrawing from the Church is in it self a Crime and by the 7 Act, Sess. 2. Parl. 2. Charles II. it is declared to be seditious and dangerous to the Government, tho' the Act anent Withdrawing do not proportion the Fines as to married Women their withdrawing, yet that the Wives ought to be fined in the Half of their Husbands Fines, as in the Matter of Conventicles, and that the Husbands are liable, it being a Debt of the Wife, and that the Husbands are to have Defalcations off the Wife's Joynture.

As to the Second, 'tis the Committee's Opinion, that if regular Husbands produce their Wives to the Magistrate, they are not further answerable.

As to the Third, 'tis the Committee's Opinion, that Relicts be fined according to the Condition of their late Husband, viz. in the Half of the Husband's Fines.

As to the Fourth, it is the Opinion of the Committee, that such unmarried Women shall be fined according to the Condition of their deceased Parent, and their own Condition as to their Fortunes.

As to the Fifth, it is the Committee's Opinion, that Parents be answerable for their Childrens keeping the Church, after they arrive at Seven Years of Age, and be fit to be catechized.

And further, it being propounded what is to be done in the Case, when the Husband is a regular Person, and the Wife irregular, and the Husband being with the Wife convened before the Judge ordinary, and produceth her.

The said Lords declare, that the Husband producing her, he has done what was incumbent on him; and if the Wife persist contumaciously in the said Disorder, the Judge ordinary is to report the Case to the Council, that they may give Order, as the Speciality of the Case will allow, for the Wife's Punishment, and freeing the Husband.

Herron of Ker  
querries, Process

Upon the same Council-day, they have the Case of Mr. Herron before them, for Conversing with his own Son; and tho' it be most favourable, yet all they do is to interpose for a Remission,



mission; and being as it were ashamed, the Law should oblige them to find Persons in such Cases, guilty of what infers the Pains of Death, they write up for new Powers to fine at Pleasure; which as the King could not legally give, having no Power to repeal an Act of Parliament, so it was convenient for them to have, because they could make a better Hand of a Fine than a Man's dead Carcase, and the King did grant them this Power. The Chancellor's Letter to the Secretary, upon this Subject, follows, dated January 11.

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for Converse  
with his own  
Son.

My Lord,

There being one *Andrew Herron* of *Kerrochtree*, pursued before his Majesty's Privy Council, for harbouring, resetting, entertaining, and intercommuning with *Patrick Herron* his Second Son, *Anthony M'gbie* late of *Glencard*, and other Rebels; and the said *Andrew* having come voluntarily to the Lord High Treasurer, before any Citation given, how soon he understood the Hazard he was liable to by Law, and confessed, that out of Ignorance of the Laws of the Kingdom, and on the account of his near Relation to his said Son, and his Wife's Nephew, he had sometimes seen and conversed with them, and palliate a small Trade of Cattle, which his Son brought from *England*: Having confessed his Crime humbly, and begged his Majesty and the Council's Mercy; the Council having considered the Specialities in his Case, do recommend to your Lordship, to interpose for a Remission both as to his Life and Estate.

Letter to the  
Secretary on  
this Head.

But that others may be deterred from harbouring and resetting Rebels, tho' never so nearly related, the Council desire that your Lordship may procure a Letter under his Majesty's Royal Hand, empowering and authorizing them in this Case, (even tho' the Crime be capital in itself) to impose such a Fine as they think fit and just. This, in the Council's Name, is signified by,

Your Lordship's, &c.

Aberdeen Cancel. I. P. D.

Thus Matters went at this Time at *Edinburgh*. That the Persecution might have its full Swing in the West, Major *White's* Commission is enlarged upon a very trivial Pretext, and chiefly with an Eye to some particular Persons whom he would have been at, and could not reach, being out of the Shire of *Air*. His Commission is of the first of *March* this Year, and the Reader will be satisfied to have the Tenor of it, which is as follows.

M *White's*  
Commission  
enlarged.

The Lords of his Majesty's Privy Council considering, that by their Act and Commission of the Third Day of *August* last, upon the Considerations therein expressed, they did grant Commission to Major *Andrew White*, to call, convene, pursue, and punish all Persons guilty or suspect to be guilty of Conventions, disorderly Baptisms and Marriages, withdrawing from publick Ordinances, and other Disorders therein specified, within the Sheriffdom of *Air*, Bailiary of *Cunningham*, and other Places expressed, and of holding Justice-courts, &c. The said Lords being informed, that several of those disorderly Persons, as they are pursued within the said Shire and Bounds foresaid, flee to, and are sheltered in other adjacent Shires, and particularly in the Parishes of *Eglisham*, *Merns*, *Carmunnock*, and *Kilbride*, in which there are dwelling also divers Persons guilty of the same Disorders, the Lords extend his Commission to those Parishes in all Points.

And in regard of the Distance of Places in the said principal, and this additional Commission, the said Major *White* cannot at all Times be personally present at those Places for doing of Justice, the said Lords do give and grant full Power and Authority to him to nominate and appoint Deputes in the said Shires and Parishes, for whom he is to be answerable; and recommend it to General *Dalziel*, General of his Majesty's Forces, to order such Parties of the Forces as Major *White* shall desire for his Assistance, in putting the Laws in Execution against disorderly Persons, conform to his Commission, and to order them to obey the Major's Commands in that Service.

Remarks upon this are needless. It is evident, that it was with some particular Views to some Persons that the Major got his Powers extended, otherwise that same Reason would have called for the same Powers in all neighbouring Parishes to the Shire; and this Power of naming Deputes was a terrible Addition to the Burden of the former; and the lower Deputations came, poor Country People were the worse dealt by. The Privy Council, tho' mere Executors of the Law, and consequently had little of that Power they daily exerted, were worse to come before than the Parliament. Major *White*, for Instance, was more severe than the Council in many Things, and his Deputes were yet worse than himself, if worse could be: And this way the Oppression turned very general, and few Parishes wanted the Major or his Deputes.

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Instructions to  
Claverhouse, Jr.,  
Major White,  
and Meldrum,  
in prosecution  
of their Com-  
missions.

At that same Diet, *March 1.* the Council agree upon the following Instructions to such as were sent out by them, with a Justiciary Power to harass the poor Country with their Courts and Deputes, for Nonconformity and Church Irregularities, which I insert before I come to any Particulars of the Carriage of Major *White*, and some others, in pursuance of these Commissions and Instructions.

*Instructions to the Lairds of Claverhouse, Meldrum, and Major White, in Prosecution of their Commissions.*

- 1<sup>mo</sup>. **W**hen you discover any Person or Persons within the Bounds of your respective Commissions, that have been in the late Rebellion, and are neither in the portable nor fugitive Rolls, in case you can have Two deponing Witnesses thereupon, you are to send them Prisoners to *Edinburgh*, with the Probation against them.
- 2<sup>do</sup>. Upon Information given you that any Heritors have harboured, reset, or inter-communed with any of the Rebels, you are immediately to send their Names to the Chancellor, and the Deposition of Witnesses that can prove the same, that the Council may give Directions, either for putting them under Caution to appear, or securing them as they find Cause.
- 3<sup>io</sup>. Where inconsiderable and petty Heritors, who are Tenants also, are guilty of Disorders, you are to fine them in that Capacity which will bear the greatest Fines.
- 4<sup>to</sup>. In case you find any of the indulged Ministers, who have more commonly and contemptuously transgressed the Instructions, you are to send Accounts to the Chancellor with Probation.
- 5<sup>to</sup>. If any others who were in the late Rebellion, shall humbly, and in the great Sense of their Guilt, supplicate, and throw themselves on the King's Mercy, you shall receive their Petitions, and grant them safe Conduct, not exceeding Fourteen Days at a Time, that they may come in and apply to the Council. This Power of safe Conduct is only to last till the First of *May* next.
- 6<sup>to</sup>. Upon Information that Noblemen or Gentlemen do entertain in their Families, Chaplains and Pedagogues that are not licensed, you are to send in to the Chancellor, Archbishop of *St. Andrews*, or Bishop of *Edinburgh*, Lists of the Names of Chaplains, and their Entertainers, that the Fines imposed by Law may be exacted.
- 7<sup>mo</sup>. You are to call for the Books and Records of Sheriffs, Bailies of Regalities and Royalties, within your Bounds, and examine what Fines have been imposed in Cases of Church Disorders; and in case you find any not fined who were guilty, or that Fines have been taken up without Sentence, or by Collusion given down or rebated, and not adequate and according to Law, you are to pursue such Persons, and to fine either such Persons as have been pursued and not sentenced, or such as being fined their Fines have not been exacted within the Space of a Month, by Payment or Security; and such whose Fines have been inadequately imposed, in as much more as will make the same correspond with Law: And you are to have no Regard to any Receipts but such as are particular, bearing the Crimes and Fines imposed, and the Money truly paid, relating to a Sentence, which you are to allow *pro tanto*. And you are to give Account of any of these Magistrates guilty of such Negligence, Connivance and Collusion.

Such Instructions so rigorously followed by those Persons, and others we shall hear of, opened the Door to a fearful Scene of Persecution, this Year and afterwards, for the Commissions endured till they were recalled. In short, no Body against whom any Information could be had, escaped; and Multitudes who formerly had been sufficiently squeezed, were brought on the File again, and prodigious Sums were exacted.

Instances are innumerable. I can only give the Reader a Taste as to Major *White*, who lost no Time in executing his Commission and Instructions. Upon the Eighth and Ninth Days of *March* he held his Courts in the Church of *Carmunnock*, and vast Numbers were brought before him, they were all Inhabitants of that and the neighbouring Parishes, and whomsoever he was pleased to pitch upon. The Pretext of Fugitives from other Places, in his Commission was a mere Sham. The Country People were kept hanging on from one Court Day to another, to their great Loss in this Time of Labour. Such as came did not had Soldiers sent upon their Houses and Families, and were besides reserved for further Prosecution; and these who came and would not swear they were at the Church, at least every Third Sabbath, were fined in what the Major was pleased to impose.

Mr. *Robert Boyd*, Curate at *Carmunnock*, waited closely on the Major, and used to sit with him on the Bench, and instigate and direct him in his Procedure against the Country People. By his Instigation the Reverend Mr. *Andrew Mortoun*, the Presbyterian Minister before him in that Parish, of whom before, was cited for alledged baptizing and preaching in that Parish. Mr. *Mortoun's* Friends getting Notice of the Design, took Care he should rather

Instance of the  
Execution of  
these Instructions  
in *Carmunnock*.

Mr. *Andrew  
Mortoun* fined  
in 30000  
Merks.



rather fall into the Hands of the Sheriff of the Shire of *Lanerk*, than into the Major's; and he was first cited before the Sheriff, and in Absence fined in Four thousand Merks. The Major disregarded this, and went on in his Process, and upon what Law and Grounds I know not, but I have good Information of the Fact, fined him in Thirty thousand Merks. 1683.

This, and the Severity of the Times, obliged this worthy Minister, Mr. *Mortoun*, to abscond; and his Family removed from the *Haggs* beforementioned, to *Edinburgh*, where he lurked the best way he might, until the Liberty 1687. at which Time he returned to his Parish of *Carmunnock*, and preached in a House belonging to Sir *William Stuart* of *Castlemilk*, till he had Access to his Church; and after all his Tossings and Toils, he died Minister there in a good old Age, and under much Serenity, July 1691.

A List of the Fines imposed by Major *White* in the Parish of *Carmunnock*, is before me, Many others fined. too long to be insert here. From Eight or Nine Persons he exacted Two hundred and seventy seven Pounds, merely for Absence from the Church, or rather because they would not swear they kept it in Terms of Law; all of them were poor Country People. One of them, *William Warnock* in *Busby*, was fined in Twenty three Pounds, a great Sum for him; the poor Man not having it all to pay, tho' he paid a good Part of it, the Major caused the Clerk to search his Pockets, and finding there Three Shillings *Scots* more than what he paid, took that also.

Besides these, at another Court Day there were Five and twenty Men fined, precisely for not hearing, some in Fifty Pounds, some in Twenty five Pounds, and about Twelve married Women in Six Dollars per piece. *William Alexander*, and *William Baird* in *Drips*, which lies in *Carmunnock*, but pays Tiend to the neighbouring Parish of *Cathcart*, because they refused to be Elders in the Parish of *Cathcart*, to Mr. *Robert Finnick* Curate there, were remitted to the Sheriff of *Lanerk*, and each of them fined in an Hundred Pounds.

And to give the Account of the Oppression of this Parish all together; upon the 14 of this same Month of *March*, *Somerwel* of *Spittle*, as Sheriff-depute of *Lanerk*, held another Court in *Carmunnock*, and fined some of the former a Second Time, as well as a great many others. Thus we see the miserable Circumstances of the Country, *Claverhouse* and his Deputes in the South, Major *White* in the West, *Hallyards* and *Meldrum* in the East held their Courts, and particular Sheriffs and under Magistrates would attack the very same Persons, and the Circuit Courts heightned all, so no Body almost could escape.

Major *White* pursued his Commission in other Parts of the Bounds committed to him, and held new Courts at *Kilmarnock*, and pressed the Bond of Regularity, as we heard last Year, and oppressed either by his Deputes or himself, all the particular Parishes within his Reach. The Major's Severities in the Shire of Ayr.

I shall only give one Instance out of many which ly before me, attested under the Gentleman's Hand, who is yet alive. *Jasper Touch*, Chirurgeon in *Kilmarnock*, was at this Time about Twenty four Years, but entring upon his Business, and had lately set up his Shop. Nothing could be charged upon him but Nonconformity. When called before the Major, because he would not depone that he had been at Church at least every third Sabbath, he is fined in Nineteen Pounds *Sterling*. He did own he had not heard the Incumbent Mr. *Pollock*, since his Settlement there, which was about the Space of a Year. When fined, the Bond of Regularity was tendred to him; and because he could not sign it, he was sent to Prison with several others. Jasper Touch in Kilmarnock, his Case.

Many of them paid the Whole of their Fines, and got out; but Mr. *Touch* and Seven others more were kept in close Prison Fifteen Days. He got out at length upon paying 27 Rix-dollars, which was pretended to be a peculiar Favour; and the rest got out upon paying different Sums, as they could best agree. They had Receipts of what they paid, as Part of their Fine, and were liberate without taking the Bond: But within a little, Mr. *Touch* was again attacked by Mr. *Arthur Hamilton*, for not hearing Mr. *Pollock*, and paid to him Five Dollars, and Half a Dollar to the Fiscal of the Court; and in Harvest this Year, because he deserted another Court then held for pressing Regularity, no sooner did he appear again about his Business, but he was imprisoned till he gave Bond and Caution, under Five hundred Merks Penalty, to compear when called; and he had a Dollar to give to the Clerk for writing it, and Fourteen Shillings *Scots* to the Keeper of the Prison, for about Six Hours Imprisonment. These minute Things are set down to give some View of the great incidental Charges Sufferers were put to, besides their Finings and Imprisonment. And to put this Person's Sufferings all together in this Place,

Some Time after this, Lieutenant Colonel *Buchan* held a Court at *Kilmarnock*, and Mr. *Touch* not being personally apprehended when cited, did not appear, but was forced to abscond, and to leave his House and Shop to the Care of his Apprentice, for Six Weeks. In Absence, he was fined in 50 Pounds for Noncompearance, and in a vast Sum for Absence every Lord's Day, since Mr. *Pollock's* coming to *Kilmarnock*. His Servant was imprisoned, and an Inventory taken of all his Household Furniture, which yet was not very great, and all that was in his Shop. The Colonel with his Regiment was suddenly called to *Glasgow*, and the Gentleman returned to his Business for about Five Months. When the Regiment returned to *Kilmarnock*, he was immediately seized and imprisoned: No small Interest was made for him,



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him, there being few of his Employment in that Country. The Colonel refused to liberate him till he paid his Fine for Noncompearance, and his Nonconformity, and until he took the *Test*; and plainly told his Friends, that one great Thing he had to charge upon Mr. *Touch*, was his dressing some of the Rebels after they were sore wounded, when the *Garison of Newmills* was deforced. However, afterwards, upon new Application, he allowed him, upon sufficient Caution, under the Penalty of a Thousand Merks, to appear before him or the Council in Six Days Warning, to be liberate: And in a little the Times growing easier, he was never called.

Further Accounts of Major White's Severities in the Shire of Ayr.

In short, Major *White* was most rigorous in his Exactions throughout all the Shire of *Ayr*. A Person of Honour, a Sufferer himself, and a Witness to what was done at this Time, writing to me on this Head, says, 'What the Major's Commission and Instructions from the Council were, I will not determine, or whether he exceeded his Warrant; but the Method he followed with poor People, I well remember. When he or his Deputes came to a Parish, a Roll was made up of all the Heads of Families, which the Curate, if he had it, was not unwilling to furnish. Then all the Men and Women in every Family, were interrogate upon Oath, whether they heard their Ordinary duly, what House or Field-conventicles they had been at since *Bothwell*, &c. And then, according to their Confession, they were fined *ad libitum*. Next, as to the Time to come, the Bond of Regularity was put to them, and such as refused it were deeply fined, such as did not compear were declared Fugitives, and Quarterings were ordered, if the Person had a House and Lands, and in those Quarterings the Soldiers committed great Barbarities. These Courses brought a vast deal of Money in to the Soldiers Hands, and forced many to hear the Incumbents against their Inclinations, and increased the Aversion of the Country to those Men, who were more rigorous than the Soldiers themselves.'

Commission to Hallyards March 6.

To return again to the Commissions granted by the Council: Upon the 6 of *March*, they grant a Commission to *Skene of Hallyards* just in the Terms of the Act mentioned last Year, and of the same Nature with that given to *Meldrum* and *White*; and so I need not insert it here. It extends to the Sherifdoms of *Stirling*, *Lanerk*, and *Linlithgow*, and the Burghs within those Shires.

Meldrum's Severities in Mid and West-calders.

*Meldrum* mean while was very busy in executing his Commission within the Limits appointed him. I have an attested Account of his Carriage in the Parishes of *Mid* and *West-calders* in *March* this Year. He and a great Friend and Servant of his, *Thomas Kennoway*, held Courts. All the Men in the Parishes were summoned to appear under the Penalty of Five Hundred Pounds, which was severely exacted in case of Absence. All who appeared were solemnly sworn to tell what they knew as to themselves and others. Then they were asked, if they were at *Bothwell-bridge* or *Airs-moss*, if they heard Mr. *Cargil* since the 1662. if they heard Mr. *Cameron* or any other nonconformist Ministers, or were at any Field-conventicles, if they reser or conversed with any of the Rebels, or had any of them or their Children to be Servants, or if they had furnished any Horse or Arms to *Bothwell-rising*, if they had baptized any of their Children with Presbyterian Ministers, if they knew any who were Rebels, and at *Bothwell*, or any who furnished them with Horse, Arms, or Provision, or reser any of them. I have before me a List of Fines, uplifted at this Time in those two Parishes, too large to be insert here. Upon their Refusal to answer upon those Heads, or own Guilt in points of Nonconformity, some are fined in 333 Pounds 13 Shillings 4 Penies, others in 120 Pounds, others in 100 Merks.

Commission to Ardmillan for Carricks.

*March* 20. the Council give a Commission, in the Terms of the former Act, to *James Crawford* of *Ardmillan*, for the Bailyary of *Carrick*, and insert Instructions for him in the Registers. They agree intirely with these to *Meldrum*, and Major *White* above, save that the fifth and the seventh Act of these Instructions are not given him, for what Reasons I do not determine, so I need not resume here what is above.

*March* 27. the Council add the Shire of *Nairn* to the Commission formerly granted to Captain *Mckenzie* of *Suddie*, with full Powers as aforesaid. I have before remarked that a few of these Persons who had got Good of the Gospel preached by Presbyterian Ministers in those remote Corners, remained and kept up their Testimony against the Removal of their faithful Pastors, by refusing to joyn with the Intruders upon their Flocks; and the fewer they were, the more they were observed and harassed. We shall meet with the Laird of *Fowls* attacked by the Council this Year.

Letter appointing Circuit Courts in June.

In *April* the King's Letter comes down appointing Circuit Courts, and thanking the Council for their former Procedure; but I shall leave the Account of those Circuits in *June*, with the Papers relative to them, to a Section by it self.

Proclamation about Pedagogues and Chaplains June 4.

*June* 4. the Council issue out a Proclamation about Pedagogues and Chaplains. We find that it was an Instruction to Major *White* and the rest of them, to enquire where any unlicensed Chaplains or Pedagogues were to be found. Very probably they sent in many Informations, since Abundance of such were in the West and South. And it was a very good Outgate to Presbyterian Ministers and Preachers, to get into a religious Gentleman or Nobleman's House under such Hardships as were at this Time laid on them. However this was Crime



Crime enough, now to have any such in a Family, without the Bishop's Licence. Accordingly the Proclamation is annexed *App. N<sup>o</sup>. 84.*

The Proclamation notices, that whereas notwithstanding of former Laws, several not licenced by the Bishop, are maintained for Education of Children, under other Designations, as Physicians, &c. The Council discharges all to perform the Offices of teaching and instructing Children, or to do the Work of Pedagogues and Chaplains, under other Designations, except such as swear and subscribe the *Test* before their Ordinary, and have his Licence. Noblemen, if they contravene, to be fined in 3000 Merks, Gentlemen in 1200 Merks, Burghesses and others in 600 Merks. I shall make no Remarks upon this Proclamation.

When the Circuit is over, and they had carved out more Work for the Council, by admitting such as they had no Probation against, and could not overtake, to be tried at *Edinburgh*, the Council *July 28.* give a new Commission to the underwritten Persons to make enquiry about them, *viz.* To *John Boyl* of *Kelburn*, *Armillan*, Colonel *Buchan* and Captain *Inglis*, for *Air-shire*, to *Charles Maitland* Governor of the *East*, *Adam Urquhart* of *Meldrum*, and *Halyburton* of *Eagles*, for *East-lothian*, to Sir *John Whitford* of *Miltoun*, *John Skene* of *Hallyards*, and Captain *William Clelland* of *Fosnan*, for *Clydsdale*, to *Ezekiel Montgomery* Sheriff-depute of *Renfrew*, and Captain *James Maitland*, for the Shire of *Renfrew*.

The Design and Powers of these Commissioners, will best appear from their Commission: They run all the same way; and I have inserted that for the Shire of *Air*, *App. N<sup>o</sup>. 85.*

Remarks upon this Commission are needless. Every Thing the Managers do, proves a new Handle to themselves for further harassing the Country, and they are every Month making new Work for themselves; and every new Commission they give contains some new oppressive Clause, and all their Commissioners are still impowered to make new Discoveries. One would think, that after four Years Work up and down the Country, such as we have heard, and so many Circuits and Commissions, any Body, but a Set of People who delight in Oppression, might have been at the Bottom of the alledged Rebellion; but it was their Element to be continually finding out new Vexations to the poor Country. And we shall find them just now seeking more Occasions against poor People, and apply the King for Liberty to fall upon more extensive and general Methods of reaching all who take not the *Test*, and come not in wholly to their Measures.

I find a Letter of Thanks from the King, read and recorded *August 16.* where the Reader will notice how acceptable these severe Methods were to the Bishops and Clergy, and it seems the Primate was the King's Informer, and no doubt took a Care that the new Assurances of his Majesty's good Intentions to the Clergy, and gratifying them in further prosecuting Courses, should be insert. The Letter follows.

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App. N<sup>o</sup>. 84.

Commissions  
for *Air*, *East-lothian*, *Clydsdale*  
and *Renfrew*

Form of that  
for *Air*  
App. N<sup>o</sup>. 85.

Remarks on it.

King's Letter  
of Thanks *Aug.*  
16. for the  
Council's Care  
of the Clergy

#### CHARLES R.

‘**H**AVING lately received an Account, from the Lord Archbishop of *St. Andrews*, of your great Zeal and Prudence in managing the Concerns of this Church, whereof the happy Effects are now very evident, We are therewith so well satisfied, that We cannot but return you Our hearty Thanks for the same, as most acceptable Service done to Us. And as We have upon all Occasions been ready to give all due Encouragement to the orthodox Clergy in the faithful Discharge of their Duty, so it is still Our Will and Pleasure you follow the same wholsom Methods you have used for their Support and Protection, wherein you may rest fully assured, We will interpose Our Royal Authority, if needful, for rendring such Methods effectual, so, not doubting of the Continuance of your Zeal, We bid you heartily Farewel.’

By this Letter and their Success so much boasted of against the persecuted Party, the Managers are encouraged to make new Demands upon the King, and crave a Prolongation of the Time for taking the *Test*, that so there might be further Occasion to gain their Ends up and down the Country: This at first View may appear favourable to the Sufferers, but it proved not so; for all that could comply with that Oath were already come in, and by this Proposal they had Room to extend it to a great many whom by the Act of Parliament they could not reach, and to go on to their Banishment and other Severities. The best View of this Matter will be had from the Council's Letter, the King's Answer, and Proclamation following thereupon.

The Council's Letter bears the Date *August 21.* and contains some other Things anent the Modelling of the Justices of the Peace, but I insert the whole of it as it stands.

Council's Letter  
to the King,  
*August 21.*

May it please your Majesty,

‘**B**Y the 38 Act of your Majesty's first Parliament, it is declared and appointed, that the Justices of the Peace within this your ancient Kingdom, shall be from Time to Time named and appointed by your Majesty and your Royal Successors: And there being Vacancies

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'cancies in several Shires,' by the Death of several Persons formerly appointed, it is our humble Opinion, that your Majesty will please to ratify and approve all the Nominations of the Justices of the Peace in any of the Shires of the Kingdom, heretofore made by your Council, and to impower them to nominate and appoint Justices of the Peace, in any of the Shires of the Kingdom, from Time to Time, as Occasion shall offer, and as the Council shall see Need.'

'Your Majesty's late Act of Indemnity to the Commoners who were engaged in the Rebellion, and guilty of Refet and Intercommuning with Rebels who were in the Rebellion, having had great and good Effects in reclaiming many to their Duty and Allegiance; yet several Persons have lost the Opportunity and Benefit of the same, in neglecting to take the *Test* before the First of *August*. And albeit such Persons may be justly proceeded against before the Criminal Court, to the Forfeiture of Life and Goods, yet seeing that Neglect in some of them, might be occasioned through Ignorance or Inadvertency, or Want of frequent Meetings of these appointed by your Majesty's Proclamation for administering the *Test*, and that the Mitigation of deserved Punishment is suitable to your Majesty's great Clemency, it is our humble Opinion, your Majesty may authorize your Council, to call before them such Persons as they shall see Cause, and, upon sufficient Probation, to proceed against them by Sentence of Banishment, or Transportation to some of your Majesty's Plantations, or continued Imprisonment, as the Circumstances of the Person, or Case shall deserve, if they or any of them shall make further Delay in taking the *Test*: And as to such who shall be delinquent yet to take the *Test*, that we, or these to be appointed by your Majesty's Council, be authorized to administer the same to them; tho' not to have the Benefit of an Indemnity, yet to stop and sit criminal Process against them, to the end that such of them as your Majesty's Council shall think fit, may be convened before them, in order to the inflicting of lesser Punishments, by Fining or Imprisonment, as they shall see Cause.'

'And in regard the taking the *Test* is to be looked upon as a great Evidence of Loyalty and good Principles in those who take the same, that your Majesty would graciously be pleased to declare your Royal Will and Pleasure, that all Persons, whether Heritors, or others, who have heretofore taken, or shall hereafter take the *Test*, before the Day of next, shall not be pursued before your Council, Justice-court, or any other Court or Judicatory whatsoever, for the Crimes of Harboursing, Refet, Intercommuning, or Converse with, or doing Favours to any Rebels forfeited, or declared, or registered at the Horn, or other notour Rebels, excepting those who are intercommuned, with the Attainders of the late Archbishop of St. *Andrews*, and those likewise against whom there are any criminal Processes already depending for the said Crimes, who have already refused the *Test*, and such who have withdrawn to other Countries. And in respect that the daily calling up of Witnesses to this Place, doth occasion considerable Charges to your Majesty, we have commissioned several fit Persons to examine Witnesses in the Country upon Oath, in the Case of such Persons as are suspected of the Rebellion, or guilty of Refet and Converse, as hath been done before.' The Council conclude with asking his Majesty's Approbation.

King's Answer.

'To this Letter an Answer comes from the King, which needs not be insert here at large, since 'tis just a Resumption of the Words of the above Letter. He remits it to the Council to choose Justices of the Peace, and grants Power to administrate the *Test* until the First of *March* ensuing, and orders strict Prosecution of the Refusers after that, and approves the Commissions and Instructions granted for taking Declarations of Witnesses.

Proclamations Sept. 20 concerning the Diet for taking the *Test*.

And next Day, *September 20*, the Council emit a Proclamation, continuing the Diet for taking the *Test*, until the First of *March* next, which being short I insert. 'Forasmuch as it being represented unto Us, that some of Our Commons have, through Ignorance, or Want of frequent Meetings of those appointed by Our late Proclamation, for administering the *Test*, lost the Benefit of Our Indemnity, and considering that the Time formerly allowed unto them was very short, We have thought fit, as a further Evidence of Our Clemency, with Advice of Our Privy Council, to continue the Diet for their taking the *Test*, until the First of *March* next, for indemnifying them for ever, as to their refetting and intercommuning with such as were in the Rebellion 1679. excepting such as have refet and intercommuned with the Attainders of the Archbishop of St. *Andrews*, or seditious Field-preachers, or such who were any way accessory to the late Conspiracy; requiring all Sheriffs, Magistrates, Stewarts, and others in Office, strictly to search for, after the said Day, and to punish with all Rigour that Our Law will allow, all such as will refuse this Our last Offer of Mercy. But if any are or shall be apprehended before their making Application for obtaining this Our Favour, We declare they shall have no Benefit thereof. And further, We declare, that the Heritors who have taken the *Test* at the late Justice-airs, are thereby secured as to their Lives, if they have only been guilty of Refet and Intercommuning: But yet nevertheless, they shall, after the First of *November* next, be liable to be convened before Our Privy Council, and to such arbitrary Punishment as they shall think



think fit to appoint, according to the Specialities of their Cases and Guilt: Declaring hereby, that their Sentences being inflicted by them, shall indemnify them as effectually as if they had a special Pardon and Remission from Us under Our great Seal. And We do allow those intrusted by Our Privy Council, to take the Declarations of Witnesses, against those who have been suspected of being in the late Rebellion, or guilty of Relet and Intercommuning; providing always, that there be no Process intended on these or any other Declarations and Depositions, until Our Advocate find sufficient Matter of Dittay therein. OUR WILL is therefore, that these Our Letters, &c.'

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This Proclamation gives new Occasion of a general pressing of the *Test* upon all suspect Persons, and every Clause in it almost secures the arbitrary Power of the Council and Managers, and gives them plain enough Footing to enrich themselves with the Spoils of Heritors and others; and the very taking of the *Test*, secures only the Lives of the Heritors, but does not save them from Council-processes. Thus this Proclamation was a new Handle for Persecution.

Remarks on it,

There is not much further offers this Year, upon the Subject of this *Section*, and it is high Time to draw to an End of it. Among other Infringements made at this Time upon the Law and the Liberty of the Subject, the Royal Burghs were very badly used through much of this Period I am giving the History of; and their Privileges, ratified in Parliament many a Time, were now enervated and overturned by the Council at Pleasure.

Infringements on the Royal Burghs

I only give one Instance in the Town of *Linlithgow*, one of the ancientest Burghs in the Kingdom: The Magistrates were not so forward, as the Clergy and some others inclined, to violent poor People; and therefore a Commission is granted to the Earl of *Linlithgow* by the Council, with ampler Powers, I may say, than the Magistrates themselves had; and indeed his Power did, upon the Matter, vacate theirs. I shall give an Account of this Infringement, as it stands in the Registers. 'September 11. the Council renew their Commission, granted November 1682. to the Earl of *Linlithgow*, because the Provost and Magistrates of *Linlithgow* have connived at and neglected Persons guilty of Disorders, and authorize the Earl of *Linlithgow*, Lord *Livingstone*, and their Deputies, to have a cumulative Jurisdiction within the said Burgh, for putting the Laws in Execution.'

The Case of the Town of Linlithgow.

When, in a little Time, those People named by the Council, were engrossing all the Power belonging to the Magistrates, and some Debates arose about Persons who had been attacked first by the Magistrates, the Council declare, September 25. 'That the Lord *Livingstone*, as having a Commission of cumulative Jurisdiction, as likewise his Deputies, have undoubted Power to judge solely all Persons, when they are the first Attackers, and also such Persons who have been judged and tried inadequately by the ordinary Magistrate, or omitted to be judged by them, when the ordinary Magistrate hath done first Diligence.' So that these Commissioners of Council were quite everfive of the Power of the Royal Burghs.

And to complete all, and take off the Odium of this Imposition upon the Burgh, December 7. 'The Council appoint the Lord *Livingstone* Provost of *Linlithgow*, in regard the former Magistrates did not exercise their Jurisdiction against Ecclesiastical Disorders, and that there are now wanting in that Town a Provost, Bailie, and Six Counsellors; and the Earl of *Linlithgow* and Lord *Livingstone*, are appointed to proceed vigorously in the Exercise of their Commission.'

That I may give all come to my Hand anent the Oppression of this Town; by some Extracts from their Registers, I find, that in October 1681. the whole Town-council took the *Test* to Advise, only *Alexander Muir* Provost, the Earl of *Linlithgow*, and Lord *Livingstone* Counsellors, and *James Glen* Bailie, took the *Test* upon their knees; and it would seem this was the Occasion of these Methods afterwards taken. At Michaelmas 1683. Provost *Muir* refusing to accept of being Provost, the Council appointed as above. And from this Time to the Revolution, the Liberties of the Burgh seem to be quite taken away: At least I find, September 18. 1686. there is no Election as usual, but a Letter from the Privy Council produced, shewing, That his Majesty had prohibited all Elections in Royal Burghs at this Time, and authorized the present Magistrates and Council to continue in their Office. And upon October 16. that same Year, a Letter comes from the Privy Council, naming both Magistrates and Town-council, and the Lord *Livingstone* is named Provost. And September 22. 1687. another Letter is produced from the Privy Council, renewing the Prohibition of any new Election, conform, as they say, to a new Letter from his Majesty for this effect.

Thus we see, that the Foundations were laying for many Years, under the Duke of *Tork's* Management, for the total Subversion of our Liberty and Religion under his Reign, which was very near to be fully accomplished, had not a signal Providence brought about the happy Revolution: And I do not question but the same Methods were taken with other Royal Burghs through the Kingdom, tho' the Particulars are not come so fully to my Hand as in this Instance.



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Garifons appointed 25. 12.

About the same Time, to help on the Execution of those Commissions and Oppression, I find the Garifons are filled again with Soldiers. September 12. the Council recommend to General Dalziel, to order that Company of Foot, under the Command of Captain John Dalziel, and the Company of Dragoons now in Galloway, commanded by Captain Strachan, to be placed in Garifon in Dumfries, Ketchloch, Earlstoun, Baliagan, Lockerbean, and the House of Monnigaff, or such of them as shall be found most convenient, and to continue till further Order. Those effectually carried on the Persecution, and were most severe against all Nonconformists.

In November a Commission is given to Colonel John Buchan for Air Shire, much in the Terms of the Act of Council last Year for Commissions, insert above. And November 29. Commissions are given to Gentlemen in several Shires in the South and East, to attack Heritors who had not given Satisfaction at the Justiciary-courts, for their Converse with Rebels. Their Commission follows. 'The Lords of his Majesty's Privy Council considering, that several Heritors and others within the Shires of Roxburgh, Selkirk, Peebles, Berwick, Stirling, and Stewartries of Kirkcudbright and Annandale, and Jurisdiction within the same Precincts, were indicted before the Justices for Crimes of high Treason, and Refet and Converse with Rebels; and the Diets from the several Circuit Courts, being continued from the Places where the Justice-airs were held, to Edinburgh, in order to the Delinquents their Trial, and the Witnesses ordained to attend, yet, through the Witnesses Absence the Diets are delayed: The said Lords having resolved, that the Delinquents shall be brought to a speedy Trial, have thought fit to give and grant full Power to the Persons underwritten, in their respective Jurisdictions, viz. for the Shires of Roxburgh, Peebles, Selkirk, and Berwick, to the Sheriffs of the respective Shires, Mr. Charles Holm, Adam Urquhart of Meldrum, Riddel of Hayning, Henry Ker of Gredin, or any Two of them: For the Shire of Stirling, to the Sheriff of Stirling, Mr. Archibald Stuart Lieutenant-governor of Stirling Castle, Mr. Colin Mackenzie Brother to the Earl of Seaforth, and John Erskine Ensign of the said Castle: For the Shire of Dumfries, and Stewartry of Kirkcudbright and Annandale, to the respective Sheriff-deputes and Stewarts, Captain Inglis and Captain Dalziel, and the Laird of Lagg, to call before them, &c. as in the Commission App. N<sup>o</sup>. 85.'

Town of  
Edinburgh's Act  
against Con-  
venticles.

App. No. 86.

Thus we see how active the Council were this Year in granting Powers, and the Commissioners and Soldiers were no less vigorous on their Part. There were no Field-conventicles now till Mr. Renwick came from Holland, and the few House-conventicles were severely searched after, and punished. Accordingly, the Magistrates of Edinburgh, December 19. emit an Act of theirs against Conventicles, wherein they promise sixty Pounds to such as discover any Conventicle, and Twelve Pounds to such who discover any Person who keeps not the Church. The Act is singular, and I have insert it App. N<sup>o</sup>. 86. How far they were followed at Glasgow and other Burghs I do not know, but it is probable others took the same Way. I come now to more particular Instances of Hardships this Year.

## S E C T. II.

Of the Sufferings of some particular Gentlemen, Ministers, and others, this Year 1683.

Contents of  
this Section.

AS I have done in some of the former Years, so here it is proper to distinguish between these who suffered only in their Liberty and Goods before the Council, and such who suffered in their Life, or at least were staged for their Lives before the Justiciary. I shall leave the last to the following Section, and here give some Account of the Hardships some Ladies, Gentlemen, Ministers, and others, came under this Year, just in the Order of Time as they offer; many of which I shall give from the Books of Council. But I must observe here, that this Year the Council is so throng, that a great many of the particular Persons before them, unless it be People of some Rank, are remitted to the Committee for publick Affairs, and they are approven next Day upon their verbal Report, at least their Proceedings are but very rarely inserted in the Council-register; and this, as it makes some Accounts of Persons before the Council shorter and darker, so it altogether deprives me of a good many Narratives of worthy Persons brought to no small Trouble at this Time.

January



January 4. the Reverend Mr. Michael Potter is before the Council, and they send him to the *Bass*. This excellent Person was after the Revolution Minister at *Dumblain*, and died there lately in a good old Age, after all his sore Sufferings. It is only a short Hint about him I meet with in the Registers, and therefore I shall here insert a larger Account of the Troubles he underwent in this Period, from a Narrative sent me from his worthy Son Minister at *Kippen*. 1683.

Jan. 4. Mr. Michael Potter sent to the Bass.

The Episcopal Clergy did early discover their persecuting Spirit against him. In the Year 1664. when Governor to the Laird of *Dundas* his Children, the Presbytery of *Linlithgow* caused summon him once and again before them, because he had not taken the Oath of *Alegiance*. And it appears by Extracts from their Presbytery-registers, that in the Year 1665. he was summoned again before them, because he did not attend the Meetings of their Presbytery. Larger Account of his Sufferings.

He passed his Trials 1673. before some Presbyterian Ministers, and sometime thereafter he was privately ordained, upon a Call from a great Body of People of the Presbyterian Perswasion, in the Parish of *St. Ninians*. Upon this afore Persecution arose against him, at the Instigation of Bishop *Ramsay* of *Dumblain*, and he was hunted as a Partridge in the Wilderness; but he still continued preaching as he could have Access, till the Year 1677. when scarce finding Shelter any where, he went over to *Holland* for some Months. When he returned the Storm broke out against him with double Fury; yet having obtained Help of the Lord, he continued preaching in the midst of Hazard, till the Beginning of the 1679. and then he again retired to *Holland*. When he returned next Year, fresh Orders were issued out against him, and Parties were daily in quest of him, yet he was still preserved from their Hands, till, *November* 1681. he was apprehended at his own House in *Borrowstounness*, by the Laird of *Bedlormie* Governor of *Blackness*, and carried Prisoner to *Edinburgh*, where he continued Prisoner a good while. Nothing could be laid to his Charge save his preaching the Gospel, and fulfilling the Ministry he received from Christ Jesus.

By the Registers I find him before the Council, *January* 4. this Year, where he acknowledged he had kept House-conventicles, and refused to engage to forbear preaching the Gospel in Time to come, and thereupon the Council send him to the *Bass*, where he continued Two Years. In the Year 1685. his Friends prevailed to get his Confinement in the *Bass* altered into an Act of Banishment, under Caution of Ten thousand Merks not to return without Licence. He had Three Months allowed him to prepare for his Removal. At that Juncture the Earl of *Argyle* landed, and an Embargo was laid on all Ships, and he could not get off. Thus his going again to *Holland* was prevented, and by the Advice of his Cautioners he continued as secretly as he could, till the Liberty 1687.

That same Day, *January* 4. *John Row*, Chamberlain to Sir *William Primrose* of *Carring*, being delated for frequenting many Conventicles, and not compearing, is denounced and put to the Horn. And because, as the Register has it, he is notour in his Disorders, and a Debaucher of People from their Duty, the Council recommend it to the General to bring him in Prisoner, and to send out a Party in quest of him, and if they miss him, that they secure his Goods for the King's Use.

John Row Chamberlain to Carring

*January* 27. Sir *John Harper*, Sheriff-depute of *Lanerk*, is imprisoned in the Castle of *Edinburgh*, upon Suspicion of Treason, that is, Correspondence with some of the persecuted Party. I know no more about it, but what offers in the Registers. It seems he continued in Prison till *April* 6. when no Proof could be found against him, and then I find the Council-minute run, 'Sir *John Harper* of *Cambusnethan*, Prisoner in the Castle of *Edinburgh* for corresponding with several intercommuned Persons, who were in the late Rebellion, upon his Petition to be liberate, his Petition is granted under a Bond of Ten thousand Pounds *Sterling*, to answer, when called, to the Premissis, or any other Crime laid to his Charge.' This Gentleman, for any Thing I hear, was abundantly regular, only was not so violent in prosecuting the poor suffering People, as some Persons would have had him.

Sir John Harper imprisoned in the Castle of Edinburgh some Months, but alledge to converse with Rebels, and liberate under Bond of 10000 lls. Sterling.

The Council write up a Letter to the Secretary, that a Remission may be sent down to *Thomas Cunningham* of *Montgrenan*, in the Shire of *Air*. This Gentleman had been seized by *Ardmillan*, a little after *Bothwell*; and if his Declaration may bear Weight, vile Methods were taken with him, to witness against the Lord *Bargeny*, Duke *Hamilton*, and others. By the Registers, *December* 4. 1679. I find a Letter from the King to the Council, declaring, 'That *Ardmillan*'s Diligence in taking *Montgrenan* is very acceptable, and he will reward it. And *Ardmillan* having delivered him to be examined by the Privy Council, the King exoner the said *Ardmillan*, and approves his taking of *Montgrenan*, and keeping him Prisoner in his House.' I know no further in this Affair, save what is in *Montgrenan*'s Declaration before the Council, *August* 13. 1681. which hath been more than once printed, and contains in Substance, 'That *Ardmillan* used various Ways to bring him to accuse my Lord *Bargeny*, as having corresponded with *Cunningham* of *Bedlane*, was at *Bothwell*, and of a Letter to Mr. *John Welsh*, with one from Duke *Hamilton* inclosed in my Lord *Bargeny*'s, inciting them to that Rising. And after he was instructed what to say, and how to sup-

A Remission sent down to Cunningham of Montgrenan



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port it, he came before the Earl of Murray, Lord Haltoun, and others, and declared, as *Ardmillan* instructed him, that he had Officers of his own Lite and Estate, the Gift of a forfeited Estate worth Forty Pounds Sterling a Year, or as much out of *Earlsfoun's* Estate, if he would himself swear and get his Servant to joyn; that my Lord *Bargeny* sent the above Letter with one from Duke *Hamilton* to Mr. *Welsh*, while in the mean time all this was absolute Untruth, and he had never spoken to *Bargeny*, nor seen his Writ; for which he declares his hearty Sorrow, as the Paper it self more fully bears. For any Thing I know, *Monigrenan* continued in Prison till this Year, and got a Remission.

Cautioners of  
Calnefs, Monk-  
land, Mr. Osburn  
and Crawford,  
troubled.

Upon the 31 of the same Month, I find some Gentlemen and Minifters attacked. The Council order Citation againft the Cautioners of *Stuart of Cultnefs*, *Hamilton* of *Monkland*, Mr. *John Osburn*, and Mr. *Hugh Crawford*, to exhibit them conform to their Bond. We have heard, that worthy Gentleman Sir *Thomas Stuart* of *Cultnefs* took on him a voluntary Banishment, and now the Managers resolve to have his Estate. We shall meet with the Laird of *Monkland* afterwards. As to the other Two, I have no more about them, save a Hint juft now to be insert as to Mr. *Osburn*.

Mr. John  
McGilligen sent  
to the Bafs.

About the same Time, the Reverend Mr. *John McGilligen* is sent to the *Bafs*, and a new Train of his Sufferings begins, and I shall here give all I have further concerning this excellent Person. We left him liberate after *Bothwell* upon a Bond, wherein Sir *Hugh Campbell* of *Calder* was Cautioner. Towards the End of the last Year he was cited before the Council, and appeared at this Time. I shall give what passed from a Narrative extracted out of his own Diary, in his worthy Son's Hands.

What passed  
when before  
the Council.

When before the Council, there was a long Libel read by the Clerk, wherein he was charged with keeping Conventicles, irregular Marriages and Baptisms; and being desired to answer for himself, he began a Discourse, but was very soon interrupted. The Reason, as he was afterwards informed, was, that the worthy Mr. *Frazer* of *Braes*, some time before, in the Presence of the Duke of *York* and Council, had born Testimony to the Truth in a Discourse, with so much Advantage to the Cause, and Applause to himself, that the Prelates and their Party were afraid, if Mr. *McGilligen* and others of his Abilities should be allowed to speak publicly, Byftanders would be undeceived, and even Members would see Ground to lay by their harsh Thoughts of Presbyterian Ministers, and the Aspersions of their Want of Parts, Dilloyalty and Tenaciousness, would be found to be like the Beasts Skins, wherein the primitive Christians were sewed up, that they might be worried.

The Council having stopped him, required him to answer simply to the Libel, either by owning or disowning what was therein contained, and because they had no Probation, remitted it to his Oath. A great many Falshoods were in the Indictment, such as, his keeping Field-conventicles, his baptizing Children to *David Monro* in *Obsdale*, and others who never had any; yet he observed many Truths in it, such as his baptizing, preaching, (tho' not at Field-conventicles, whereof there was no Need in the Shire of *Ross*) and finding no Man obliged to accuse himself in Matters which the Law had made criminal, he refused to depone on that Libel, and so was holden as confest, and fined in Five thousand Merks, and sent to the Tolbooth till he should pay it, and find Bail that he should not do as formerly, under the Penalty of Five thousand Merks, or enact himself to remove out of the Kingdom, never to return till he obtain his Majesty's Licence: And the Cashkeeper was ordered to raise an Adjudication against his Lands in *Ross*.

His Sentence.

Further De-  
signs against  
him.

And yet some High-fliers, who were absent from the Council that Meeting, thought their Measures were too smooth against Mr. *McGilligen*, and attempted a Sentence of another Nature, under which View Sir *William Paterson* was sent to the Prison, to examine any Prisoners who heard Mr. *McGilligen* preach, and were acquainted with him, and to expiscate any Thing in publick or private he had let fall, which might be reckoned or stretched to Treason; yea, Liberty was promised to such as would testify any Thing of that Nature: But after all the Trial he could make, Sir *William* had the Candor to shew his Employers, that Mr. *McGilligen* was intirely loyal in his Principles, and that upon all publick Occasions he still prayed most fervently for the King.

He continued some time in *Edinburgh* Prison, and was a true *Barnabas*, the Son of Consolation to many there, yea, the Jaylors themselves appeared grieved when he was removed to the *Bafs*, where he continued some Years, I think till the 1686.

Some Extracts  
out of his  
Diary.

His Diary, of which I have but short Hints sent me, by which, if I might be allowed to judge, the Church appears at a Loss that more of it is not published, discovers many sweet Days of Communion with his Master, he had in that barren Rock. During his former Imprisonment, in the Year 1678. he records great Enlargement he had in Wrestling and Prayer. The pious Reader will make a Hint or Two, under his Second Confinement, welcome, in his own Words.

'*Bafs*, October 15. 1683. this hath been a Day of Gladness of Heart to me, the Lord was pleased to let out abundantly of his holy Spirit, convincing of Sin, confirming me in the Assurance of Pardon, comforting me in the Hopes of Mercy, and Deliverance to my self and Family, and to his oppressed People and Interest.'

*Bafs*.



• *Baſt*, October 19. the felt Joy and Senſe of the former Day hath continued ſince with me, my Soul dwelt at Eaſe without any Burden or Weight. This Day was a Brother and Friend to the former, wherein the Lord did communicate himſelf by enlarging my Heart, melting my Spirit, and breathing upon me with a full Gale. My Graces were in Exerciſe, his Faith and Hope, and Meekneſs of Spirit acted their Parts. My Heart with Cheertulneſs ſaid unto the Lord, Thou art my holy One, my only One, my fair and pleaſant One, thy overcoming Love hath maſtered me. My Hope and Expectation of Deliverance for my ſelf and others was confirmed, *in the Mount of the Lord it ſhall be ſeen.* This Top of the Rock was to me a *Peniel*, where the Lord's Face in ſome Meaſure was ſeen.

• *Baſt*, November — 1683. this was a Day of ſweet and great Outpouring of the Spirit, I hope Good will follow. Many ſweet and appoſite Places of Scripture, both in reading and Prayer, was I tryſted with, concerning my ſelf, Children, the People and Work of God, and Enemies. The Daughter of *Babylon* will come down and ſit in the Duſt, there will be no Throne for her. Her Nakedneſs will be uncovered, Vengeance will overtake her. He will not meet her as a Man. She truſts in her Wickedneſs, Deſolation will ſuddenly come upon her; but the Lord will place Salvation in *Zion* for *Iſrael* his Glory.

• *Baſt*, September 23. 1684. this Day I got my Heart poured out before the Lord, for the Diſtreſs, Deſtruction, and Deſolation of the Land, and for the Ruin and Overthrow of his Intereſt. The Lord will have Mercy and heal, recover his own Glory, reform his Church, reſtore his Ordinances, purge his Servants, and cauſe Sacrifices to be offered in Righteouſneſs to himſelf. The Lord will ſend the Rod of his Strength out of *Zion*, he will rule in the Miſt of his Enemies, he hath drunk of the Brook in the Way, and therefore hath liſt up his Head, and is exalted far above all Principalities and Powers. He will ſtrike with his right Hand, and with it bring back the Ark and the Glory, and cauſe the Days of Joy and Gladneſs to be according to the Days of Sorrow and Sadneſs we have ſeen.

Such were the Comforts, the Hopes, Expectations and Exerciſes of this Saint of God, upon whom the Spirit of God and Glory reſted. Multitudes of Paſſages might be added, but theſe may ſuffice to let us in to ſee, that the Church of Chriſt, and in this Land in particular, is in the Debt of theſe worthy Sufferers I am doing ſome Juſtice to in this Work, not only for their Teſtimony to the common Faith and Truth, not only for their Pattern and Example, but, which is leſs obſerved, for the many Suits and Prayers they tabled, and left in the Bank of Heaven. And I make no queſtion but the Revolution, and the wonderful Providences ſince, and the Good done by this Goſpel, and to be done, are in part the Fruits of the many Days of Prayer, Wreſtling, ſolitary Faſtings, yea, of ſecret Thankſgiving and Praise, by the Perſons I am now accounting for, in Priſons, in Rocks, Irons, Mountains, and their Hidings and Wandrings.

But to return, while Mr. *McGilligen* is thus employed, and in the *Baſt*, Summons of Adjudication was raiſed againſt the ſmall Intereſt he had in *Roſs*, 24 Bolls of Rent, for his Fine. This obliged his Wife to come South, and petition the Privy Council. She repreſented, 'he was the only Miniſter of the Kingdom whoſe Fine had been exacted, that ſhe had a numerous Family, and little to maintain them, that the Affairs of her Family were exceedingly impaired by the long Imprisonment of her Husband; and that therefore, out of Compaſſion, they would put a Stop to the Summons.' The Lords, by the Intereſt of the Laird of *Tarbet*, ſince Earl of *Cromarty*, who had a great Regard for Mr. *McGilligen*, recommended her Caſe to the Lord Treasuſer, and a Stop was put to the Fine.

Mr. *McGilligen* continued in the *Baſt*, until he fell dangerously ſick, whereupon he petitioned for Liberty to come to a Chamber in *Edinburgh*, till he ſhould recover; which was granted by the Intereſt of the forementioned Perſon. Afterwards they were applied to for liberating him from his Confinement, which was granted: But that Day the Council was in ſuch a Hurry that the Act was not ſubſcribed; whereupon a ſecond Petition was offered, and Biſhop *Paterſon* being that Day Preſident of the Committee, all that could be obtained was the following Act.

• At *Edinburgh*, July 27. 1686. The Lords of the Committee of his Maſteſty's Privy Council for publick Affairs, having conſidered an Addreſs made by Mr. *John McGilligen* Priſoner, confined in his Chamber at *Edinburgh*, ſupplicating, that in regard a former Order of Council for his Liberation had not taken Effect, and that he ſtill continues under great Sickneſs, Orders might be granted for his Liberty, do hereby take off the ſaid Reſtraint and Confinement, in regard he has found Caution to appear before the Council, the firſt Council Day in November, or to enter again to his Confinement as formerly, under the Penalty of 5000 Merks. Extracted, &c.

Upon this he ventured Home, to the unſpeakable Joy of his old Hearers, who ſlocked to him from all Corners. And his ſore Gravel continuing with him, upon a Declaration of Phyſicians, his Liberty was enlarged to another Day, and before that Day elapſed, the King's Liberty 1687. was granted. During that Time, a Meeting-houſe was built on his own Ground, and his Hearers gave him a competent Maintenance. He had an Invitation to the Town of *Elgin* at this Time, but reſuſed it. At the Revolution he was invited to *Inverneſs*, and with the Conſent of his People, and,



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and, that he might have the Benefit of Physicians, he went thither, and preached a little, but his Gravel increasing, he was confined to his Bed, and was under full Assurance of Faith, but in his dying Hours spoke but little, having been so publickly useful in his Life, and entred into the Joy of his Lord June 8. 1689. and was buried there, the War then remaining in the Country he could not be transported to *Alves*.

Thus he got cleanly off the Stage. He was the only Minister in the Province of *Ross*, who at the first Assault opposed himself to Prelacy. Mr. *Hog* of *Kiltairn* was of the same Sentiments with him, but had been laid aside some time before, and Mr. *Thomas Ross*, Minister at *Kincardine*, having continued at his Charge some time after the Establishment of Prelacy, owed his leaving them to a Meeting with Mr. *McGilligen*: And Mr. *Hugh Anderson* kept his Kirk at *Cremarty* for some Years before he broke off. In short, it was in Mr. *McGilligen's* House at his last Release, that that worthy Man Mr. *Angus Mcbean*, formerly Episcopal Minister at *Inverness*, did preach his Recantation Sermon to a numerous and splendid Auditory, from Job 34. 31, 32. Surely it is meet to be said to God, I have born Chastisement, I will not offend any more. That which I see not, teach thou me; if I have done Iniquity, I will do so no more. This is all the Account I can give of this excellent Man.

*Clerks: laugh  
fined for his  
Lady's being at  
Conventicles.*

February 8. *John Hamilton* of *Gilkerfcleugh* is fined by the Council in 2000 Merks, for his Lady's being present at House-conventicles, tho' nothing was to be laid to the Gentleman's Charge. Only, it seems, in a former Process raised against her, he had become Caution for her good Behaviour.

*Sir John Dalrymple  
ple of Stair,  
deprived of the  
Bailiary of  
Glenluce, and  
fined in 500  
Pounds Sterling,  
on a Complaint  
by Claverhouse.*

Upon the 12 of the same Month, the Council deprive that known great Man, Sir *John Dalrymple* of *Stair*, of his Bailiary of the Regality of *Glenluce*, and fine him in 500 Pounds Sterling, and order him to the Castle of *Edinburgh* till he pay it. This Act is made upon a Complaint tabled against him by *Claverhouse*, but the Reasons of the Act and the Complaint are not recorded.

*Mrs John Osburn.*

And next Council Day, Mr. *John Osburn*, late Minister at *Kirkcudall*, appears before the Council, and is libelled for keeping House-conventicles. He acknowledges his Preaching in Houses; and the Council allow him his Choice, either immediately to remove off the Kingdom, or to enact himself not to keep Conventicles under the Pain of 5000 Merks, and he chooses the last.

*Further Sufferings  
of John  
Archer.*

This Month of February the Sufferings of *John Archer*, formerly mentioned, begin afresh. We left him lurking, his Children ill, and he scarce having the Liberty of seeing them. I now come to give what further relates to him. Before his Children fully recovered, he himself at this Time fell ill of the Gravel, and when in this Case, and unable to flee, a Party of *Balcarras's* Troop came and made him Prisoner. After they had searched the House for Arms, and found none, one of the Soldiers said to *John*, I think it strange that you who seem to be a sober peaceable Man, put your self and us to so much Trouble, and all for not hearing the present Ministers, adding, That he could have Peace and Quiet to hear a Jesuit for some little Time. Mr. *Archer* with his usual Modesty replied, I know not what it is to you, but to me this is Matter of Conscience.

When they were leaving the House, the Soldiers were not for carrying away *John Archer's* Wife and the sickly Children, but only himself; but the Messenger who came with the Party, one *Wylie*, was positive to have the Mother likewise to Prison, and she could not leave the Children behind her, having no Body to look after them. When he insisted on it, one of the Dragoons said to him in his rough Way, *The Devil ding your Back in Two, Sir, have you a Coach and Six Horses for her and the Children?* The other answered with Cursing, *If she should be trailed on a Sledge, she should go;* which was the Fellow's ordinary Byword, when taking honest People to Prison, and very soon came to be his own Case.

Some time after, *Wylie* having taken a Gentleman Prisoner, went with him to a publick House near by, in *Clunie* in the Parish of *Kinglassie*, to see the civil Business on which he was apprehended accommodated with the Parties concerned. When they were not like to agree the Matter, *Wylie* threatened him, and made a great Sputter, and among other Expressions had this, *The Devil take me, if I carry him not to the Tolbooth of Cowpar this Night.* The Gentleman's Servant, a young hardy Fellow, told him very roundly, He should not take his Master there; whereupon the other gave him a Blow: The Servant runs straight to a Smith's Shop near by, and getting a Cut of Iron, made at *Wylie*, and a Scuffle ensued wherein *Wylie's* Back was broken, and they were obliged to get Two Sledges, tie them together, and lay him across them, and carry him to his own House not far off, where in a little Time he died. This Retribution both of Persecution and profane Swearing, I have well attested by living Witnesses, otherwise I had not insert it so particularly.

To return, Mr. *Archer*, his Wife, and Five small Children, the eldest not Ten Years of Age, were carried to *Kirkaldy* Prison. Next Day, the Provost of the Town hearing of this Severity, liberate the Mother and the Infants; yet not till Caution was found, by Two spon- sible Persons, she should present her self to the Sheriff when called, under the Penalty of 2000 Merks.

*John*



*John Archer* lay in Prison about Three Weeks, and then was carried into the Tolbooth of *Edinburgh* or *Canongate*, and was next Day brought before a Committee of Council, where nothing could be laid to his Charge but mere Nonconformity. In a Day or Two he was brought to the Council-house, and tho' the Council was sitting, yet without any further Examination, or any Ground given, he was sent to the Iron-house in the Tolbooth of *Edinburgh*, and laid in the Irons Seventeen Days. This Severity he was surprized at, being without Libel or Sentence intimate to him; and when he caused his Friends enquire into it, no Reason could be found, but his not giving Bishop *Burnet* his Titles, who was Preses of the Committee. He continued in Prison full Five Months, after he was, through Moyes used by his Friends, liberate from the Irons: After this he was, without any Condition, liberate, by means of a South Country Gentleman, whom he had no Acquaintance of; but it seems he was one who had a great Value for Mr. *Archer's* Brother, Mr. *Thomas Archer*, whom we shall just now meet with.

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After this, this good Man had some Respite, and set up to follow his Trade at *Lesly*; but in a few Months his Persecution began again, and for a whole Winter, he lay but Two Nights at his own House. Sometimes in the Night he would come to his House, and work a little at his Employment, the making of Candles, and earn somewhat for his Family, but in the Morning he behoved to retire, and hide himself. Thus he continued till the Rigour of the Persecution slackned.

March 8. I find a Process intended before the Council, against *Andrew Herron* of *Kerrochtree*, mentioned before. No more offers to me but what is in the Registers; and, by comparing what is above with this I am going to insert, it seems, that when Intercession had been made in his very favourable Case, for a Remission as to his Life and Estate, the Magistrates wanted a Fine from him before he is dismissed. Accordingly, '*Andrew Herron* of *Kerrochtree* in *Galloway*, compears, and is libelled for being at House and Field-conventicles, and intercommuning with, and resetting his Son *Patrick Herron*, a Ringleader at *Bothwell-bridge*, and his Son in Law, who had been likewise there. The Lords of his Majesty's Privy Council fine him in 5000 Merks, and appoint him to ly in Prison till he pay it.' And March 17. the Cashkeeper reports he has paid his Fine.'

*Andrew Herron* of *Kerrochtree*, after a Remission, is fined in 5000 Merks

Upon the 15 of the said Month, Mr. *John Philip*, late Episcopal Minister of *Queensferry*, turned out for refusing the Test, appears before the Council. He is libelled, 'That in February last, publicly in the Parliament-house, he asserted, That the Duke of *Albany* was a bloody Man, and a great Tyrant, and was distasteful to the Subjects; that the King's Advocate and Bishop of *Edinburgh* were bloody and cruel Men, and he hoped ere long to see them suffer for it; as also, that the Earl of *Argyle* was unjustly forfeited, and that there was no Law for forfeiting him. By all which, the said Mr. *Philip* hath most maliciously endeavoured to raise Fears and Jealousies in the Minds of his Majesty's Subjects.'

Mr. *John Philip*, Episcopal Minister at *Queensferry*, proccelled for Speeches against the D. of *York*.

Witnesses were adduced to prove the Facts, and the Lords of Council fine the Defender in 2000 Pounds *Sterling*, and ordain him to be carried to the Prison of the *Bass*, during his Life; and declare if he do not pay the said Sum, within the Space of Fifteen Days, that they hereby ordain the Advocate to pursue him before the Justices for his Life. I know no more about him, but next Council-day, *Hugh Wallace* Cashkeeper gets an Order to seize all his Books and Papers.

Fined in 2000 L. *Sterl.* and sent to the *Bass*.

March 22. 'The Council being informed, that the Lady *Caldwell* and her Daughter are imprisoned for keeping of Conventicles, they ordain them to be transported to *Blackness*.' And December 6. this Year, the Council have a Petition presented from *Jean Muir* Daughter to the late Laird of *Caldwell*, craving, 'That Liberty may be granted her to abide out of the Castle of *Blackness*, till the First Tuesday of February next.' Her Petition is granted upon Caution, under the Penalty of 1000 Merks, that she shall enter *Blackness* that Day, or appear before the Council.

Lady *Caldwell* and her Daughter sent to *Blackness*.

This is what I have observed in the Registers, relative to these Two excellent Gentlemen; but I have a further Account of the Sufferings of that singularly religious Gentlewoman, the Lady *Caldwell*, from a Person of Honour, and a near Relation of that worthy Family, which comes in properly here, tho' it be but a very small Part of the Hardships this pious Lady and her Family underwent.

Larger Account of the Lady *Caldwell's* Sufferings.

We have already heard, how her Husband, the Laird of *Caldwell*, was forfeited in Absence, as being accessory to the Rising at *Pentland*, tho' might he have adventured to appear, he could easily, before equal Judges, have vindicated himself; but the open Iniquity of the Times made him rather abscond, and so Sentence passed, and his Lands were given to General *Dalziel*. This honourable and excellent Gentleman died in Exile under this unjust Sentence, and left his Lady and Four Orphans, with no Subsistence suitable to their Quality.

The Lady, whose Sufferings began at this Time, was *Barbara Cuninghame*, Daughter to that singularly religious Gentleman, Sir *William Cuninghame* of *Cuninghamehead*, in the Shire of *Air*. She had a Dowry allotted her out of the Lands of *Caldwell*, suited to her Rank; but

having



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having unhappily neglected to take Infeftment before the Forfeiture, she was moft cruelly, with her Four Children, turned out of her Right, and forced to live without any viable Maintenance, except what her own and her virtuous Childrens Industry procured, and yet none of them were ever troublefom to any.

When ſhe was living peaceably in her Widowhood at *Glaſgow*, in the Beginning of this Year, ſhe fell under a Piece of moſt malicious Violence and unjuſt Perſecution. The Circumſtances of her Lodgings muſt be narrated, to make the Story intelligible. Her Houſe was upon the Eaſt-side of the *Salt-market*, towards the Foot of it, in a Timber Fore-land, with Windows called Shots, or Shutters of Timber, and a few Inches of Glaſs above them. One Night, as the Provost and Biſhop tell the Story, a Perſon in an Houſe oppoſite, on the Weſt-side of the Street, pretended to ſee, through the Breadth of the Street, and the few Inches of Glaſs in the Lady *Caldwell's* Lodgings, a Miniſter preaching there.

Whereupon the Informer went ſtraight to Provost *Barns*, a zealous Perſecutor of Preſbyterians, to pleaſe his Patron the Archbiſhop. The Provost immediately, upon the lame and ſeemingly falſe Information, ſends for and cauſes imprifon the Lady, with Three young Gentlewomen her Daughters, in the Tolbooth of *Glaſgow*, without any Probation or Conviction of a Fault, and only upon the ſingle Information of the abovesaid Perſon, which might have been juſtly ſuſpected of Malice and Falſhood, ſince the Matter of Fact above narrated, was next to impoſſible, and the Lady ſtill denied it, tho' ſhe neither did nor would reſuſe ſhe had Preſbyterian Miniſters in her Family, and ſometimes preaching, yet not at that Time.

However, ſuch was the Fury of this Period, in perſecuting innocent People, merely for Conſcience ſake, that when Notice was given, probably by the Archbiſhop, to the Council, as we have ſeen, they not only approved this illegal Procedure, but ordered the Lady and her eldeſt Daughter Mrs. *Jean Muir*, to be brought Priſoners under a ſtrong Guard to *Blackneſs*, without any Proof ſave the improbable Surmiſe of a ſingle Perſon: Yea, tho' there had been a full Probation, ſure there was no Law to make the young Lady her Daughter, ſcarce Twenty Years, liable to ſuch barbarous Treatment.

She was indeed in her Mother's Houſe, but even the then Laws required it ſhould have been made evident, that, ſuppoſing a Miniſter had preached, there were Five Perſons more preſent than the Family, which was never ſo much as pretended. The Law had not prohibited Family-worſhip, and the Lawgivers openly connived at Popiſh Maſſes in Families: But Prelatick Fury vents it ſelf almoſt only againſt Preſbyterians, and others are ſafe.

This Treatment of the Lady *Caldwell* and her Daughter, was not only illegal, but really inhumane and tyrannical. They had left them nothing elſe to live upon, but what they wrought for with their Hands, and no Crime could be advanced againſt them, but *That, after the Way now called Herceſy, they worſhipped the God of their Fathers.*

At *Blackneſs* they remained in cloſe Priſon for near a Year's Time, ſave that the Governor ſometimes permitted them, at his Peril, to viſit his Lady, whoſe Chamber was juſt below theirs. When, by this cloſe Confinement, the young Gentlewoman's Health was much impaired, Application was made to the Council, for at leaſt her Liberation. After much Pains, and not a little Money given to ſome Perſons, Mrs. *Jean*, as we have ſeen, was liberate, and, as a mighty Favour, her Mother allowed to go up by ſome Steps to the Head of the Caſtle to take the Air now and then.

While the Lady remains thus a Priſoner, her Couſin-german, Mr. *Sandilands* of *Hilderſtoun*, living at *Linlithgow*, fell ill of a Fever: Her Two eldeſt Daughters went to ſee him, and in a few Hours her ſecond Daughter Mrs. *Anne* ſickned, and fell ill of the Fever, which at length carried her off. The Council was petitioned for Liberty to the Lady to come out of *Blackneſs* a few Miles, to ſee her Daughter now dying, yea, ſhe offered to take a Guard with her, yea, to maintain the whole Garifon as a Guard, if they pleaſed, while ſhe was doing her laſt Duty to her dying Child; yet ſuch was the unnatural Cruelty of this Time, that ſo reaſonable a Requeſt could not be granted.

Thus this excellent Lady never ſaw her Daughter, and continued Priſoner ſeveral Years, unconvict of any Crime, and never accused but by one Witneſs. The Advocates of this Reign may try their Skill in vindicating ſuch Procedure as this. At length, when King *James*, in order to advance his Popiſh Deſigns and arbitrary Government, thought fit to aſſume a diſpenſing Power, and a pretended Kindneſs to Proteſtant Diſſenters, the Lady *Caldwell* was voluntarily diſmiſſed, without any Petition for her Liberation.

Another Inſtance pretty near, tho' not ſo cruel, offers in the Caſe of the Lady *Kaitloch*, who met with very extraordinary Hardſhips. Informations before me bear, that it was this Year ſhe was forced from her Houſe; and, it may be, it was toward the End of it, when, we have heard, Garifons were appointed for the South. Her Husband had been forfeited, and yet ſhe and her Children got Liberty, for ſome Years, to ſtay in her own Houſe, in the Pariſh of *Glencairn* in *Niſdale*: But now a Garifon comes and poſſeſſes the Houſe of *Kaitloch*, and moſt unmercifully turn her and her ſmall Family to the Fields; and it was reckoned



reckoned a Favour done them that they were suffered to lodge in a cold Barn. This pious Lady, with her Children, went through many inexpressible Hardships, and at length was obliged with them to go off the Kingdom, and died abroad.

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This rude Garison affords me another Instance of the tender Mercy of this Time, which being in mine Eye with the former, I subjoyn it. There was an old Man who lived not far from the Garison, most peaceably and religiously. His Life was much spent in Prayer, and he used to take retired Places in the Fields for this Exercise. One Day when some of the Soldiers were ranging up and down, he was overheard and seized, and carried to the Garison, tho' he was chargeable with no Crime, unless Prayer was one. He was kept Three Days in the Guard-house, where he was wounded in Spirit with their Blasphemies, Oaths, and other Wickednesses. The pious Man told afterwards, that for Two Days, tho' hardly enough used, and scarce allowed any Thing to sustain Nature, he was free of all Pain or Uneasiness, but his Soul was in a Kind of Hell while in their Company, and vexed to hear the Lord's Name profaned. At length, through Grief and harsh Treatment, the aged Man fell into a violent Cholick. Lieutenant *Livingstone's* Lady, who was in the Garison, hearing of it, sent him a Glass of Brandy by one of the Soldiers. The Fellow who brought it told him, he must drink the King's Health; the other answered modestly, that he had drunk no Healths these Forty Years, whereupon the Soldier took the Brandy, tho' he saw the poor Man in Agony. At length, he was brought before *Stonehouse*, who tendred him the Test, which he refusing, he was turned out of his House, and forced to wander for several Years.

Great Severity toward a Man found at Prayer.

In the former Section, I have hinted at the Sufferings of several particular Persons, *March* and *April* this Year, from Major *White's* Courts; and at the same Time *Claverhouse* is exerting his Powers to the utmost in the South. That Country was extremely harassed by Searches. The Persons sought for were such as had been Mr. *Cameron's* Followers, such who had been at *Bothwell*, all in the fugitive Roll, all who had not compeared at Courts; and indeed Multitudes of such were hiding and wandring in Mountains and Caves, and not a few from other Places of the Kingdom had retired to the mountainous Parts in *Galloway* and *Niddale*. These Searches created an inexpressible Terror and Confusion upon the Country People. In the Night Time a Party would suddenly come upon a House, and if any Stranger or suspect Person was found, or observed to retire, then the House was rifled; and tho' no Body was found, yet generally they did not escape without Loss. The Parties who ranged up and down were most active this way, and afterwards Detachments from the Garisons were constantly going up and down.

Hardships from Searches in Galloway.

There were also Spies and Informers who were maintained and bribed by the Soldiers, if possible, to discover the Haunts of the Wanderers. I find one *John Gib* was at this Time made Use of in the Parish of *Carsphairn*, and the Neighbourhood, who was very useful to *Claverhouse*; he pretended Friendship to the Sufferers, and went about the Country with little Books and Sermons to sell, but at length was discovered to be a Rogue.

From Informers.

The Papists likewise in the South were most diligent and active to discover and inform against the Wanderers, and the Houses where any of them came at any Time; and they themselves were not only overlooked, but very much encouraged at this Time, as being of the Successor's Religion. Multitudes of remarkable Deliverances did the persecuted Party meet with under all this Violence, several Instances of which I have seen, too large here to be inserted.

By the Council-registers I find Three Prisoners, *Walter Thomson*, *Walter Atkin*, and *Turnbul*, sent in by *Meldrum*, petition the Council, *April* 18. shewing, That they had been fined by the Sheriff of *Roxburgh*, for withdrawing from the Church, in the Terms of the Act of Parliament, of which they produced Receipts: Yet notwithstanding, they were fallen upon by the Laird of *Meldrum*, and because they would not pay the same Fines over again, he made them Prisoners, and they were brought into *Edinburgh*. This appears so plain to the Council, that they are ordered to be liberate but Notice taken of *Meldrum*.

Persons fined twice for the same alleged Fault.

*May* 8. the Council confine Sir *John Monro* of *Fowles* elder, to his own House in the Shire of *Ross*, and a Mile round it, for his alledged withdrawing from his Parish-church. This excellent Gentleman was now old, and his Friends procured him this Favour.

Sir John Monro of Fowles confined to his own House.

This same Month I find several Searches in the City of *Glasgow*, not only for Ministers and Preachers, but for all Nonconformists. At one of them *Ninian Paterfon* there, upon his hiding for Nonconformity, was taken and imprisoned, and very soon sent to the Plantations, tho' nothing was alledged against him, but mere Nonconformity. Thus no Methods were left untried in City or Country, to harass Presbyterians. When by Searchings and Courts, they were forced from their Retirements and Haunts, some of them ventured into Towns; and the least Hint of any of them, was Ground enough to make a general Search, to the Disturbance of all the Families in Town.

Ninian Paterfon sent to the Plantations.

*July* 28. the Council appoint Mr. *John McGilligen*, Mr. *John Philip*, and Mr. *John Spreul*, to be sent from *Edinburgh* Tolbooth to the *Bast*. I know not the Occasion of their being called



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Instructions to  
the Governor,  
of the *Bass*.

called for to *Edinburgh*, all of them had been in the *Bass* for some Time; and the same Day they agree upon the following Instructions to the Governor of the *Bass*, which deserve a Room in this Collection, and are as follows.

'The Lords of his Majesty's Privy Council ordain the Governor and Deputy-governor of the *Bass*, to observe the following Instructions as to the Prisoners there, or that shall come. 1<sup>st</sup>. That they allow no Men-servants to the Prisoners, but only such Women-servants as the Governor-depute shall appoint and allow. 2<sup>dly</sup>. That the Prisoners receive no Letters or Papers, nor send any to any Person whatsoever, but what shall be seen by the said Governor. 3<sup>dly</sup>. That the Governor may allow Two of the Prisoners at one Time to have the Liberty of the Island above the Walls, betwixt Sun-rising and Sun-setting, and these Two are to be shut up in their Chambers before other Two come out, providing this Liberty be not given to any who are or shall be ordered to be close Prisoners. 4<sup>thly</sup>. That there be Two Persons only permitted at one Time to come from Shore to see the Prisoners, and that there be always some Officer or Soldier of the Garrison present, to hear what Discourse shall pass betwixt them; and if they be suspected to have Letters or Papers for the Prisoners, that they be searched, and the said Letters or Papers seized upon. Those Instructions are to be observed till further Order.'

Mr. James  
Frazer's  
Troubles at  
London.

This same Month of *July*, a new Series of Sufferings befel that excellent Person Mr. James Frazer of *Braes*, at *London*, which I promised formerly to give an Account of; and tho' the Stage of them be in *England*, yet the Reader will be pleased to have them since they relate to a *Scotsman*, and Minister adhering to the Principles of this Church.

Upon the  
breaking out  
of the Plot he  
is seized, *July*  
21.

The breaking out of the Plot at *London*, was the Occasion of this new Trouble to this worthy Minister. We left him in that City, and here I shall end my Accounts of his Sufferings. About the 21 of *July*, he had been expeding some of his private Business in *Cheapside*, and being observed to be a Stranger, he was seized by one of the King's Messengers, who was at this Time searching for suspect Persons upon the Plot; and in a few Hours was brought before the King and Duke of *Tork*, some of the Courtiers being with them.

His Examination  
before  
the King.

After some frivolous Questions, he was asked, if he had heard or known any Thing of a Plot against the King's Majesty at any Time. Mr. Frazer answered, he knew nothing of a Plot, but what every Body heard of since it broke out; that he was no publick Person, nor Haunter of Cabals and Coffee-houses, and he knew not one of the Persons accused, or Accusers in that Plot; that he lived always peaceably, and never was accessory to any Plot or Insurrection; that in his Answers before the Council of *Scotland*, he had declared himself fully against all violent Attempts against his Majesty and Government; and that being so publickly done, it was not probable any who had such Designs would communicate them with him, yea, he had still shunned Discourse upon that Subject.

The King's  
Conversation  
with him.

The King then asked him, what he thought of the Archbishop of *St. Andrews*'s Murder, and if he reckoned it a Murder or not. He answered, he had no Hand in it, or Accession thereto, yea, he was grieved when he heard of it; and as he would not justify, or have had a Hand in it for the whole World, so for him to condemn it or declare it Murder, was what he could not do, that he was a Doer of the Law, and not a Judge; and he humbly conceived, it was out of his Sphere to give Judgment of other Persons Actings, which, in his Opinion, belonged to his Majesty and other Officers of Justice, not to him, especially when he was a Stranger to the Fact, and legal Evidence of the Nature, Manner, and Circumstances of the same. As to his inward Sentiments of it, he told the King, God had appointed a solemn Court at the last Day, for judging Actions, Words, and Thoughts, before which alone it was competent to give Account of Thoughts, and he referred himself as to these thither intirely: Adding, that as to his Thoughts, he was not free to give Account of them to any human Judicatory, to whom nevertheless he heartily submitted his Expressions, Words, and Actions; and finally, he was not afraid, tho' his Majesty knew what were his inmost Sentiments in that Affair; nevertheless, he would not be a Precedent to any of his Subjects, in giving a judicial Account of his secret Thoughts, especially with Relation to other Persons, and humbly begged to be excused.

Next, the King was pleased to ask *Braes*, Whether he judged himself bound by the solemn League and Covenant, and if he thought there was any Thing of moral Obligation therein. Mr. Frazer answered, that he had never taken the solemn League and Covenant, neither had it been ever tendred to him; but as to all in it of a moral Import, he reckoned he was bound, and that by virtue of the Covenant thereunto, tho' he had never personally sworn it; and that however the Words of the Decalogue and Covenant were not the same, yet the Covenant was reducible to the Decalogue, as being materially the same with it: That he remembred Two of the chief Articles of the Covenant, one was Reformation of our Hearts and Lives, according to God's Word, and this he judged might easily be reduced to every Precept of the Decalogue, each of which ties us to Reformation and Repentance: Another Article he minded, was, that we should defend the King's just Privileges, his Person and Government, which likewise he thought easily reducible to the Decalogue; so upon the whole,



he judged himself by the Word of God, Laws of the Land, yea, and the Covenant itself, tho' never personally taken by him, bound thereunto.

After this he was asked as to his Acquaintance with several Persons, as Mr. *Fergusson*, the Lairds of *Cesnock*, Mr. *Monro*, Mr. *Bailie*, General *Monro*, and some others; to all which he gave a true and ingenuous Answer, and was removed. The King and these present seemed to be satisfied as to his Ingenuity, and that he was no way concerned in the Plot: However, he was remitted to the Lord Mayor, who was ordered to put the *Oxford* Oath to him, with the *Allegiance* and *Supremacy*.

To morrow he appeared before the Lord Mayor. Mr. *Frazer* takes Notice in this Part of his Life; from which I am giving this Account, that he was exceedingly grieved, that his Sufferings were to be stated upon the Oaths of *Allegiance* and *Supremacy*, since he was never very fond of Oaths, and had no Clearness as to the *Supremacy* especially; and yet he found not himself so very willing to suffer upon this, as being a dark Case: But he adds, that when the Messenger signified to him he was to take all the Three Oaths, it was very acceptable News to him, as being at a Point, and ready cheerfully to suffer before he would take the *Oxford* Oath, since thereby he was bound, among other Things, never to endeavour any Alteration in the Government, either of Church or State.

The Lord Mayor asked him, Whether he would take the Oaths: Mr. *Frazer* desired Queen *Elizabeth's* Explication might be read to him, and afterwards proposed some Reasons why he conceived he was not bound in Law to swear any of these Oaths; but he was overruled in all. At length he came to give this precisely for his Answer, that as to the Oath of *Allegiance*, he was willing to take it, providing it would end the Strife and Controversy about him. The Oath of *Supremacy* he demurred upon it, till he had more ripely advised it; and as to the *Oxford* Oath, he peremptorily refused it, adding, That if he could have no Benefit by taking the Oath of *Allegiance*, he declined swearing of it, and humbly begged, if he were committed to Prison, his Commitment might run upon his refusing the *Oxford* Oath. The common Serjeant pressed hard he should be committed upon his Refusal of all the Oaths; but the Mayor granted his Desire, and the Order was accordingly drawn, and he sent to *Newgate*.

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Remitted to the Lord Mayor.

What passed before the Lord Mayor; he is sent to *Newgate*.

He continued there six Months, but had such kind Entertainment, and good Company and Conversation, that, he says, he can scarce call it Suffering. When this Time, which, it seems, was contained in the Commitment, was expired, Mr. *Frazer* was liberate, all his Charges being within Twenty Pounds Sterling. From this Branch of Sufferings out of Scotland, the Reader must observe the vast Difference of Sufferings in England for Conscience sake, even at this Time, and the Barbarity of our Scots Managers.

After 6 Months he is liberate.

Several Gentlemen were attacked by the Council this Year, *Blackwood*, *Earlstoun* and *Monkland*; but their Processes coming in before the Justiciary, I shall leave them to the following Section. There is one Passage follows, with Relation to the Escape of the Prisoners in the Tolbooth at *Edinburgh*, which made no small Noise at this Time, and will fall in afterward in some of their Criminal Processes, of which it may not be improper to give a Hint here from a Gentleman then in Prison, and yet able to attest the Circumstances of it.

It was upon the 16 of September that Mr. *John Dick*, and upwards of 24 other Prisoners, none of whom almost could ever have expected to have come out of Prison, but for Execution, found Means to cut a Window, and get out. The Circumstances accompanying their Escape were such as were truly remarkable, and the more to be observed, that not one of them save Mr. *Dick*, fell again to the Enemies Hands. There was a Centinel in the Street just below the Window at which they got out, whether for the Security of the Prison, or because the Earl of *Linlithgow* Justice-general, and Colonel to the Red Regiment, had his Lodgings just opposite to the Tolbooth, my Informer cannot tell. The Window was cross-barr'd with Iron, and after they had cut one Bar, they found the Space not large enough to get out at, which cost them the cutting of three other Iron Bars, and this took them so much Time and Pains that the Matter was talked of among their Friends, not only in the Town of *Edinburgh*, but even at *Glasgow*, before they could get it accomplished; yet it came not to the Ears of their Enemies: But which is yet stranger, as my Author very well remembers, it so happened, that the first Bar they cut fell from the Window, which was in the third Story, upon the Street of the Town, about Nine of the Clock at Night, and continued lying there all Night, and next Morning, till about the same Hour, a Friend coming in to see them, was sent down to the Street, not so much to look after the Bar, for that they did not so much as expect, as to know if the Want of it was easily perceivable from the Street; and he found it just where it fell, and got it sent up to them, and they made a Shift to fix it again in its Place, till they had ended the rest of their Project.

Sept. 16. the Prisoners escape out of *Edinburgh* Tolbooth.

They could not but wonder that the Street being so narrow there, and the Earl of *Linlithgow's* Lodgings just opposite to, and on a Level with their Window, a Centinel at his Entry within a few Paces where the Bar fell, and the Bar being a missing for some Hours, and they putting it again in its Place, they could not but (I say) with Admiration remark that they were not observed and hindred. That Night likewise they had also cut the Beam of the



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Floor above them, and made way for some of their Fellow-prisoners in that Room to get out with them.

When all was ready, and they just coming out, two Friends surprized the Centinel at the Entry foresaid, threatening him with present Death if he spoke one Word; and the Fellow was not only silent at the Time, but spoke nothing when he was relieved from his Post, which gave them full Time to shift for themselves. And several of them were Country People who knew not the Town, and had no Friend nor Acquaintance with them, to direct them how to dispose of themselves, yet they all escaped: Yea, it was then affirmed, that one *Miller* an *Eglisbam* Man, wandring up and down, and seeing a Light in an House, went to it, and knocking, a Servant opened to him, and he most ingenuously told his Circumstances: This happened to be the Bishop's Lodgings, but the Maid had the Generosity to hide the Man, till next Day she told some of her Acquaintance whom she knew to be Favourers of the Sufferers, and they came and took a Care of him. This Passage being fully vouched to me, I thought it deserved a Room here.

Steps taken by  
the Council  
upon this  
Escape.

No small Noise was made about this Escape. The Council could not be got together till the 20 of *September*, when, I find by the Registers, a Committee of their Number was appointed to go to Prison, and call for the Magistrates of *Edinburgh*, and view it, and see what is needful to be done for its Security: They appoint likewise General *Dalziel* to call a Council of War, and examine the Behaviour of Captain, Lieutenant, Serjeants, Corporals, and Centinels that Night, and report.

And *January* 22. next Year, I find a Procefs before the Council, against the Magistrates and Town of *Edinburgh*. They are libelled for suffering Mr. *John Dick*, *Adam Philip*, *George Atkin*, Prisoners for High Treason, and about Two and twenty others, Criminal Prisoners, to escape. The Town's Lawiers are heard, and the Magistrates attolied as being a casual and fortuitous Escape. And the President is appointed to give them a Reprimand, and Admonition to take heed to their Prison in Time to come.

Procefs against  
the Laird of  
*Dundas* and  
Trades of  
*Glasgow*, for a  
Conventicle  
kept by Mr.  
*Renwick* upon  
their Lands.  
Act of Council  
fining each of  
them in 50  
Pounds Sterling.

By the Council Register of Acts, Decrees, &c. I find a Procefs *October* 8. this Year, against the Laird of *Dundas* and the Trades of *Glasgow*, for a Conventicle kept on their Ground. It seems Mr. *James Renwick* was now come from *Holland*, whither he had been sent by the Societies, to study Divinity, and to get Ordination. We shall meet with him frequently after this. I know no more of this Meeting than is in the Act of Council, which follows.

*Edinburgh, October* 8. 'Whereas Mr. *James Renwick* Traitor, and pretended Clerk to the treasonable Convention lately kept at *Edinburgh*, and to the treasonable Commission lately given to *Gordon* late of *Earlstoun*, *Michael Shiels*, and *Cameron* Brother to Mr. *Richard Cameron*, *George Hill*, Lieutenant to Captain *Henry Hall*, did flee forth off the Kingdom to *Holland*, to carry on their traiterous Designs, and are lately returned to the Kingdom with other Traitors and Murderers of the Archbishop of *St. Andrews*, did, *October* 3. last, accompanied with *John Whitelaw* Tenant to *Roughscles*, in Arms meet and convene at *Brown-ridge* in the Laird of *Dundas* his Land, and kept a numerous Field-conventicle, where the said Mr. *James* took upon him to preach, and baptize Ten or Twelve Children; and upon the 5 of *October*, another at *Little Dumbreck* in the Parish of *New Monkland* belonging to the Trades at *Glasgow*; the Lords of his Majesty's Privy Council, according to their Act *April* 26. 1676. fine the Laird of *Dundas*, and the Trades of the Town of *Glasgow*, in Fifty Pounds Sterling each, and allow them to have Relief off their Tenants and the Cottars on their Ground, in regard they did not timeously inform their Masters.'

Mr. *Thomas Hog*  
fined in 5000  
Merks.

At the same Diet I find Mr. *Thomas Hog*, formerly mentioned, present, and charged with House-conventicles, and the Libel referred to his Oath; and he refusing to swear, is held as confest, and fined in Five Thousand Merks. Whithin some little Time he got over to *Holland*. And the same Day, upon the same Grounds, they fine Mr. *Thomas Wilkie*, if I mistake not, Minister of the *Canongate* of *Edinburgh* since the Revolution, in Ten Thousand Merks. What was the Reason of doubling his Fine to what was the ordinary Quota of Presbyterian Ministers, I have not learned.

Mr. *Thomas*  
*Wilkie* fined in  
10000 Merks.

*James Forrest*,  
his Son, and  
*Robert Gourlay*  
banished.

Some time in *October* this Year, *James Forrest* in *Old-yards*, in the Parish of *Cambusnethan*, and his Son, with his Nephew *Robert Gourlay*, were seized by a Party of Soldiers. They had nothing to charge them with save an Alledgance, that the suffering People sometimes lodged in *James* his House. When they were taken, the House was spoiled of Goods to a considerable Value. After some Time's Imprisonment they were banished to *West Flanders*: Thence they made their Escape, and returned home the Close of the next Year. In a little Time he and his Son, and Daughter *Margaret Forrest*, were seized, and she was banished to *Jersey*, and they to *Jamaica*, after long Imprisonment. In *October* this Year, that worthy Person, the Lady *Cavers Douglas*, re-entred her Confinement in *Stirling* Castle, after a few Weeks Liberty, to go to some Wells for her Health; but I shall delay the Accounts of her till next Year, when her Son prevailed for her Release, after some Years Confinement.

Many Instances might be given of Country People, in every Parish almost, in the West and South, apprehended towards the End of this Year, upon Suspicion of their being at *Bath-*  
*well*



well, or Pretext of Refet and Converse. The Prisons, especially at *Edinburgh*, were crowded, and many of them banished to the Plantations, and others lay some Years in Prison; but there is no End of Particulars of this kind. I shall only insert one Instance of the Soldiers Insolence, which I have attested from Two of the Prisoners yet alive, in the Parish of *New-monkland*.

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Towards the Beginning of *November* this Year, a Party of Soldiers apprehended about Twelve Persons in that Parish, most of them merely for not keeping the Church, and carried them Prisoners to *Hamiltoun*, whence, in a few Days, with other Prisoners in neighbouring Parishes, they were increased to the Number of Thirty, and carried to *Lanerk* in the Night Time, and thrust into a nasty Dungeon, where they could neither sit nor ly, but were obliged to stand the rest of the Night, without the least Refreshment of Meat or Drink, Candle or Fire, tho' the Weather required the last very much. To morrow being to be carried in to *Edinburgh*, some Horses were provided for them, and a Guard of Dragoons. The Horses had all Sunks laid on them when brought, but the Commander, *Bonshaw*, caused remove them, and Two Men were put upon each of the Dragoons lean Horses, without any Thing under them; yea, the Men were first tied one to another by their Arms, and then had their Legs twilted with Cords, cross the Horse's Belly, so hard, that their Ancles were galled to the Effusion of their Blood.

Great Seventy  
upon Prisoners  
carried in to  
*Edinburgh*.

In this Posture, they were driven at the Gallop for some Miles, and then obliged to halt at the publick Houses by the Way, while *Bonshaw* and their Guard took their Cups heartily: Mean while, the poor Prisoners were not allowed the least Refreshment, their Money which they had being violently taken from them by the Road; yea, such was their Inhumanity, that, to put the poor Men to the greater Torture, they carried them about several Miles off the direct Road: And one of them begging Liberty from his Keeper, to alight to ease Nature, the Soldier applied to their Commander for Allowance, in the most earnest Manner, but could not prevail; yea, he was severely threatened for his Compassion to the poor Man. It was confidently talked, that this very Commander of the Party, in a little Time after, was killed by a drunken Companion of his own, and run through the Body, when easing Nature upon a Dunghill, and died there. My Informer knows no more, but that this was reported at that Time, and if it held, 'tis a very remarkable Retribution of Providence. However, the poor Men, for many Days, after they came to *Edinburgh*, were able neither to walk, sit, or stand.

A very singular Instance of exorbitant Fining, I meet with, *November 15.* in the Council-books. *Sir William Scot* of *Harden* had been, I think, carried in Prisoner after the Justiciary-court at *Fedburgh*, upon what Occasion I know no further than I find in the Registers. The foresaid Diet, *Sir William* gives in to the Council, a Bill of Suspension of a Decreet pass against him, by the Laird of *Meldrum*, the Earl of *Hume*, and *Hugh Wallace* his Majesty's Cashkeeper, ordaining him to pay 46125 Pounds, for his Lady's withdrawing from the Church. The Lords of his Majesty's Privy Council, repel the Reasons of Suspension; and, according to the Power committed to them by his Majesty's Letter, of the 19 of *April* last, to modify Delinquents Fines, do modify *Sir William's* Fine to 1500 Pounds *Sterling*; and if he pay not this within Fifteen Days, they order Execution for the Whole.

*Sir William Scot* of *Harden* fined in 1500 Pounds *Sterling*, for his Lady's withdrawing from Church.

And to put all I have noticed in the Records about this odd Process together, *February 14.* next Year, I find a Petition from *Sir William Scot* of *Harden*, presented, bearing, That he hath been imprisoned now near Six Months in the Tolbooth, and being a Man near Seventy Years, and the Prison like to destroy any small Health he enjoys, praying the Council may grant him that Enlargement they see Cause. The Council order him to be sent to the Castle of *Edinburgh*.

*December 6.* I find a Petition from one *Margaret Garnock*, shewing, She had been Prisoner these Twelve Months, for alledged Converse with Rebels, and that no Probation had been brought against her; and in regard she is now reduced to great Straits, and very poor, craving she may be liberate, they order her to be let out of Prison. These are some of the Hardships particular Persons were brought under this Year. We shall meet with many Gentlemen and others, sadly harassed by the Justice-courts, in the next Section save one, and a considerable Number proccessed for their Lives, and several executed, of which I come to give some Account from the Criminal Books.

*Margaret Garnock*, Prisoner a Year for alledged Converse, liberate.



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## S E C T. III.

*Of the criminal Processes before the Justiciary, and the publick Executions this Year.*

A Great Number of Persons, Noblemen, Gentlemen, Ministers, and others, come this Year before the Criminal Court, and are processed for their Lives and Fortunes, merely for Conscience sake, and their alledged Accession to the Rising at *Bothwell*, near Four Years ago; and we shall find the Proofs as to this very lame, and such Things as no Body almost could have kept themselves free of in a Time of Confusion.

All I can do in so large a Field, is to give the Reader a short Abstract of the Processes, in the Order of Time wherein they fell out, from the Books of the Justiciary, and add some Circumstances now and then from the Council-registers, and other Papers, come to my Hand, for clearing up Matters of Fact.

It may not be unfit to open this black Scene, with a Letter, procured by the Clergy and Managers, from the King to the Lords of Justiciary, to quicken them to their Work; and *January 8.* the Letter is read and recorded, the Tenor whereof follows.

King's Letter  
to the Justiciary,  
Jan. 8.  
ordering them  
to examine  
Witnesses be-  
fore Process.

C H A R L E S R.

Right trusty, &c. We greet you well. It being always Our Care to prevent the Increase of Disorder and Rebellion, in that Our ancient Kingdom, not only by maintaining Our Forces to suppress the same, but likewise by imploying learned and able Judges, who may discourage any such Insurrections, by discovering and punishing such as are guilty thereof. And being informed of late, that such who are to be adduced Witnesses, being to be given in List to the Pannel, are oft-times practised upon after their Names are known, by the late Regulations, so that it cannot be clear who will be proving Witnesses, whereby the Guilty may escape: And thinking it most secure for Our People to trust the previous Examinations, either before or after Citation, to you the learned Judges, who of all others are the most unsuspected and indifferent. We do therefore recommend it to you, that if Our Privy Council shall find it necessary, previously to examine any who are to be adduced as Witnesses, you will examine them upon Oath accordingly, so that Our Advocate may be secure how to manage such Processes, wherein you will do Us acceptable Service, for which this shall be your Warrant. And so We bid you heartily Farewel. Given at Our Court at *Whitchhall*, the 30 Day of *December*, 1682. and of Our Reign the Thirty fourth Year.

*By his Majesty's Command,*

M I D D L E T O N.

Remarks on it.

A Lawyer who understands Criminal Forms, and the Reasons of them, would be in Case to make ample Observes upon this Letter. As was customary in this Time, this Practice here had been tried by the Managers, before the King's Authority was interposed; and this was the Way now, first to do unreasonable Things, and then to engage the King to require them to be done. It is very evident, this Method was fallen on to expiscate Matter of Criminal Process against Gentlemen and others, to secure their Evidence, and keep it secret likewise, till it was past Time for the Pannels to get Defences. There is here much more than a Precognition, the Matter is by Oath fixed as far as it is possible to be; and it appears very hard this should be done, and Parties not present to give what Exceptions and Light they could for their own Defence; and when once the Witnesses had made their Declaration upon Oath, they could not refile without the Charge of Perjury, when they came to bear Evidence *in causa*, and before the Assize. By this Letter indeed the Lords of the Justiciary are to take the Witnesses Oaths, which how far it agrees with Judges before they come to judge directly, I must leave to others; but this is only when the Council lay this upon them, and the Council themselves had Power, or assumed it, to do this; yea, many Times it was left entirely to the Advocate to do it, who was evidently a Party in these Cases.

Montgrenan's  
Process before  
the Justiciary.

But I come forward to the Procedure of the Lords of Justiciary this Year, after their Receipt of such a Commission from the King; and that same Day, *January 8.* I find *Thomas Cuningham* of *Montgrenan* before them, indicted for Treason and Rebellion. For Probation his own Confession is adduced, emitted before the Lords *December 8.* last. That he and the Laird



Laird of *Bedlane Cuninghame*, *James Edmonstoun*, and others, came upon Saturday before the Engagement, to *Hamiltoun Muir*, and joyned the Rebels at *Bothwell-bridge*, that he had a Horse, Pistols, and a Sword, and that he fled with them; and begs the Lords may intercede with his Majesty for his Pardon, declares himself willing to take the *Test*. To all this he now judicially adheres before the Assize, and they bring him in guilty. The Lords delay his Doom till the 15. I suppose that they might advise with the Council anent the Day, and to allow Room for a Remission. On the 15. the Sentence is pronounced, that upon the First Wednesday of April next, he should be executed as a Traitor, and demeaned at the Cross of *Edinburgh*; and he is forfeited. We have heard before, upon the 18. the Council intercede for this Gentleman, and, I make no doubt, prevailed as to his Life.

1683.

Upon the same Day I find *William Martin* of *Dullurg* younger, indicted of Treason and Rebellion. The Matter, it seems, as to him had been compromised, as in the Case of some others mentioned in the former Years, by a Renunciation of Part of his Lands, however I shall set down the Form of this. The Pannel when his Libel is read, declares he is ready and willing to abide his Trial, as being altogether innocent, and dissented from all other further Continuation of it, and produceth a Renunciation before the Lords, the Tenor whereof follows. 'Be it kend to all Men, me *William Martin*, eldest Son to *James Martin* of *Dullurg*; forasmuch as I am pursued before the Lords of Justiciary, for alledged being in the Rebellion 1679. and seeing I am neither Heritor, nor guilty of the said Crime, therefore in their Presence I renounce and resign in favour of the King's most excellent Majesty, Lord High Treasurer, and Treasurer-depute, all Lands and Heritages befallen to me, wherein I was infested, or had a Right before the said Rebellion, or his Majesty's gracious Indemnity, and oblige me, my Heirs and Successors, to denude my self hereof *omni habili modo*, at Sight of the Lord Treasurer, or Treasurer-depute, and consent these Presents be registrated, &c.'

*William Martin*  
younger of  
*Dullurg* renoun-  
ceth his Heri-  
tage.

Form of Re-  
nunciation.

The Lords, in respect of the Pannel's Renunciation, and offering to abide a Trial, do defer the Diet *simpliciter*, and ordain him to enact himself to compear when cited; whereupon he takes Instruments. Upon January 15. *William McClelland* of *Auchinguil*, and *Hugh Maxwell* of *Caith*, are libelled as above, renounce, and the Diet is deserted *simpliciter*, and they engaged to appear when cited. And the same Day *William McCulloch* of *Gleichenred*, renounces as above, takes the Bond of Peace and the *Test*, and is set at Liberty.

Diet deserted  
against him.

The Process against *William Lawrie* of *Blackwood*, hath been hinted at as illegal, and very hard, and therefore I shall give as short an Account of it as I can. Last Year, November 24. this Gentleman was brought before the Council, and they, upon hearing him as to his Libel, pass the following Act.

Process against  
*Will<sup>m</sup> Lawrie*  
of *Blackwood*.

'Anent our Sovereign Lord's Letters in the Matter underwritten, mentioning, that albeit it be the Duty of all his Majesty's good Subjects, to detect, discover, apprehend, and present to Justice, any guilty of Treason and Rebellion, who have been their Tenants, and haunt upon their Ground; and that by the Laws of this Kingdom, the harbouring and retaining such Persons, the furnishing them with Meat, Drink, House, or Harbour, and the allowing them to labour, manure, or occupy their Lands, as if they were free Persons, is severely punishable as Crimes of an high Nature: Nevertheless, *William Lawrie* of *Blackwood*, being a Person who hath deeply shared in his Majesty's Bounty, by Acts of Indemnity emitted by his Majesty; albeit he was brought under the Compass of the Laws for negotiating with the Rebels 1666. yet the said *William Lawrie* continuing and persisting in his Disaffection to his Majesty's Government, hath ever since, by his aiding, abetting, assisting, and countenancing Rebels, given them too much Encouragement to persist and remain in their rebellious Courses. Which is manifest, in so far as the greatest Part of the Tenants of the Lands of *Blackwood*, were actually in the late Rebellion, and after the Defeat of the Rebels, were actually received back by him as Tenants of the said Lands, allowed to labour and manure the Ground, and did receive Mail and Duty from them; and particularly *John Alstoun* Son to *John Alstoun* Miller, who murdered Cornet *Graham*, *Thomas Allan* in *Mungrie-hill*, *John Rae* in *Kirknurchal*, *John Rae* his Son, and *Thomas Watson* in *Chapel*, who was afterwards killed at *Ains-moss*, and hath reset and corresponded with them as free Persons, albeit they had been by the Justices found guilty, or declared Outlaws; whereby the said *William* is guilty of an open and manifest Crime, for which he ought to be punished in his Person and Goods, to the Terror of others. Being called and compearing on the 7 of June last, he alledged he was no Heritor of these Lands, but only Administrator to his Children these Two Years past, and during that Space he did not live upon the Place. The Lords sustained the Libel to be proven by Witnesses, and repelled the Defence, in regard he hath intromitted with the Rents, and the Vicinity of the Place, and the Continuance of the Time, and so is presumed to know all the Tenants, except he will instruct that, in due Time, he hath done legal Diligence to apprehend the Rebels, or so to discover them, that they might be apprehended, or at least put them off the Ground before the intenting of this Process. This Day he being absent, the Witnesses are called, and it is found that these named, and some others, have been harboured and reset by the

Act of Council  
about him,  
Nov. 24. 1682.

Defender



1683.

His Indictment  
before the  
Justiciary;  
Jan. 31.

Defender upon the Lands of *Blackwood*, and some of them in his own Family. The Lords, in regard the Crimes are of so high a Nature, and the Probation so full, refer the whole Matter to the Justices, and ordain the Advocate to insist against him.

January 31. this Gentleman's Process before the Justiciary begins, and he is indicted, That after he had been brought under the Compass of Law, for negotiating with the Rebels at *Pentland*, and was indemnified, continued in his aiding, abetting, and encouraging Rebels, in as much as when many of the Tenants of the Lands of *Blackwood* had been at *Bothwell-bridge*, he received them back as Tenants, and received Mail and Duty from them, as if they had been his Majesty's free Lieges, therefore hath incurred the Pain of Treason, at least is Art and Part with them in the said Crimes. And by an additional Libel he is indicted, for commissioning, giving Order, or conniving at *James Clelland* and *James Wilson*, known Rebels, to come in the Month of May or June, 1679. to the House of *Douglas*, and take away Two Cannons, and several Horses belonging to the Marquis of *Douglas*, and a Horse of his own, which were employed by the said Rebels; and his setting, conversing with, and furnishing Tacks to the said *James Wilson*, and employing him in his Affairs after the Rebellion; and another additional Article, that he allowed the said *James Wilson* in *Town-head* of *Douglas* to stay in the Castle of *Douglas*, tho' a notorious Rebel.

Answers for  
him.

For the Pannel it was answered, That he concurred no further in the Business of *Pentland* with the Rebels, than as commissioned by General *Dalziel*, to go and intimate to them the Proclamation of Council to lay down their Arms, and submit to the King's Authority; that his Converse with Rebels till once intercommuned, which the abovementioned were not, infers not the Pains in the Libel; that the Persons named in the Libel were Tenants included in the Indemnity, and the Lieges consequently in *bona fide* to converse with them, and receive them in their Lands, tho' they had not taken the Bond of Peace, when they had not been intercommuned; And it was further urged by his Lawyers, That this Libel cannot go to an Assize, unless the Rebels were convicted; that a Person pursued for Refet and Converse cannot be put to the Knowledge of an Assize, all such Qualifications being but a Degree of Accession, unless the principal Party were first judicially convicted; and if this Order were inverted, it might fall out, that one might be condemned as accessory, and Accomplice of the alledged Crime of another, who, when he came to be tried, might be acquit of the same Crime, which, if it did fall out, must convince, that the Person first condemned was absolutely innocent.

And further, that when whole Tracts of Countries have been in a Rebellion, it can never be made appear, that Persons were ever pursued, much less found guilty of the Crime of Treason, upon the Qualifications libelled, except, by the highest Degree of Diligence and Execution, a publick Mark were put upon Rebels, and they intercommuned, which in other Countries is called *Bannum*. That the Tenants not taking the Bond upon the Indemnity is *factum alicuius*, wherein the Law presumes we may be ignorant; and however it may forfeit Rebels themselves of the Indemnity, yet their publick repairing to their Dwellings, publick Converse, and being put to no Trouble or Prosecution by his Majesty's Officers, was a good Ground to think they were not guilty; and lastly, that the Pannel was not Heritor of those Lands: And as to their being notoriously known to be Rebels, Notoriety in Terms of Law can only be founded upon Letters of Intercommuning, as appears from the very Nature of them; and though the Lords have in former Cases found, that notoriously known, held and repute Rebels, is sufficient in this Case, yet it appears a Matter of that Importance, as deserves their Lordships Reconsideration.

Advocate's  
Answers.

In Answer, the Advocate insists upon the Notoriety *facti*, tho' not *juris*, and that this is already determined, the Judges having already declared Law in Cases of this Nature. The Lords repel the Defences, find the Indictment relevant, and remit the Probation to an Assize, and delay this Process until February 4. This is as short an Abbreviate of the Reasonings on both Sides, as I could give the Reader.

Further Reasonings.

That Day *Blackwood*'s Lawyers insist, That the Libel ought not to be remitted to an Assize, and advance several Defences for the Pannel, as that the Libel is not special; that *Blackwood* was Tutor to his Grandchild, that he lived at *Edinburgh* where the porteous Rolls of Shires are not intimated; that all Persons named in the Libel, for many Years had conversed openly at Fairs, Markets, &c. without any Person to challenge them. The Advocate replies, that the Lords have already by their Interlocutor found, that it is Treason to converse with Persons denounced Fugitives, or open and notorious Rebels, tho' not intercommuned; and the Lords repel the Defences, and in particular that of Notoriety in Converse at Kirk, Markets, Fairs, &c. with Persons of all Conditions.

It is further argued for the Pannel, That he was no way accessory to the taking away of the Cannon from *Douglas* Castle; that he conversed not with *James Clelland* and *James Wilson* until October after, when they were openly at his Father's Burial; that the Horse libelled was the Marquis of *Douglas*'s, not his; that *James Wilson* was a common and known Draver, and so he did employ him and deal with him, when the whole Country about him did so



so openly. The Lords repel all the Defences, and remit the Matter to an Assize, and delay the Process till *February 6.* The Reader cannot but perceive the Iniquity and Severity of this Procedure, and that nothing is chargeable upon this Gentleman, but Converse with People whom all the Country conversed and openly dealt with.

1683.

With what Views, and whether to fright and involve the Gentleman, I know not, but upon the 6 of *February*, the Lords, before Probation is adduced, require the Pannel to declare, whether he was guilty of the Crime libelled; which Method I have not observed in other Procces that are criminal. And *Blackwood* declares, 'That as to the Probation he comes in the King's Will.'

*William Lawrie.*

Then for Probation the Advocate adduceth the porteous Roll, and Books of Adjournal, bearing, that the Persons with whom *Blackwood* conversed were in the Rebellion. Some of them compear, and declare upon Oath they paid Rent to *Blackwood* since 1679. tho' I do not find they declared they were in the Rebellion. It seems, the Rolls and Books of Adjournal were the Foot on which the Advocate would have that to stand; and other Witnesses are adduced, and depone they heard the former converse with *Blackwood*, then the Assize inclose.

*February 7.* the Assize return their Verdict, that they find the Pannel guilty of Harbouring and Conversing with declared Rebels and Fugitives, proven by the Deposition of Witnesses: And also find by his judicial Submission as to the Probation, that he comes in the King's Will. The Lords adjudge the said *William Lawrie* to be taken to the Market-cross of *Edinburgh* the last of *February* instant, there to have his Head severed from his Body, his Name, Memory, Fame, and Honours to be extinct, and his Lands forfeited to his Majesty for ever.

Assize bring him in guilty.

Sentence.

After Sentence was passed upon this Gentleman, the King was acquainted with the Process, and a Letter comes, dated *February 24.* bearing, He had lately received an Account of their Proceedings against *William Lawrie* of *Blackwood*, now Prisoner, and condemned to die for Treason, and is well pleased therewith, and particularly with their ordering the Advocate to pursue him criminally, and gives them Thanks. Thereupon he was reprieved till the End of *March*.

The King sh. proves of what is done.

*March 22.* I find the Committee, which had been appointed to consider the Case of *William Lawrie* of *Blackwood*, report, that the Marquis of *Douglas* hath not cleared his Accounts with the said *William Lawrie*, and that it very nearly imports the said Marquis to have them stated, and the Time whereat he is to die being at Hand, there is need of a further Reprieve. The Council reprieve him till the last *Friday of November*.

*Blackwood* is reprieved.

At this Time he is further reprieved, and *January 12.* 1684. upon a Petition from the Marquis of *Douglas*, the Council interceed with the King for a Remission, and the Reason is, because *William Lawrie* knows the Marquis's Affairs and Accounts best; and it comes down *January 31.*

And next Year he gets a Remission.

I go on to other Processes as they stand in the Criminal Books. I meet with a Process *February 12.* against *John Menzies* in *Dalquharn*, who is indicted for his Life, and condemned to die, merely for Converse with *John Schaw* of *Greenhill*, fugitive, and a Letter, he said when drunk, he recieved from *John Balfour* of *Kinloch*. The Probation is very confused in the Register, and Sentence is pronounced; but he offering to take the Test, being regular and attending upon the Curate, no doubt he was reprieved. They were not Persons of his Stamp who were now executed.

Process against *John Menzies* in *Dalquharn*.

*February 26.* *John Gibson* of *Auchinchain*, who had been condemned for his Accession to *Bothwell*, presents to the Lords the King's Remission for his being at the Rebellion, and he is set at Liberty. And *March 6.* *Robert Fergusson*, late of *Letterpin*, of whom before, produceth a Remission for his Concern in the Rebellion, and is liberate.

*Auchinchain* and *Letterpin* are liberate upon Remissions.

*March 12.* *William McCulloch* in *Cleibred*, before mentioned, makes a Renunciation of his Heritages in the Hands of the Treasurer and Treasurer-depute, as those above, *January 8.* and binds himself never to rise in Arms against the King or any commissioned by him, and enacts himself to compear when called, and so the Lords desert the Process against him for his Accession to *Bothwell-bridge*, simpliciter.

Process deserted against *William McCulloch* in *Cleibred*.

*March 27.* *James Lawrie*, Writer in *Lanerk*, presented himself before the Justiciary. It seems his Peace had been made, and a Remission secured; he had been found guilty in Absence, *March 21.* 1681. by an Assize, of Treason and Rebellion, and ordained to be executed to Death when apprehended: The Lords adjudge him to be carried to the Market-cross of *Edinburgh*, *Wednesday April 4.* and hanged; and the Magistrates of *Edinburgh* to see to the Execution.

*James Lawrie* Writer in *Lanerk* gets a Remission.

By the Council-registers, I find he petitions the Council for a Prorogation of his Reprieve, which they granted until the first *Friday of November*. These long Reprieves are generally a Preface to a Remission; and, *April 1684.* I find him recommended for a Remission to his Majesty, who no doubt granted it.



1683.

John Nisbet pro-  
cessed before  
Major White at  
Kilmarnock, ac-  
cording to his  
Commission,  
March 22.

His Examination  
on.

Indictment.

Sentence. And  
accordingly is  
executed at Kilo-  
marnock, April  
14.

On the 22 of *March*, as I noticed on the first *Section*, the Council granted a Justiciary Power to Major *White*, upon his apprehending *John Nisbet*, to prosecute him criminally, upon the Place, for having been at *Bothwell*; and *William Crichton*, Sheriff-depute of *Air* Shire, is adjoined to the Major in this Matter. I have not met with any further Accounts of his Trial there, but what is published in the *Cloud of Witnesses*, and his Speech which he left behind him. His Trial was at *Kilmarnock*, to frighten that Country, who were very much Strangers to Executions. At his Examination, he was posed hard to tell when or where he had seen *John Nisbet* of *Hardhill*, whom they were seeking for with great Violence. When he was positive in his Refusal to tell any thing anent him, the Major, in a Manner unworthy not only of a Judge, but of a Christian, scolded him, and said, He would make him tell what he knew; otherwise he would make him sit Three Hours in Hell. *John* answered, That was not in his Power. It was asked at him, If he was under any Oath of Secrecy not to tell of others. He answered, He was under no Oath as to these Things, except that of the *Covenant*, which binds him to the Duty the Scripture requires, with relation to his Christian Friends in their Sufferings. Being asked, if he preached or expounded Scripture. He answered, he was never a Minister, and none but Quakers expounded Scripture without a Mission, and their Principles he entirely disowned. Next he was asked, if he owned the King as Head of the Church. He answered, I acknowledge none to be Head of the Church but *Christ*.

After his Examination, he was indicted for Treason and Rebellion. I do not find any Witnesses adduced to prove him guilty. He says in his last Speech, which hath been printed, 'That he was indicted upon his owning the Lawfulness of the Rising at *Bothwell-bridge*, which he did with much Cheerfulness, as reckoning it Self-defence, and in Defence of the Gospel: Next, upon his disowning the Curates, which was interpreted disowning all Authority, yet he disowned them very boldly. 3dly. Upon his hearing Mr. *Cargil*, Mr. *John King*, and others; which he also confessed, and blessed God that ever he had heard them. 4thly. His refusing to pray for the King's Person, and Government and Authority, which, he says, he had no Clearness to do, he reckoning it to be owning him to be right in all that he had done in oppressing God's People.

Upon these Heads this good Man was sentenced to be hanged at *Kilmarnock Cross*, April 14. this Year. I have before me a large Account of his Carriage at his Execution that Day, and his last Words on the Ladder, too long to be insert here, taken from his Mouth in short Hand. He had a grave Courage and Stayedness when he came to the Place of Execution. After he had prayed, he sang the 16 *Psalms*, from the 5 Verse to the Close, with a great deal of Affection and Joy; and then read the 8 Chapter to the *Romans*, and prayed again. When he had delivered his Bible to his Uncle, he made himself ready for the Executioner, not expecting to get Leave to say any thing to the Spectators; but essaying to speak, and not being interrupted, he continued a good while in an extemporary Discourse, pressing them to Godliness, and recommending Religion to them, from his own Feeling and Experience. He notices, that this is the first Execution of this Kind at that Place, and is of the Opinion, it is not like to be the last; he tells them, Death is before them all, and it it were staring them in the Face, as nearly as it was him at present, he doubts not there would be many awakened Consciences among them; but as for himself, tho' Death be naturally terrible, and a violent Death yet more terrible, yet the Sting of it is taken away, and he can say, he reckons every Step of the Ladder to be a Step nearer Heaven. When going on to give some Account of the Cause of his Sufferings, and his Indictment, a Confusion was raised by the Soldiers. and he broke off, and drew the Napkin over his Face, and was turned off when commending his Soul into his Father's Hands. This Person lived in the Parish of *Lowdon*, and is generally named *John Nisbet* younger, to distinguish him from *John Nisbet* of *Hardhill*. Another *James Nisbet* in the same Parish, suffered next Year at *Glasgow*, as we shall hear.

Process of Forfeiture against  
*John Balfour*,  
*John Russel*,  
*Robert Hamilton*,  
*Mr. John Hog*,  
*Mr. Robert Fleming*,  
*Smith*,  
*Mr. Robert Langlands*,  
*Andrew Russel*,  
*Factor*,  
*John Russel*,  
*Factor*, and *James Stuart* Son to  
*Sir James Stuart*

Upon the 2 of *April*, a Process of Forfeiture is raised before the Justiciary, against the underwritten Persons. I have a Copy before me, of the criminal Letters against them, of Three or Four Sheets, too long to be insert here or in the *Appendix*, and therefore I shall only give an Abstract of the most material Articles here. 'Anent criminal Letters raised by Sir *George Mackenzie* of *Rosehaugh* his Majesty's Advocate, against *John Balfour* of *Kinloch*, called Captain *Burleigh*, *John Russel* Portioner of *Kettle*, *Robert Hamilton* Brother to Sir *William Hamilton* of *Prestoun*, Mr. *John Hog* Minister at *Rotterdam*, Mr. *Robert Fleming* there, *Smith*, Mr. *Robert Langlands*, *Andrew Russel* Factor, *John Russel* Factor, and *James Stuart* Son to Sir *James Stuart* Lord Provost of *Edinburgh*, making mention, that notwithstanding of many Acts of Parliament, against Treason, Rebellion, and rising in Arms, which they have broken; and whereas by Act 11. *Seff. 1. Parl. 2. Char. II.* the King's Advocate, warranted by the Privy Council, may and ought to insist against such Persons in Absence; and if cited and not compearing, the Lords are to proceed to Forfeiture, as if they were present: And it is so verily, that the said *John Balfour*, and *John Russel*, with the deceased *David Hackstoun* of *Rathillet*, and others, discharged several Shots in



in the Coach of his Grace *James* Archbishop of *St. Andrews*, about Two Miles from the City of *St. Andrews*, in *Magus-muir*, when travelling, with his Daughter, most securely, and most sacrilegiously invaded him and his Daughter; and his Grace having opened the Door, and come forth, and fallen down on his Knees, begging Mercy, or Time to recommend his Soul to God, and to pray for his Murderers, so cruel and inhumane were they, that without pitying his gray Hairs, or the Shrieks of his weeping Daughter, or respecting his Character or Office, most cruelly and furiously gave him many bloody and mortal Wounds in his Head and other Places, and left him dead and murdered on the Place; and then went unto the West, and rose in Rebellion at *Bothwell-bridge*, under the Command of the said *Robert Hamilton*. And when, by the Diligence of his Majesty's Forces, they could no longer stay in the Nation, they fled to the united Provinces of *Holland*, where the said *Mr. John Hog*, *Mr. Robert Fleming*, *Mr. Robert Langlands*, &c. conversed with them, harboured, supplied, and furnished them with Money and Necessaries, in the Years 1679, 1680, 1681, or 1682. And the said *Mrs. Hog*, *Fleming*, *Smith*, and *Langlands*, did, in one of the Months of the Years fore said, imploy *Mr. Donald Cargil*, *Mr. Richard Cameron*, *Mr. John Rae*, *Mr. David Hume*, *Mr. John King*, *Mr. John Kid*, *Mr. John Weir*, *Mr. Thomas Hog*, *Mr. Andrew Anderson*, *Mr. John Ross*, *Mr. Alexander Wilson*, *Mr. Alexander Bertram*, *Mr. Francis Irvine*, *Mr. John Wellwood*, *Mr. Thomas Macgil*, Ministers, fled from their native Country, for their Hand in the Rebellion 1679. and who were intercommunicated. And the said *Mrs. Hog*, *Fleming*, *Smith* and *Langlands*, are arrived at that Height of Impiety, to own and maintain that treasonable and sacrilegious Covenant, (which occasioned so much Bloodshed, and the Loss of the Lives of so many good Subjects, and was the Engine of the whole *Catastrophe* of the rebellious, and unparallied, and accursed Murder of our Sovereign Lord *Charles I.* to the everlasting Reproach of the Protestant Religion) and, in an impious and insolent Manner, did take upon them to debar from the Lord's Table, such as owned his Majesty's Authority, or assisted and served him in the Government, as Enemies to Christ and his Kingdom; and consulted and treated for admitting the said *John Balfour* to the Table of the Lord; that during the *Dutch War*, they prayed publicly for the Success of the Forces of the States, against their Sovereign Lord the King; And the said *James Stuart*, being the Son of a Father whose disloyal Principles and Practices tended to the Destruction of his Majesty's Authority and Government, in the Time of the late Rebellion; and he no sooner arrived to any Height of Knowledge, than he used all Endeavours to disturb the Government, both in Church and State, and by his Writings and Practices to sow Sedition: And after he was forced to lurk and flee the Nation, when returned after the Indemnity, he wrote and drew a Representation of the late Earl of *Argyle's* Case, which Paper was designed to be printed, wherein he extremely reflected on the late Parliament, and *Test*, appointed to be a Bulwark to the Protestant Religion and his Majesty's Government; and drew and wrote Reasons against the said *Test*, treasonably asserting, that Subjects were bound by the *Covenant and Confession of Faith*, to oppose the civil Magistrate in defence of Religion; and hath assisted, supplied, and done Favours to the said *John Balfour* and *Russel*, and continues in a desperate State of Rebellion and Treason. Wherefore these Things being proven, the whole of the above named Persons ought to be punished with Forfeiture of Life, and Lands, and Goods.

1683.

The Advocate produces Warrants to pursue, and the Summons upon Sixty Days, as ordinary in Cases of Persons being out of the Kingdom; and at present insists against *Robert Hamilton* and *John Balfour*. The Lords find the Dittay relevant, and remit it to Probation before an Assize. Witnesses appear, and depone they saw *Robert Hamilton* General at *Bothwell-bridge*, and *Balfour* Captain of a Troop of Horse. Another Witness depones, That when *Balfour* was fleeing, he heard him say he had received a Shot, *the Devil cut off the Hands that gave it*. The Assize bring them in guilty of what is libelled, and the Lords adjudge them to be executed and demeaned as Traitors, when apprehended, and their Name, Fame and Memory to be extinct, and their Lands to fall to his Majesty, as in common Form.

*Rob Hamilton*  
and *John Balfour*  
were executed.

Upon Absence, after Citation, *John Russel* Portioner of *Kettle*, *Mrs. John Hog*, *Langlands*, and *Smith*, and *James Stuart*, are put to the Horn and forfeited. We shall meet with *Mr. Stuart* and *Mr. Langlands* afterward, in the Progress of this History.

A Representation was given in the same Diet, that *Mr. Robert Fleming* was in Scotland in the Time of the *Dutch War*, and that he raised *John Balfour* from the Table of the Lord; and the Representations of Merchants and others in favours of *Andrew Russel* and *John Fleming*, (it is *Russel* before, and either the former or this is wrong written) the Diet of all the Three is continued: And I find *November 12.* their Diet is further continued; and *December 3.* *Mr. Robert Fleming* is continued to the First Munday of *April, 1684.* And *April 24. 1684.* I find an Act of Council presented in favours of *Mr. Robert Fleming* and *Andrew Russel*. The Act anent *Mr. Fleming* I find in the Council-registers, dated *April 8. 1684.* which I insert here, that the Reader may have the whole of this together. 'Anent a Petition presented

*John Russel*,  
*Mrs. Hog*, with  
*Langlands*, and  
*Mr. Stuart*, put  
to the Horn  
and forfeited.  
Act of Council  
anent *Mr. Robert Fleming* and  
*Andrew Russel*.



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presented from Mr. Robert Fleming, Minister at Rotterdam, shewing, That the Petitioner being indicted at the Instance of his Majesty's Advocate, for alledged resetting and inter-communing with Rebels in *Holland*, and allowing the bloody and sacrilegious Murderer John Balfour, to partake of the Sacrament, and for his alledged praying for Success to the *Hollanders*, against his Majesty's Navies during the *Dutch War*; and being valetudinary and languishing under the Difficulties of old Age, and so incapable to come to *Scotland*, therefore the Council have from Time to Time continued his Diet; and seeing he is altogether free and innocent of what is libelled, which he can make easily appear; for in the Time of the *Dutch War*, and several Years before and after, he lived peaceably and loyally in *Scotland*, and then, as ever since, prayed heartily for the Prosperity of his Majesty's Person, Government and Forces. And the Petitioner was so far from admitting the bloody Murderer named, to the Lord's Table, that he on the contrary caused raise and extrude him therefrom, as can be proven by all the People then present; and for which the Petitioner was upbraided and reprehended by the hot-headed Fanaticks, his Favourers: Therefore he humbly supplicates, that the Council may please to relieve him from further Trouble, by appointing the Justices to desert the Diet, at least to continue it some longer Time. The Council having heard the Petition, and an Account from Mr. Constable, Secretary to his Majesty's Envoy in *Holland*, by the Secretary of State his Warrant of the Petitioner's good Behaviour, do prorogate the Diet for the Petitioner's Compearance, for some competent Time, that he may be in Condition to appear; and April 17. the Council desert his Diet *simpliciter*. Mr. Russell had likewise very large Testimonials of his good and loyal Behaviour; and the above Day the Justiciary finding, by the Act of his Majesty's Council, the Pannels are freed from further Trouble, desert the Diet *simpliciter*.

The same Second of April, Sir William Denholm of *Westfield*, and Mr. Gabriel Cunningham, indulged Minister at *Dunlop*, are indicted for aiding, assisting, and corresponding with Mr. John Cunningham late of *Bedlane*, a notorious Traitor. Archibald Menzies younger of *Culdairs*, called Colonel Menzies, is at the same Time indicted for saying one Day in Prison, That Fools made the Test, and Knaves take it. All the Three are absent and denounced, and put to the Horn, and their moveable Goods are ordered to be escheat, and brought in to his Majesty's Use, as Outlaws and Fugitives. I know nothing of the last, but the Two former were excellent Persons, and whatever might be proven of their Converse with *Bedlane*, I am certain they were no ways concerned in the Rising, and I suppose this Process proceeded only from some malicious Informer.

May 4. David McMullan, and some others, were brought before the Justiciary. I have before me his own Account of his Examination before the Council, and his Speech he designed to have delivered at his Execution, and from these and the Justiciary-registers I shall give some Account of him, and the rather that he is quite overlooked in the *Cloud of Witnesses*, either because the Accounts of him came not to the Collectors Hand, or, it may be, because this sensible solid Country Man goes not to the Heights the People they have pickt out run to.

When he was brought before a Committee of the Council, their Queries and his Answers were. 'Do you keep the Kirk?' He answered, he was taken out of it, not when hiding, but when retired to it for reading the Scriptures. Being asked who took him, and for what. He answered, *Claverhouse*, for being at *Bothwell*. Then he was questioned, do you not count *Bothwell* Rebellion? No, answered he, it was in Defence of the Truth. Next, he was asked, do you acknowledge lawful Authority? He answered, he is not a Christian that does not so. But add they, do you acknowledge the present Authority? Answer, in so far as he hath kept his Engagements according to the Word of God. Then he was asked, will you take on to be a Soldier and go over Sea? for if you abide here you will be hanged. He answered, being under your Power now, I will not cut out mine own Lot.'

Before the Justiciary his Confession before the Council was adduced against him, upon which he alledged they had some Things there he had not spoken, particularly about the Bishop's Death. Well, said the Lord who presided, what say you to that now? He answered, he had no Judgment to judge such Heads. He adhered to what he had said as to *Bothwell*, and being asked if he had any Thing to say to the Assizers, he said, he knew none of them, but betwixt you and them, and God, be it. He was told, there was yet Room to renounce his ill Principles that took him to *Bothwell*, by taking the Test. He answered, if he took it, it would not be willingly, and his Heart would not come up, and so he thought it best to adhere to his Light.

The Assize brought him in guilty of being at *Bothwell* in Arms, and judicially owning the Lawfulness of joining with those who were there; and the Lords adjudge him to be hanged at the Grass-market, May 16. 'twixt Two and Four in the Afternoon. When the Dampster was reading his Sentence, he was stopt in the Middle, and David was told, if the Sentence was read out he would not get it recalled, and the Test was offered to him. His Answer

was,

Sir William Denholm of *Westfield*, Mr. Gabriel Cunningham, and Archibald Menzies of *Culdairs*, denounced and put to the Horn.

David McMullan's Process, May 4.

His Examination before a Committee of Council.

What passed before the Justiciary.

His Sentence.



was, Go on; and when it was read out, one of them said, What think you of it now? *David* answered, it was very welcome.

He died with *John Wilson*, whom we shall meet with just now, in a great deal of Peace and Composure. His Paper he left behind him, not expecting the Liberty of speaking, is very short and pathetic. 'He blesses the Lord who had inclined him to joyn with the persecuted Party at *Bothwell*, where he quit his Horse after he had fled, and joyned the Body of Foot that stood when they were overpowered with the Soldiers; he desired Quarters, and one said, I'll give you Quarters, and knockt him down to the Ground. He observes a strange Preservation from a Ball an Highlander shot, which hit him, and yet hurt him not, and much of the Lord's Kindness in his getting safe home, when he had no Acquaintances in the Way. He earnestly wishes, that Love may continue among the Godly, notwithstanding of Differences in Judgment, and desires every one to look on their own Sins as the Cause of this undoing of Religion, and still remember the Church was purchased by Christ's Blood. He blesses God who hath honoured him with his Cross, and that ever he heard the Gospel preached in the Fields. And observes, when he was urged to quite his Principles, he durst not for that Word, *Keep the Truth, and the Truth shall set you free*, and names many other Scriptures, which prevented his sinful Compliances: And adds, I could not argument for the Truth as others, but I never had a Look to go back, nor one wrong Thought of God. He warns Christians against Idleness, when Enemies are undoing Religion; and regrets it, that some pretended Friends are the greatest Enemies the Church hath. He presses all to mourn for broken Vows and Promises, slighted Offers and Opportunities, and a broken Covenant, and wonder at God's Patience to the Land under a slighted Gospel; presseth all to plead for God's Return to the Land and Posterity: And declares, That tho' the World turn upside down, he hath the solid Faith of it, that it will be well with them who are at their Duty, and that he dies in the Faith of it, that God will return to *Scotland*, for he is infinitely wise, and knows no Difficulties; and yet he is apprehensive, the Lord, for innocent Blood and other Sins, will sweep away most Part of the Generation. He adheres to the *Confession of Faith, Catechisms, and Covenants*, and leaves his Testimony against hearing the Curates, paying Cess, and the Indulgence; and concludes, with blessing God, that made him see the Odiousness of his Sin, his Nakedness, and gave him white Raiment from himself, and made him close with himself on his own Terms. My Soul, adds he, shall bless him through all the Ages of Eternity. Amen.'

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And Paper left behind him at his Death.

David Macmillan.

There were in the Pannel with this good Man, when before the Justiciary, *James Brown, John Paterson, William Miller, James Gemble*, who, upon their Petition, were allowed to take the Test, and were liberate; and *George Lapsley* and *Robert Lawson*, who refused the Test, were remitted to the 10 of June, but their Indictment was found relevant. We may afterwards hear of them. They escaped in September, with *John Dick* and others.

This same Day, May 4. *John Wilson*, Writer in *Lanerk*, is brought before them, and they name the Day of Execution upon their former Sentence.

Process against John Wilson Writer in Lanerk, May 4

'*John Wilson*, Writer in *Lanerk*, having been formerly condemned to die, and to be deemed as a Traitor when apprehended, and acknowledging himself that same Person who was formerly condemned, March 1. 1681. for Rebellion, the Lords adjudge him to be hanged at the Grass-market, May 9. 'twixt Two and four in the Afternoon.' I think it was the 16. before he was executed. But having this worthy Person's original Papers put in my Hands by his Sons now serving God in the Work of the Gospel in this Church, and they differing in some Things from what is published in the *Cloud of Witnesses*, from them I shall give some further Account of him, referring, for Shortness in some Things, to the Papers themselves there printed, when they agree with the Original.

The Publishers of the *Cloud of Witnesses* acquaint the Reader, that they have made some Alterations, and omitted some Things of lesser Moment. By comparing their printed Account with his own Papers, I find, that either their Copy hath been very mank, incorrect, or they have taken more Liberty in the Changes they have made, than can be justified, and therefore I shall give the larger Account of this excellent Person, who was far from running these lengths a good many went whom they have chosen to make up their Collection; and the rather, because the Reader will find in these Papers some Matters of Fact I have not elsewhere met with, which will give a new View of the Temper of Times I am describing.

Remark on the Cloud of Witnesses and the State of Mr. Wilson's sufferings from his original Papers.

Mr. *Wilson* had been at *Bothwell*, and does not deny but he was a Captain there; this was what he had Ground to expect would cost him his Life, as soon as he fell into the Managers Hands. The precise Time of his being seized at *Lanerk*, I know not, but when he is carrying in to *Edinburgh*, I find upon his Road he resolved upon the utmost Freedom before the Council, and says, he was determined to this by considering the Boldness of *Stephen, Acts 7. 51, 52.* and *Peter, Acts 5. 30.* and that Promise *Philip. 1. 28, 29.* and upon the other Hand,



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from the Knowledge he had, that the Managers used to pick such Quarrel with the Sufferers who came before them, as might, if possible, justify their harsh Dealing with them, and that Persons in his Circumstances were branded with Imprudence, yea, as having a Hand in their own Death, by some professed Friends, and that the publick Proclamations and Papers of this Time asserted, that the Design of the Rising at *Bothwell* was not Religion, but Ambition, and to possess themselves of the Government. From all this he resolved to be as cautious and prudent as he could, without Prejudice to the Truth, and to take his Defences for defensive Arms from the *Test* it self, their own Writers and the Deeds of the Privy Council in former Years, whereof some of them had been Members, and to hold by that Rule, 1 *Pet.* 3. 15. to be ready always to give a Reason of the Hope in him with Meekness and Fear.

Upon the 17 of *April* he appeared before a Committee of Council in the *Albany*. The first Paragraph of his Answers before them, as published in the *Cloud of Witnesses*, is so curt, that I could scarce understand it, till I consulted his own Papers. And in them it runs, 'There being a Letter written by me to *James Lawrie*, reproving him for calling *Bothwell-bridge* Rebellion, the Chancellor said, that having found a Double of that Letter upon me, he had called *James* before them, who declared, that that Letter had satisfied his Conscience, and that he was sorry for what he had spoke; adding, that they had produced another Letter found on me, which they alleged to be his Answer to me, which he denied, and produced another Letter, and asked me by whom it was writ. I refused to tell by whom it was writ. They asked, who the Lady was mentioned in the Close of it. I said, I durst not burden my Conscience to tell. Then they asked, if I owned Authority. I asked, what Authority. Then presently, without any Stop, they asked, what I thought of *Bothwell*, was it not unlawful to rise in Arms. I said, I durst not say it was unlawful, for the Confession contained in the *Test* says, that it is a good Work to defend the Life of the Harmless; and that however God had disposed of these People, yet I supposed the Lord would own those, who hearing their Neighbours had been worshipping God, and (for defending themselves against these that sought their Life) were in Jeopardy of their Lives, thought it their Duty to rise for their Relief. Then they asked, if *Pentland* was Rebellion. I answered, that the Oppression of that poor People was so great, that the then Rulers condemned Sir *James Turner* for his Cruelty. One of them said, that he knew Sir *James* went not the Length of his Commission. Then they asked, if the Bishop's Death was Murder. I desired to be excused, for I would not answer that Question; and being urged again and again, I told them, it being nothing concerning my Salvation, I did not pry into it. Then they said, how did *Bothwell* concern your Salvation. I answered, there was none who engaged themselves in Service to God, but they behoved to be at his Call; and it being for the saving of the harmless, I durst not sit God's Bidding. They asked, if I was a Minister. I said, No. Your Letters, say they, seem to import it, and they read somewhat about a Call to some Ministers, nothing relative thereto. They said, will you not condemn the Bishop's Death as Murder. I said, I dare not, for Fear God having justified some of those Actors, they should rise in Judgment and condemn me. Said one of them, is there no other Way but to rise in Arms against the King. I said, I supposed they had read Bishop *Honyman's* Answer to *Nephtali*, wherein he says, A King may be resisted, in case he should alienate the Kingdom to Strangers; and that being granted, Religion was as dear to us as our outward Interests. One answered, the Bishop got little Thanks for that. They asked, if I thought it lawful to rise against a State that are not of your Opinion, and would you go to *Bothwell* again. But because of the Confusion, and their hurrying me away, I got no Answer given to these. They asked, if I was at *Bothwell*, and a Captain there, which I owned.'

Mr. *Wilson* makes Reflections upon this first Examination, for which I refer to the *Cloud of Witnesses*, Page 188. He owns he was not dashed either with Shame or Fear. He regrets he could not get Liberty to answer the Two last Questions above, and sets down what he would have said, and regrets that upon the Question of Authority, he did not take Occasion to testify against the Ecclesiastical Headship. But he had another Opportunity for this.

*April* 17. he was brought before the Council, where again he was questioned. 'Was you at *Bothwell*, and a Captain there? I answered as formerly. Is *Bothwell* Rebellion? I answered, No, it being for Defence of the Life of the Harmless, they being set upon for their Lives, for hearing a Sermon, and defending themselves, were for that in Jeopardy to be cut off. They replied, the Preaching was done. I said, as before, the Confession of Faith in the *Test*, &c. O! say they, then you approve of the *Test*, will you take it? I answered, No, I am not speaking of the *Test*, but of the Confession contained in it. Then it was asked, Think you it lawful to rise against the Magistrate? Ans. Will you condemn the Reformation (carried on by *John Knox*) from Popery? One said, We came not here to answer but to ask Questions. I said, The answering of that Question to me, would be a full Answer by me to their Question. Then said Bishop *Paterfon*, The Reformation was good, but the Way of carrying it on was ill. I said, that is a marvellous Thing to think that

His Examination  
the 17. April 17.  
before a Com-  
mittee of  
Council.

His Examination  
before  
the Council,  
April 17.



that God would approve the Actors in such Actions, and yet the Method ill, and they to have a most solid Peace before God in these Actions, and to have such a Mouth to defend it, as all the Wits in these Days could not be able to gainstand, as will be clear to any that hath read the *History of the Reformation*. O! says one, he has read the *History of the Reformation*; but you will not find it in Scripture, that People may resist the Prince; for then, they take the Magistrate's Part upon them, and therein declare themselves to be above the Prince. I answered, The People resisted *Saul*, and would not let him kill *Jonathan*. Yes, says the Bishop, and the People were there in the Wrong. I said, the Scripture did not condemn the Deed. Then they again urged, that Rising in Arms was unlawful. I told again, that Bishop *Honyman* granted, there might lawfully be a Rising in Arms, if the Kingdom were alienated to Strangers. The Bishop said, that would be a distracted Act. Then they asked, if the Bishop's Death was Murder. I answered, I would neither say it was, nor it was not. They asked, if I owned Authority. I answered, Authority might be taken several Ways. 1<sup>st</sup>. For the simple Command of the Prince. 2<sup>dly</sup>. For the more publick Command of the Prince and People. 3<sup>dly</sup>. For a Power a Prince may be clothed with by a People. 4<sup>thly</sup>. For a Prince's Right to govern the People. And in the Two first Senses, since many, both of the Prince's Edicts, and publick Acts of Parliament, are directly against Presbyterians, and Presbyterian Government, in owning it in these Senses, I should deny my self to be a Presbyterian: In the third Sense, since the People had clothed the King with the Headship of the Church, I added, I could not own that, because the 11 Article of the *Confession of Faith* contained in the *Test*, says, that Office pertains properly to *Christ* alone, and that it is not lawful for Man or Angel to presume to intrude therein. As for the last Sense of Authority, his Right to govern, I said I had not seen through the Denial of it.

I cannot but remark how this is printed in the *Cloud of Witnesses*, Page 187. I had not seen through it. In Charity, I shall suppose 'tis an Error in their Copy who published that Book, or the Printer; for this is an Alteration both of the Phrase and Matter of the Author, in a Matter of very great Importance. Mr. *Wilson's* plain Sense is, That he had not seen through the denying the King's Right to govern, notwithstanding of the ill Laws made by him and the Parliament, and would not deny his Right to govern; and if any shall from this Expression, as printed in that Book, gather, that this judicious and excellent Person denied the King's Authority in this Sense, I hope this Remark will set them right, and discover he was of other Sentiments, than many the Collectors have put together in this Book. He goes on.

Then they asked me, if I would venture my Life on these Things. I said, my Life was in God's Hands. Then they read what they had set down in Writ, that I was at *Bothwell*, and a Captain there, and other Words of mine imperfectly, and desired me to subscribe it; I refused, because of their imperfect setting down of my Words, tho' I did not tell them so.

Mr. *Wilson* makes Reflections upon this Appearance of his before the Council, for which I shall likewise refer the Reader to *Cloud of Witnesses*, Page 188-9. He is sorry he answered not the Bishop when he said, that were a distracted Act, &c. that it was an Act of more Distraction to destroy Religion. He explains his not seeing through the Denial of the King's Authority, and says he scunnered to own it, and that such Things had been done, as in a well guided Commonwealth would anul his Right; and yet he thought Authority should not be cast off, without a probable Power to support in this: And lastly, he gives the Reasons why he would not determine anent the Bishop's Death, and regrets that he forgot to tell them, as he really designed, That the Archbishop of *Glasgow's* laying down his Gown, upon the making of the *Act explanatory*, would be an Aggravation of his Sin, if he should own the King's Headship over the Church.

He came before the Justiciary, May 4. and I have inserted all that is in the Registers. The Lords take the short Cut, and only name the Day for the Execution of the former Sentence, past in Absence. In his Papers, he gives Account of what past 'twixt the Advocate and him. The Advocate represented the King's Mercy to the Four Men who had taken the *Test* in the Pannel, with *David Macmillan*, and told him there was Room for Mercy, if you do not obstinately persist in your Opinion. Where, by the by, we may observe, it was precisely his Matter of Opinion his Persecutors stuck at. He answered, I have neither done any Deed, nor given you any Opinion but what I have justified from the *Confession of Faith*, which you have sworn lately, from the ancient Reformation which you cannot condemn, and from the Concessions of your own Doctor. What, says *Perth*, will you justify your taking Arms at *Bothwell*? I said, your own *Test* justifies the Defence of the Life of the harmless. He was asked, if he would bond \* before Sentence, for there was no Room for the King's Mercy after Sentence. He answered, he would not, and at another Day all Sentences will be canvassed before the great Judge of Heaven and Earth.

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May 4. his Sentence by the Justiciary.

\* i. e. take the *Test*.



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Remarks upon  
the Account  
given in the  
Cloud of Witnesses,  
of his petitioning the  
Council.

After he had received his Sentence to be executed upon the Ninth, upon the Seventh he was prevailed with by his Friends to supplicate the Council for a Reprieve; and in his Papers follow Reasons, *why I refused to petition, as some advised, with a Conference 'twixt Sir William Paterson and me.* The *Cloud of Witnesses* gives these a Title of their own, *Reasons why he refused at first to supplicate the Council for a Reprieve*; and set down Three of them as they are in his Papers. 1. That he might be better advised anent his Answers. 2. Because of his Confusions since he came to Prison. 3. That he might have longer Time to prepare for Eternity. All these, as may be seen, Page 190. he justly rejects; the first, as a quitting what he had said; the second, as a Lie and Slander on *Christ's* Cross; and the Third, as what he could not do in Faith, since he had never doubted since he came to Prison, but God would finish the good Work he had begun; and he would not give Enemies Ground to say, *If he believed his Salvation, he was their Debtor for it*, as his Words are, and not as printed, as above. This Mistake in the Title and here, I should not have mentioned, had there not followed a palpable Untruth, Page 191. in what follows after these Words, *The only best Way is to hold him when he is tottering.*

The Compilers add, *notwithstanding all these Reasonings against Petitioning, he regrets it, that his Relations induced him to petition twice.* This is a Slur upon this worthy Man, that I must in Justice clear him of: A double Fault is committed here, with what Views the Authors know best. They suppose, after the Strain of their own Title, that these are Reasons against Petitioning; whereas he himself declares them only to be Reasons against petitioning *in such a Manner as some advised.* And in the Entry, they may see his Strait, that he could think upon no Arguments could be acceptable with them, without a receding; and therefore, as soon as the Reason from his Wife's Circumstances is given, he falls in with it: But 'tis yet worse to say, *that he regrets this Matter*, that he had been induced to supplicate; when he himself adds, *he did it in Faith, and had solid Peace in what he did.* This, if the Passage hath been in their Copy, I cannot account for, and must look on it as unfair Dealing.

To set all this in a fair Light, I shall insert his own Words, where they are pleased to stop in their Account, after the Sentence, *The only best Way is to hold to him when he is tottering*; and they are, 'When all this is done, they come saying, Will you not seek your Life? Yes, said I, if I might without Sin; so they desired me to consider in my Mind, and, after Consideration, to give in a Petition: So, after Consideration, finding nothing I could petition upon, but that which would rather raise than abate their Anger, and verily thinking my Wife should be as soon in her Grave as I, and that the Council would lay her Blood at my Door, as not willing to seek a Reprieve upon her account, I petitioned merely in respect of her Case, being big with Child; doing this lest they should pretend Ignorance, and my whole Strain being to justify my Sufferings to their Consciences and the Eyes of the unbiaſſed World; and for what I did herein, I bless the Lord I did it in Faith, and had solid Peace therein; that their Ridiculousness in taking away my Life, might occasion a Stop to the taking away that of others, if possible.' He adds an Account of some Circumstances of the first Application, and what followed, which I pass.

His Conference with Sir William Paterson.

And come forward to his Conference with Sir William Paterson, which I cannot easily imagine why the foresaid Authors left out; and I suppose there is somewhat more in it than their Study of Brevity, therefore I insert it here, as what gives us a further View of this good Man. 'Sir William, after some Compliments, advises Mr. Wilson to give in a Petition, requiring some Time to advise on his Principles. Think you, says he, your Principles so sure, and the Rising in Arms such a Business, and so clear, that you dare die therein? J. W. As to that Business of defensive Arms, I have long ere now canvassed it to and fro. Sir W. What say you to that of our Saviour, *All that take the Sword shall perish by the Sword*, and his reproving Peter in that Defence, it being a most abominable Murder to take away a Man's Life? J. W. I find our Saviour in another Place, saying, *Sell your Coat to buy a Sword.* Sir W. That is meant by the Sword of the Spirit. J. W. That were a Quakerish Tenet to deny all Defence. Sir W. But what say you to my Argument of Christ's reproving Peter at his Death? J. W. That Action of Christ's Passion was a determined Thing, wherefore he reproved Peter for desiring him to pity himself, and therefore he would suffer no Defence whatever therein; and he approves Defence in so far as he says, *Suffer it thus far*, thinkest not thou that I could call so many Angels, which to me, adds he, imports, if this were not a Thing I must lay my Account with, I need not want Defence. Sir W. Think you your self so well buckled therein, seeing there is so much Difference among Divines about it? J. W. What Divines? Sir W. Protestant Divines. J. W. That cannot be, for all the Protestants in Europe have wrestled from under the Yoke of Popery by the Sword; and I am sure, if there had been any Protestant Divines had so affirmed, Bishop Honyman, a Man among you of the greatest Learning, would have raked them up, but he is forced to confess them lawful in some Cases; and tho' your Brother said, that was a distracted Act, yet I assure you, to me the Act of undoing Religion



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Religion is far more unwise; and, as I said to your Brother, if I should condemn defensive Arms, I would condemn most of the Protestants in *Europe*, and our worthy Reformers, to whom, under God, we are obliged for so great a Gospel Light. Sir *W.* Tho' the Reformation was good, the carrying of it on was treasonable. *J. W.* If I should say or think so, I should look on them all as damned Men, conform to the Apostle, He that does evil that Good may come of it, his Damnation is just. Sir *W.* You must not think it a small Matter to lay down your Life on trivial Things, and neglect your Family, whose Care lies on you, and your not providing for them makes you worse than an Infidel. *J. W.* It is not Trivials, but Truths that are solidly grounded; and as to the Care of my Family, since the Lord called me to Suffering, I am commanded to leave them, or be unworthy of Christ. Sir *W.* You never make it out to me, but your Blood and your Family's will ly at your Door. *J. W.* No, Sir *William*, for mine is not a naked Opinion, but grounded on that Confession of Faith you have sworn, my Catechism, to do all I can to save the Life of my Neighbour, and the Word of God, *Do Judgment, and relieve the oppressed*; and since it is so, I dare not act against my Conscience. Sir *W.* Will you approve of a Multitude of Men gathering, plundering, and robbing a Country? *J. W.* Sir, as for any such Commotion I was both grieved and angry at it, and I wish such had not been among us; but I hope that could not be charged upon the Generality, since they were known to be Men of Conscience; and as for my own Part, I used such disgracefully where I had any Power. Mr. *McGuligen* was brought in at Sir *William's* Desire, but said nothing. Sir *William* said, he was sure Mr. *Kirkcoun* would not say with me. I said, I knew the utmost Mr. *Kirkcoun* would go, was, that the Enterprize was foolishly carried on, but would never condemn defensive Arms. Sir *William* asked me, if Death was not a Terror to me. I said, no doubt once it would be a Terror to all Men, but whatever it had been I had got Submission to the Lord's Dispensations. This is the Sum of what past, omitting some needless Commendations of me. Sir *W.* added, think you all are damned that are of the Episcopal Church? *J. W.* I have learned the Protestant Doctrine better, than to think all are damned that are of the Popish Church. Sir *W.* Well then, may you not believe as we do, and be saved? *J. W.* No, for me to do but doubtingly is Damnation, let alone to do against my Conscience. Sir *W.* Conscience would be well informed. *J. W.* You see I have grounded it on what you have sworn, my Catechism and the Word of God. Sir *W.* Do not think the quitting of those Things is the quitting of Christ, since there is no Quarrel this Day about the fundamental Points of Doctrine. *J. W.* Yes, Sir, it is, for since I have taken Christ for a King and Prophet, if I contradict his Counsel or Command before Men, I deny him; and since I have evidenced the Truth of what I have spoken, I dare not contradict my Conscience.

This Conference had no Influence to alter any of the Sides; and so upon the 16 of May this solid judicious Christian was hanged at the Grass-market, with *David Macmillan*, of whom before. He left a Testimony behind him, which is published in the *Cloud of Witnesses*, Page 192-198. and thither I refer the Reader to it. This also offers upon this sensible Person's Trial. What is called his Testimony, differs in very little from his own Papers. Mr. *Wilson* left likewise some Advices to Sufferers, which are before me, and most proper to be insert: But this Process is swelled so much that I pass it, and come forward now to some more Instances from the Criminal Procedure this Year.

In June the Circuit sat at *Glasgow* and *Air*, &c. where several Persons were executed. and a good many forfeited, and many more remitted to *Edinburgh*; but the Accounts of those are so large, that they deserve a Section by themselves, especially when this is so much swelling; and indeed most Part that I am afterwards to account for in this Section, is with Relation to Persons discovered and attacked at the Circuits.

The Person who falls next in Order, comes in upon another Score, *Andrew Guilan*. He was the only Person I can hear of who suffered precisely upon the Archbishop's Death. *Hackstoun* of *Rathillet*, as we have heard, was taken actually resisting at *Airs-moss*, but neither he nor this Man were active in the Bishop's Murder. *Andrew Guilan* was a Weaver who lived near *Magus-muir*, and all his Share in the Action was, that being called out of his House, he held their Horses, and was Witness to what was done. After this he was obliged to abscond, and served the best way he might in Country Houses, at some Distance from the Place where he had lived formerly. I have some Letters under his Hand, writ by him after he was taken August this Year, whereby he appears to be a Country Man of some Knowledge and Seriousness. In one of them he gives Account to his Friend, that he was taken upon the 11 of June, when at his Work with a Country Man. The Curate of the Parish came by, and asked him where he was upon the Lord's Day, and if he kept the Church. *Andrew* told he did not own him, and would give him no Account of himself; whereupon the Curate called for some People thereabout, and seized him, and carried him to *Cockpen*, where he was pressed to drink the King's Health, which he refusing, saying he drank no Healths, he was carried to *Dalkeith*, and there put in Prison, and from thence



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taken into *Edinburgh*, where, after Examination, he was put into the Iron-house. All this Time nothing was known as to his being present at the Bishop's Death.

While he was at *Edinburgh* some Rumour of his being there, broke out; but they had not the least Probation, till, as I am informed, the Advocate trepanned him into a Confession. At one of his Examinations he was most pathetically aggravating the Crime as a horrid Murder, and directing himself to *Andrew*, he represented among other Things, that when the Bishop was upon his Knees praying, they should have killed him; this, it seems, touched the simple Country Man so, that he got up his Hands and cried out, *O! dreadful! he would not pray one Word for all that could be said to him.* Upon this, and what further they elicit from him, I find him staged before the Justiciary.

July 12. he is indicted.

July 12. *Andrew Guilan* Weaver in *Balmerinoch* indicted, that with others May 3. 1679. he stopped the Bishop's Coach, and shot at him, or that he was present when it was done, and was in Arms, and fled with the rest, and that Night gave Thanks to God for that execrable Murder. For Probation the Advocate adduceth his own Confession.

His Confession.

*Edinburgh*, July 10. *Andrew Guilan* confesseth judicially, that Morning when the Company came to the Muir, *Rathillet* came and took him out; declares he was present in the Company, concurring with the rest when the Archbishop was killed; that he had a Sword, that he was with them in the Evening when one prayed, he thinks it was *James Russel*, and blessed God for their Success; declares he cannot write. By his Letters under his Hand I am sure he could write, and in them I find he declines to own the Authority of the Chancellor, and his Judges, and I imagine this Confession of his is gathered up out of what they got him to say before them, which I do not think he would sign. However thus it stands in the Records.

His Sentence.

The Assize bring him in guilty of the Bishop's Death by his own Confession, and he is sentenced to be taken to the Cross of *Edinburgh* upon Friday July 20. and to have both his Hands cut off at the Foot of the Gallows, and then hanged, his Head to be cut off and fixed at *Cowpar*, and his Body to be carried to *Magus-muir*, and hung up in Chains.

His last Speech is published more than once, and therein he denies he dies as a Murderer, tho' it be laid to his Charge that he joyned with those who executed Justice upon a *Judas*, who sold the Kirk of *Scotland* for Fifty thousand Merks a Year, and vindicates their Deed. It was noticed that he endured the Torture he was put to with a great deal of Courage. In cutting off his Hands the Hangman, being drunk, or affecting to appear so, mangled him fearfully, and gave Nine Strokes before he got them off. He endured all with invincible Patience, and it is said, when his right Hand was cut off, he held up the Stump in the View of the Spectators, crying as one perfectly easy, *My blessed Lord sealed my Salvation with his Blood, and I am honoured this Day to seal his Truths with my Blood.*

After his Body had hung in Chains for some Time, some People came and took it down, for which the Country about was brought to no small Trouble. I find May 27. 1684. The Council grant a Commission to the Earl of *Balcarras* to pass a Sentence of Banishment on the Persons who took down *Andrew Guilan's* Body from *Magus-muir*, as being Owners of the horrid Murder of the Archbishop of *St. Andrews*.

Process against Edward Atkin.

The same Day, July 12. the Process of *Edward Atkin* was before the Justiciary. He lived in the *Abbey-town* of *Crawford-john*. He went out of *Scotland* with *Earl'stoun* as a Servant, and his Guide, and was taken with him at *Newcastle*. He is indicted for treasonable Converse with a Rebel. He confesseth he knew *Gordon* of *Earl'stoun*, and guided him through *Clyde*, and hath conversed with him sensyne, and blesses God for the Converse he hath had with him, tho' he be a declared Rebel, and comes in the King's Mercy. The Assize bring him in guilty by his own Confession of Converse with *Alexander Gordon* of *Earl'stoun*, and doing Favours to him, tho' he knew him to be a forfeited and condemned Traitor. The Lords sentence him to be hanged at the *Grass-market*, on Friday 20 of July instant. This is severe enough, which yet we see very common at this Time, to Persons of greater Rank than he.

Most part now of the Processes to the End of this Year, in the Criminal Books, are with relation to Gentlemen, who had been delated and put in the porteous Rolls before the Circuits, and were obliged to come in to *Edinburgh*, and appear before the Justiciary. Those of them who could swallow the Test, are dismissed, and others are bound over to after Appearances.

Gentlemen dismissed from Criminal Processes upon taking the Test.

July 18. Sir *Thomas Hope* of *Craighall*, *Skene* of *Halyards* elder, with many other Lothian Gentlemen, are indicted for Converse with Rebels, and resetting them on their Lands, of which, in some Measure, one way or other, the whole Gentry, East, West, and South, were chargeable. And upon their taking the Test they are dismissed. The same Day *Holburn* of *Menstrie*, and many other Gentlemen with him, are indicted the same way, and dismissed upon their taking the Test.

Process against the Laird of Monkland.

July 24. a very remarkable Process comes on as to the Laird of *Monkland*, wherein he was dealt with very harshly, and I shall give an Abstract of it as it stands in the Records. This Gentleman is indicted, for being with four Servants at *Schaw-muir*, June 1679. keeping a Council of War with the Murderers of the Bishop of *St. Andrews*, that he conversed with them, entertained them at his House; that he entertained and received Rent from Tenants after



ter they had been at *Bothwell*. ' After the reading of his Indictment, *Monkland* made a most ingenuous Acknowledgment of Matters as they stood, and declared, ' that all his Life he lived as a peaceable and loyal Subject, that he never had been at Conventicles, that he had obeyed his Majesty's Laws, that he never designed to rise in Arms or Rebellion; but the Rebels being in great Numbers near his House, and hearing that one of his Children of seven Years of Age had strayed towards them, he went out to bring back his Child, which he did, thinking it no Crime, and if it be, he comes in the King's Will. ' The Process continued till to morrow.

Next Day the Advocate declares, ' that he insists against the Pannel that he was at *Schaw-head-muir* and *Hamiltoun* with the Rebels who were in Arms, that he stayed with them a whole Day, that severals of them rode in Company with him, that he conversed familiarly with them, particularly with two of his own Servants, one of them now a Captain, that after the Defeat he conversed with those Rebels whom he saw in the Rebellion, and so to him were notour Rebels. ' His Process is yet delayed till next Day. Every Body must see how invidious this Process was. *Monkland* lived within a very little to *Bothwell*, and the West-country Army were all about him; unless he had left his own House and that Country, it was impossible for him to escape Converse, and he did no more than all the Gentlemen in his Circumstances behoved to do, and upon this score only he is proceeded for his Life, when nothing else contrary to the present Laws could be laid to his Charge.

July 26. the Advocate for *Monkland* protests, that the Pannel had come in the King's Mercy, and whatever be the Event of the Process, he still offers his Life and Estate to be disposed as his Majesty thinks fit; that always denying the Libel, his going to *Schaw-head-muir* was altogether accidental; that he had still been orderly and loyal, that he kept his Parish Church, paid Cess, fled his House when the Rebels came, and retired till the Rebels were decamped from *Schaw-head-muir*; when coming to his House about 5 at Night on Tuesday, and calling for his only Son, a Boy of seven Years of Age, was told he was a missing for some Hours, and that they had been seeking him without finding him, he concluded some Herds had carried him to *Schaw-head-muir*, where there was a Crowd of Spectators upon the Rebels; that he went thither and found him, and put him behind his Servant, and did not, when there, mix, march, nor rendezvous with the Rebels, but remained at Distance from them, and in half an Hour returned, and so cautious was he, that next Morning he left his own House, went secretly into *Hamiltoun*, where he lay hid for three Days, and found Means there to send earnest Desires to his Brother in Law, who was with the Rebels, to leave them, as an Enterprize which would be ruining: And all this is offered to be proven as sufficient to elide the Libel.

Debates upon  
*Monk and's*  
Case.

The Advocate replies, that the Act libelled was treasonable, and the Circumstances could never palliate nor alter it; that the Circumstances prove only *quo animo* he went, which he was not at all obliged to enquire into; that he was held and reputed to be with the Rebels, and went to them to make his Servant a Captain, and reset his Servants afterwards, which is a greater *indicium animi* than the Circumstances pretended, which might have been done *dolose*.

It is answered by the Pannel's Lawiers, that it is offered to be proven he only made Enquiry after his Son, and did not converse with Rebels, and perswaded others to relinquish them, and that, as soon as he got his Son, he removed; that as to his Converse with Rebels afterward, they were not convict in Law, nor denounced at the Head-burgh of the Shire, and by Act 126. Parl. 12. Jam. VI. though Rebels be denounced upon Act of Adjournal at the Cross of Edinburgh, and this operate against the Person himself, yet without its being done at the Head-burgh of the Shire, the Subjects are in *bona fide*. Lastly, that the Rebels condescended on, embrace the King's Indemnity, and so Converse with them is not Treason.

After these Reasonings the Lords, by their Interlocutor, ' sustain the Dittay relevant as it declares the Pannel was at *Schaw-muir* with the Rebels when in Arms, and was riding and walking amongst them; that his seeing them he conversed with in the Rebellion was sufficient to make them notorious Rebels as to him, tho' not denounced at the Head-burgh of the Shire. ' How far this is flatly in face of the Act of Parliament last cited, I must leave to Lawyers: But this I am sure of, the first Part of the Interlocutor would have reached Thousands as well as this Gentleman. However, the Matter is remitted to an Assize.

Before the Probation is led, the Pannel confesseth he was at *Schaw-head-muir*, riding and walking with the Rebels; that he saw Two at the Rebellion, with whom he afterward conversed, and from whom he received Rent; declares his Penitence, and comes in the King's Will. The Advocate declares, that he is commanded by the Council not to receive the Pannel in Will, after he hath debated.

And so Probation is adduced, and Witnesses depone they saw him at *Schaw-head-muir* conversing with the Rebels; and one of them depones he saw a Cup in his Hand. One of the Witnesses, *Thomas Forrest*, when posed, declared he was not worth the King's Unlaw, and yet the Lords receive him as a Witness. It was July 30. when the Assize find him guilty, and

Probation:

Sentence:

H h h h



1683. the Lords adjudge him to be beheaded at the Cross of *Edinburgh*, *August* 10. next, and he is forfeited in common Form.

When this Gentleman's Estate is taken from him, and his Life brought in Hazard by a Sentence, Interest is made for him before the Council, and they reprieve him; and, *August* 21. the Chancellor writes the following Letter to the Secretary.

*Right Honourable,*

‘**T**Here being a Petition addressed to his Majesty's Privy Council, by *Robert Hamilton* late of *Monkland*, and the Council being informed by the Justices, that all alongst his Trial, he offered to come in his Majesty's Will, and pass from any legal Defences, and offered to take the *Test*, they thought fit to recommend him to his sacred Majesty for a Remission, and to desire your Lordship in their Name to interpose.’

How this came to be delayed, I know not, but, *December* 6. I find *Robert Hamilton* of *Monkland* reprieved until the last *Friday* of *April* next, in order to the expeding of his Remission. *April* 3. *Robert Hamilton* petitions to be liberate, in regard of his valctudinary Condition, and Gravel. The Lords reprieve the Sentence of Death he is under, till the second *Friday* of *November*. After that I meet with no more about him in the Registers.

Remarks on this Gentleman's Treatment.

This Gentleman was as hardly dealt with as many; nothing was proven but necessary Converse with the West-country Army. He was defrauded of Eight Years Rent of his Estate, which amounted to 16000 Pounds; he was imprisoned Seventeen Weeks, and left his Business at *Edinburgh*, which was better than his Estate. Mean while, he was regular, and had not given the least Evidences of what was reckoned Disloyalty. This Oppression and hard Dealing afflicted him so, that he sickned and died, and his Son, at the Revolution, was obliged to sell the Half of his Estate.

Multitudes forced to take the *Test*.

I go on to give what I meet with further in the Justiciary Registers. *July* 24. a great Number of Persons, indicted by the porteous Rolls for the Rebellion and Refet of Rebels, about Fourteen Gentlemen, and near a Hundred Commoners take the *Test*, and are dismissed. We shall have a great deal of this, this Year and the following.

A great many refused, and are brought to much Trouble.

The same Day, another Set of Gentlemen and others, remitted by the Justiciary Courts in the Country, appear before the Lords, and are committed to Prison, being indicted, by the porteous Rolls, for Rebellion, Refet of Rebels, and other treasonable Crimes. The Reader will easily perceive, that in such Numbers I cannot give particular Accounts. Some of them we shall afterwards meet with, others of them lay a considerable Time in Prison, and at length, by paying great Sums of Money, made Interest, and got out upon Bond; and all I can do, is to set down their Names, and the Hints I meet with about them, in the Council and Criminal Books. And indeed, very few Gentlemen on the South-side of *Forth*, of any Virtue and Sobriety, escaped this and the following Year: Such who had Friends in the Government and Army got easier off, and others were brought to a vast deal of Trouble and Charges.

*Douchal*, *Aikenhead*, and many others imprisoned.

Their Names who this Day were imprisoned, are, *John Porterfield* of *Douchal*, of whom before, and whom we shall afterward meet with, *James Hamilton* of *Aikenhead*, tho' I find him urged to be an Assizer at some of their Courts, *Mr. Andrew Hay* of *Craignethan*, *William Bredin* of *Whelpshill*, *John Gilkers* Heritor in *Biggar*, *James Paterson* in *Shields*, *James Dunlop* of *Houshill*, *George Muirhead* of *Stevenson*, *Mr. John Banantyne* of *Corehouse*, since the Revolution, a good many Years Minister of the Gospel at *Lanerk*, *George Housloun* of *Johnstoun*, *John Pirrie* in *Nuik*, *Gabriel Hamilton* of *Westburn*, *Aian Wat* in *Kirktown*, *Andrew Mack* in *Harestocks*, *Donald Richmond* in *Harestocks*, *James Bruce* in *Nethertoun* of *Hamiltoun*, *Thomas Astoun* of *Aynes*, *James Strang*, *Archibald Roxburgh* Shoemakers in *Hamiltoun*, *John Muir*, *John Robertson*, *Robert Wilson*, *Andrew Ross*, *John Allan*, *William Paterson*, *John Alexander*, *Thomas Bows*, *Thomas Dinning*, *William Smelly*, *James Brown*, all of them in *Hamiltoun*, *James Muirhead* of *Bradisholm*, *James Murray* Portioner of *Auchinreath*, *John Murray* there, *Patrick Park* Writer in *Glasgow*, *Marcus Marshal* Merchant there, *Mr. Andrew Kennedy*, alias *Weir*, of *Clowburn*.

Others imprisoned, *July* 25.

*July* 25. I find another good large Company sent to Prison, as indicted in the porteous Rolls, in the same Circumstances with the last named Gentlemen. *John Young* in *Lintank*, *Eliezer Allan*, *John Allan* his Son, *Thomas Allan* younger of *Coldstream*, *James Young* Chamberlain of *Evandale*, *James Stuart* of *Hartwood*, *John Fisher* in *Covington-mill*, *James Creichtoun* Merchant in *Biggar*, *James Gilkerson* in *Side*, *Matthew Hamilton* Son to *Gavin Hamilton* in *Hawes*, *Alexander Cuninghame* of *Craigends*, *William Muir* of *Glanderstoun*, *John Anderson* of *Dowhill*, of whom before, *Alexander Muir* in *Pentland*, *Thomas Young* in *Cothill*, *John Meikle* in *Nuikfoot*, *Gavin Semple* in *Overtoun*, *John Steil* elder in *Brakenridge*, *John Cochran* in *Cairnduff*, *William Thomson* in *Waterhead*, *Alexander Hamilton* in *Hawes*, *Sir John Maxwell* of *Nether-pollock*, whom we shall meet with afterward, *Sir John Schaw* of *Greenock*.  
John



John Chisly of Carswell, Gavin Muirhead of Lauchop, Sir Alexander Hamilton of Hages, James Chancellor of Steilhill, Mr. John Hamilton of Halleraig, William Forrest of Mafchoch-mill, Matthew Thomson in Bothwel, John Nasmith in Allartoun, Robert Hamilton of Burnbrae, James Lowdon Littler in Hamiltoun. John Muirhead, Andrew Little, John Wright, Robert Aftoun, James Mack, William Matthei thefe, William Cook, John Lowdon in Carphin-bridgend, Mr. William Russel Chamberlain to Sir Daniel Carmichael, Sir Robert Sinclair of Stevenfon, William Baily of Lammingtoun, Alexander Durham of Duntervie, Mr. William Douglas of Bads, David Oswald of Eastbarn, Sir Patrick Hepburn of Blackcastle, Adam Cockburn of Oranstoun, Mr. James Mitchel Son to Owletson, John Flint in Breichmill, John Wallace in Clough-head, Andrew Rob in Wailfley, Mr. Patrick Inglis Portioner in Eastearns.

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At the same Diet of the Justiciary Court, the following Persons are denounced. William Thomson Procurator in Lanerk, Gideon Crawford Merchant in Biggar, James Muirhead younger in Lanerk, Alexander Brown Merchant there, John Clelland Portioner of Stane, James Tompson in Harestocks, John Browning there, David Gilkerson Tenant to Mauldsley, Umphrey Stevenson in Kilmairn, John Forrest in Threppwood, Alexander Smith in Harestocks, John Scot in Cleldans, John Nasmith there, John Nasmith Shoemaker in Hamiltoun, William Bell there, John Simpson Maltman in Glasgow, Archibald Scot Smith in Gorbals, John Marshal of Chapel, Robert Murray in Overtoun, Thomas Allan Portioner in Forrest, and John Marshal in Killyth. The abovenamed Persons having been often called, to have compeared to underly the Law, for the Crimes of Treason, Rebellion, Harbour and Refet, &c. lawfully cited, and not compearing, the Lords denounce them Outlaws and Fugitives, and appoint them to be put to the Horn, and all their moveable Goods to be brought in for his Majesty's Use.

Persons denounced the same Day.

The same Day, John Hamilton of Stonehall, Thomas and James Aftouns of Mayns, James Muirhead of Bradisholm, James Hamilton of Hallside, John Hamilton of Bogs, offered themselves to abide their Trial; and no Witnesses being adduced against them, they protested against further Continuation. The Lords desert the Diet *simpliciter*, and yet we shall find some of them brought afterwards to no small Trouble. This Day likewise, a great many took the Test, and were dismissed.

Several offer to abide their Trial, and then Diet is deferred, and yet afterwards they are brought to Trouble.

July 30. Good Numbers of Gentlemen and others, appear, as indicted in the porteous Rolls, as formerly mentioned, and are sent to Prison. John Peltin in Whitehill of Lismahago, Archibald Crawford of Auchinmains, John Cannon of Headmark, James Gallaway of Shields, Mr. William Rankin late Schoolmaster at Air, Thomas Macneillay, John Ochiltree, John Speir there, John Forrest in Langhouse in Carlouk, Andrew Prentice, David Dykes, Andrew Hutchison of Sorn, Dunlop of that Ilk, Fergus Macrubben of Knockdallen, Fullertoun of that Ilk, David Boswel of Auchinleck, George Fullertoun of Dreghorn, Andrew Ramsay Baxter in Air, David Blair of Adamtoun, John Smith of Roddindykes, John Ramsay, Sir Daniel Carmichael of Mauldsley, and Walter Lockhart of Kirkcoun; and at this Sederunt, I find upwards of an Hundred, who had been cited, took the Test, most of them common People.

Persons imprisoned, July 30.

Some of the indulged Ministers come next on the Field. They had been insert in the porteous Rolls, and remitted by the Circuit to Edinburgh, and I shall give all I meet with concerning them here. August 2. Mr. Robert Miller indulged at Ochiltree, Mr. John Campbell, Mr. Anthony Schaw, Mr. John Veitch, Mr. Robert Boyd, Mr. William Baily of Hardingtoun and Mr. James Veitch, indulged Ministers, appear, and are indicted of the treasonable Crimes contained in their Dittays *respective*, in the porteous Rolls. The Lords ordain Mr. Anthony Schaw, and Mr. John Veitch, to be carried to Prison in the Tolbooth of Edinburgh, and continue the Diet against the rest, until the Second Munday of November. We shall find Mr. Anthony Schaw let out in a fews Days.

Aug. 2. the indulged Ministers with in writ out, appear and are indicted and are to meet.

I meet not with them again till December 10. when I find that Mr. Veitch's Diet is deferred on Caution, that he compear when called, and the rest are continued till December 17. when Mr. Robert Miller appears, and hath his Indictment read, charging him of Converse with such as had been at Bothwel, and he offers himself to abide Trial. The King's Advocate declares he is not ready to insist, and was well informed the Pannel had behaved himself dutifully and loyally, in reading his Majesty's Proclamation and Declaration anent the Plot, which, as we shall hear, all the indulged Ministers did, and preaching against it. The Lords ordain him to find Caution under Three thousand Merks, to appear when called.

In December, the indulged Ministers appear again, and are variously dealt with.

Mr. Robert Boyd is known to have been notoriously loyal, and that he refused to read the Rebels Declaration, and there being no Probation against him, the Lords desert the Diet *simpliciter*. The other Two are continued till the 19. This same Day the Lords find, that Mr. William Baily of Hardingtoun hath departed this mortal Life, and his Diet is deferred. December 19. Mr. James Veitch, and Mr. John Campbell, indulged Ministers, are remitted by the Lords of Justiciary to the Privy Council, and the Advocate is ordered to pursue them, and they find Caution to appear, and we shall meet with several others of them next Year.



1683.

Gentlemen  
and others  
imprisoned,  
Dec. 19.

That same Day the following Persons were sent to Prison, in the Manner, and upon the Accounts foresaid. *James McEwen* in *Stewartoun*, *Robert Johnstoun*, *Robert Murray*, and *Alexander Hume* of *Abbey*, are ordered to be carried Prisoners to *Haddingtoun*. *William Her* Uncle to *Greenhead*, *John Scot* of *Wool*, *Mr. Francis Gladstones* of *Whitelaw*, *George Douglas* of *Bonjedburgh*, *Gideon Scot* of *Waterside*, *George Ramsay* of *Idington*, *John Douglas* of *Stonehouse*, *John Grierson* of *Barjard*, *William Glendonning* of *Partan*: Some of those were Papists, if I mistake not, who were so honest as to refuse the *Test*, and as to them there was no Hazard under this Administration. These were ordered to *Edinburgh* Prison, with *Sir John Riddel* of that ilk, *John Maxwell* of *Gribtoun*, *Robert Carlisle*, *James Lindsay*, *James Hume* Brother to *Bassinden*, *Hugh Dunbar* of *Knockshinnoch*, and *Robert Nisbet* of *Greenholm*.

Others declar-  
ed Fugitives.

That same Day, about Thirty Persons, mostly Tradesmen and Country People, were declared Fugitives. I need not insert their Names, since in a little Time the fugitive Rolls were printed, and they will have a Room in the *Appendix*; only I find in the same Day's Records *Burnet* of *Carlops*, *Turnbul* of *Know*, and Six or Seven meaner Persons, are denounced and fugitate upon Noncompearance.

And *Thomas Riddel* Brother to *Sir John Riddel*, *Mr. James Daes* of *Coldingknows*, *Walter Scot* of *Harwood*, *Sir John Scot* of *Ancrum*, and *Mr. George Scot* of *Pitlochrie*, indicted from the porteous Rolls, for Treason, Rebellion, and Reset and Converse, being out of the Kingdom at the Circuit, their Absence is excused, and the Lords desert the Diet. At each of those *Sederunts* great Numbers take the *Test*, and are dismissed.

Lamington,  
Ormiston, &c.  
are  
liberate, no-  
thing being  
proven against  
them.  
Cite of William  
Muir of Glander-  
stoun.

*August 7.* after some Days Imprisonment, the Lairds of *Lamington*, *Ormiston*, *Stevenson*, *Stonehouse*, *Shieldhill*, *Adamtoun*, *Mr. Hugh Gray* of *Dalruff*, indicted as above, they are brought into the Pannel, and the Advocate declares, that upon a Precognition taken, he finds nothing proven against them, and therefore the Lords desert their Diet *simpliciter*.

We heard, upon the 25 of *July*, the Laird of *Glanderstoun*, with many others, was imprisoned. This worthy Gentleman, now Laird of *Caldwell*, was liberate upon the Eighth of *August*. His Case deserves particularly to be observed, and I am able to give it from authentic Papers he was pleased to communicate with me. That excellent Family had been by Principle Presbyterian, and remarkable for Virtue, Religion, and Usefulness; but withal managed themselves at this Time with that Caution, that they could not be reached even by the present Laws. And when a legal Footing failed, a Libel was trumped up against this Gentleman, because, in the Extremity of a Fever, *Mr. Spreul* an Apothecary, who was a Nonconformist, had been called to let Blood of *Glanderstoun*. Had I as particular Accounts of many of the Multitudes I have been naming as imprisoned just now, I can assure the Reader, they were almost all as ill founded and malicious as this Gentleman's I am now upon, and those of them I know were no ways concerned in any Thing illegal or disloyal.

His Petition to  
the Council.

This Gentleman's Case will best appear from his Petition to the Council, and the Act of the Justiciary, and both being short, I insert them. His Petition to the Chancellor and Council bears, 'That whereas he being indicted before the Lords of his Majesty's Justiciary, for intercommuning with *James Spreul* Chirurgion in *Paisly*, and imprisoned, yet the Petitioner is in this singular Case, that though the Libel were true and proven, yet it could not infer any Crime and Guilt against him, since he is able instantly to prove these relevant Defences, *viz.* 1<sup>mo</sup>. By the Books of Adjournal, that the said *James Spreul* was not Rebel denounced, or any Procedure against him, that could put the Lieges in *mala fide*. 2<sup>do</sup>. By Witnesses in Town, that the said *James Spreul* was so far from being held and reputed to have been at the Rebellion, that he kept at the Time libelled a publick Shop at *Paisly*, and was employed as Chirurgion by Persons of all Qualities, Officers of his Majesty's Army, Privy Counsellors, and particularly by the late Lord *Ross* in a long Sickness before the pretended Imployment by the Petitioner: And further, when he was called to me, I was in *extremis* under a violent Fever, so that I was neither capable to call, nor sensible to know or converse with any that was called. And *de facto* he was called in that extreme Necessity by your Petitioner's Wife, a Stranger in the Country, some few Months after she came thither, or by his Domesticks. In respect whereof, may it please your Lordships to recommend his Case to the Justiciary, that so innocent a Person may be liberate.'

This Petition, which was plain Fact, may give us a View how invidiously and groundlessly Gentlemen were processed for their Lives and Estates at this Time. It lets us see the Justice of the Council. Tho' they received this Petition, and some of them knew the Matters of Fact, *July 26.* yet the Gentleman must ly in Prison so many Days. In fine we see that the Justiciary, tho' a supreme Court at this Time, were intirely under the Direction of the Council, and Gentlemen behaved first to make the Council their Friends, and then sooner or later they would be safe before the Justiciary.

Act of Justici-  
ary about him.

Whether he got a direct Recommendation to the Justiciary I know not, but his Business was done, as appears by the original Act. 'Edinburgh, *August 8.* 1683. which Day *William Muir* of *Glanderstoun*, entred upon Pannel, indicted and accused for resetting Rebels, in so



1683.

so far as *James Spreul*, Apothecary in *Paisly*, a notorious Rebel, was actually in the Rebellion 1679. and having thereafter returned, was harboured, entertained, assisted, aided, supplied, and done Favours to, and had Lodging, Meat, and Drink from him, and also conversed with *William Cunningham* of *Bootsoun*, in Manner mentioned in his Dittay. Compeared Sir *George Mackenzie* his Majesty's Advocate, as Pursuer, and the said *William Muir* of *Glanderstoun*, with Mr. *Archibald Hope* of *Rankeilor*, Advocate, his Procurator, and declared he was altogether innocent of the Libel led, and offered to abide a legal Trial for clearing hereof. And as to the Reset of *William Cunningham* of *Bootsoun*, the same was no Crime, the said *William* being a most loyal Subject, and a Person who was actually in his Majesty's Service against the said Rebels, which he hath proven in Presence of the Lords of Justiciary. And as to the Reset of *James Spreul*, that the Time when he came to his House, he was in an high Fever, and in the Hazard of his Life, and was sent to without his Knowledge by his Lady, and how soon he let Blood of the Defender, he immediately returned Home. And for proving of this, adduced several famous Witnesses, who being solemnly sworn, and the Lord Justice Clerk and Commissioners of the Justiciary having considered all, find the said *William Muir* of *Glanderstoun* his Defence sufficiently proven, and therefore deserted, and by thir Presents desert the Diet *simpliciter*, and declare his Cautioneer free. Whereupon he asked and took Instruments. Extracted out of the Books of Adjournal by me Mr. *Thomas Gordon* Clerk to the Justice Court.

*Thomas Gordon.*

By the Registers I find, the same Day the Laird of *West-burn* is liberate upon his Petition to be tried, nothing being found against him in the Precognition. Chiefly of *Carfswell* and the Laird of *Aiken-head* are set at Liberty, upon their giving Bond and Caution, under large Sums, to compear in November. *Alexander Dunlop* of that ilk is liberate upon his Resignation of those Lands upon which he had reset Rebels, and a Bond of Ten Thousand Pounds to appear in November next. There were a great many Instances of this iniquous and oppressive Resignation of Lands into the Managers Hands, in this Period. The Laird of *Clofburn*, being ill of the Gravel, was let out of Prison upon his giving Bond under Ten Thousand Merks to compear in November. *William Ker*, *Lauchop*, *Haggs*, and *Gribtoun* are liberate on Bonds to appear in November. The same Day the Lairds of *Johnstoun*, *Hume* of *Abbey*, Sir *John Riddell*, *Fullartoun* and his Brother are likewise liberate.

*West-burn, Carfswell, Aiken head, Dunlop, and others liberate, Aug. 8.*

August 9. Many others, who were before imprisoned, as we have heard, Sir *John Maxwell*, the Laird of *Hartwood*, *Houshill*, Mr. *Anthony Schaw*, and about Sixty others are liberate by the Lords of the Justiciary, upon the Production of an Act of Council, before whom, it seems, they had found Caution to compear when called. The Reason the Council give, is that the Probation against them is not ready, and the Prisons are throng. Some others whom they designed shortly to be at, were confined to their Chambers in *Edinburgh*.

Sir John Maxwell, Hartwood, Houshill, and others liberate upon Caution August 9.

August 21. Sir *Daniel Carmichael* of *Mauldsley* is liberate from Prison, upon Bond of Twenty thousand Pounds to appear when called, and *Lockhart* of *Kirkstoun* is liberate upon Bond to compear the second Wednesday of December next, under Penalty of Four thousand Merks.

August 21 Sir Daniel Carmichael and Lockhart of Kirkstoun liberate.

*Earlstoun's* Process before the Justiciary is very short, upon the same Day. They proceed upon the former Sentence, and only name the Day for Execution. The Lords find the *Pannel*, *Alexander Gordon* of *Earlstoun*, was found guilty of Treason by an Assize, February 19. 1680. and adjudged to be executed and demeaned as a Traitor, when taken; being now apprehended, he is sentenced to be beheaded at the Cross of *Edinburgh*, September 28. next. This is all I find about this Gentleman in the Criminal Records.

*Alexander Gordon* of *Earlstoun* sentenced to die upon Sep. 28.

In the Council Registers there is much about him, but I shall not enter into any larger Detail of his Affair. He was taken going to *Holland* the last of May, or first of June this Year, which made a mighty Noise, and People thought a great Discovery would have been made; every Body was upon the Scent and Chase as to the Plot against the King's Life, and the Council and Bishops hoped for Wonders out of *Earlstoun's* Papers, but there was nothing of that Kind to be found in them. The real Account of that Matter in short stands thus.

The State of his Case.

*Earlstoun* had been abroad very much since *Bothwell*; he came Home this Spring, and joyned himself to the Society People, where he was safest from falling into the Managers Hands. In April or May, at one of their general Meetings at *Edinburgh*, I find, by the original Records of the Societies, that he was pitched upon by the general Meeting to go again to *Holland*, and joyned in a Commission with *Robert Hamilton* Brother to the Laird of *Preston*, his Brother in Law, for representing the true Condition of these People and their Principles to the Reformed Churches abroad. I have before me the Copies of their Commission and Instructions, and several Letters and Representations they sent with him, too long to be insert here, but they have no Relation at all to the *English* Plot.

He is sent to Holland by the Society People.

I find by an original Letter in my Hands from *Earlstoun* to the Societies, dated *New-gate*, June 9. this Year, that when he had got safe to *Newcastle* with *Edward Atkin* his Servant, formerly

And taken at New-gate.



1683.

formerly spoke of, and was aboard a Ship for *Holland*, some Waiters came and challenged them being Strangers. *Earlstoun* fearing the Seizure of the Papers he had with him, dropt them into the Sea, where they were noticed, and taken up, and both of them seized and sent up to *Newgate*, whence they with the Papers were sent down to *Scotiana* to be tried.

Council's Letter about him June 2. to the Mayor of *Newcastle*.

June 2. the Council write a Letter to the Mayor of *Newcastle* upon this Affair. ' Sir, We received your Express, wherein you acquaint us with two Persons apprehended and committed to his Majesty's Goal in your Town, with whom are found several seditious Papers and Letters, and that these Persons were going beyond Sea, under the Names of *Alexander Pringle* and *Edward Livingstone*, but were by your Care prevented, and their Papers, which they attempted to destroy, preserved. Colonel *Struthers* also hath sent us Copies of some of these seditious Papers, the Originals whereof you have done well to send to his Majesty. We are very sensible of your Care and Zeal in his Majesty's Service, and return you Thanks for acquainting us therewith, and desire you may be pleased to detain them in separate Prisons, and continue your Care in searching for suspect Persons, guilty of pursuing seditious Courses in this Kingdom; for we have reason to believe that several Rebel-preachers, and other Fugitives from Justice, do lurk concealed in and about your Town. We shall not be wanting to inform his Majesty of your Zeal in his Service. Yours, &c.

ABERDEEN.

At the same Time they write another Letter to Colonel *Struthers*, signifying, ' They received his of the first Instant with the Copies of some of the Papers, thank him for it, and desire him to continue his Diligence in discovering seditious and suspect Persons in the North of *England*.

His Examination by the Scots Council.

The Council were very exact in the Examination of all the Papers, when sent down to them. They drew up their Queries and written Answers from *Earlstoun*; he was most ingenuous in giving Accounts of all he knew with respect to the Papers, as I find by a Copy of his Answers to the Council Queries, and there was indeed nothing in them save Commissions and Instructions to him and Mr. *Hamilton*, with Letters to some *Dutch* Ministers and *Scotsmen* in *Holland*, and Papers on civil Business. And after all their Endeavours to find somewhat relative to the Plot, they could fix upon nothing, for nothing was to be found of that Nature.

After the Sentence of Death is pronounced by the Justiciary, 'tis moved that *Earlstoun* be put to the Torture. Council's Letter to the Secretary on this, Aug. 21.

Nevertheless the Managers, after the Justiciary had renewed their former Sentence of Death upon him, resolve to put him to the Torture. And being straitened in point of Law to torture a Person under Sentence of Death, the Council write the following Letter to the Secretary, dated August 21. ' Right Honourable, *Alexander Gordon* late of *Earlstoun* having been frequently brought before, and examined by the Council, and in Committees by some of their Number, and from whom, it seems, nothing more can be had from all the Interrogatories they could propose to him, than what hath been already put in Writ, and sent to his royal Highness and your Lordship, and the Council having had under their Consideration what is further to be done anent him, he being a Person under the Sentence of Death for high Treason, thought fit, in regard there are only in Town Three of the Justices, the rest not being to be here till *November*, to desire your Lordship to take Advice of his Majesty's Advocate, (now at *London*) if by the Laws of this Kingdom, and in the Circumstances he is now in, being under the Sentence of Death, he may be put to the Question by Torture, upon such pertinent Questions as your Lordship and he shall think fit to draw up. And if he find that he may, by the Laws of this Kingdom, be now put to the Torture, that the Advocate, as soon as may be, come down himself and answer any Thing that shall happen to be objected against it by the said *Earlstoun*, or send a Commission to some fit Person to do it for him in Absence, against the next Council Day, *September 11*. with such Interrogatories as shall be thought fit to be proposed, that the Council may do Justice in that Matter. The Justices having met this Day have given us an Account, that they have appointed the 28 Day of *September* for putting the Sentence of Death in execution against *Earlstoun*. I am, &c.

Aberdeen Cancel. I. P. D.

The Secretary's Answer, Sept. 14.

An Answer came not to this Letter until *September 20*. when a Letter from *Middleton* Secretary, dated *September 14*. to the Chancellor, is read, and follows. ' My Lord, In answer to yours of the 21. of *August*, I am now by the King's Command to acquaint your Lordship, that his Majesty in a full *Quorum* of his Privy Council of *Scotland* now here, proposed to his Advocate, whether *Alexander Gordon* late of *Earlstoun*, notwithstanding of his being condemned to die, might be put to the Question by Torture. His Answer was, That tho' no Man can be put to Torture upon Interrogatories only relating to the Cause for which he was condemned, yet he may be tortured with relation to Plots, Conspiracies, and Combinations that have happened after the Time when the Crimes were committed for which he was condemned. And since 'tis undeniable that the said *Alexander Gordon* did accept a reasonable



sonable Commission from Rebels, and it doth appear by a Letter direct to him from J. N. dated at London, March 20. last, that he was privy to the late horrid Conspiracy against his Majesty's Person and Government, and yet refuseth to give an Account either of those from whom he received the said Commission, or such as he knows were accessory to the said Conspiracy, and both these Points being of so great Consequence for the future Security of his Majesty's Person and Government, it was therefore resolved by his Majesty, that the said *Alexander Gordon* shall be put to the Torture, and interrogate on what may pertinently relate to these Two Heads, *to wit*, as to those who have had Accession to the granting the said Commission, or the said Conspiracy, of which it is his Majesty's Pleasure you acquaint the Lords of his Privy Council. I am, &c.

1683.

## MIDDLETON.

In pursuance of the above Letter, the Council that same Day nominate the Marquis of Douglas, Earls of Tweddale, Wintoun, and Linlithgow, the Lord Livingstone, General Dalziel, the President, Lord Collingtoun and Castlehill, or any Five of them, as a Committee to meet Tuesday next, at Ten of the Clock Forenoon in the ordinary Place, and consider the Interrogatories to be put to the said *Alexander Gordon*, and see him questioned in the Torture upon them, and others arising from them, and generally with Power to them to do all Things requisite to that Purpose, as they shall see fitting; and ordain all the Members of the Justice Court to be present, and Mr. George Bannerman, as having Commission from the Advocate, to draw Interrogatories pertinent relating to the said two Heads, and to be present with the Committee.

Committed named to draw Interrogatories, and put them to him in Torture.

Accordingly, September 25. the foresaid Counsellors examine *Earlstoun*, with the Instrument of Torture standing by, but did not apply it, he protesting he would be as ingenuous and more full than he could be in Torture. The Interrogatories and his Answers are already printed in Doctor Sprat, late Bishop of Worcester, his Account of the Rye-house Plot, tho' with some Mistakes; and so I shall not say any Thing of them here, but that neither the Plot against the King's Life, nor the Design of Rising could be fixed on this Gentleman, or the People who sent him, who really knew nothing of the Matter.

Sept 25. the Interrogatories put to him, but Torture not applied.

All I find further in the Registers upon this Gentleman's Case is, November 23. 'Upon a new Letter from the King, the Council order *Earlstoun* yet to be put to the Torture: But when he is brought in, he appears to be in Distraction, and Physicians were called to consider his Case. November 27. the Physicians report he is affected with that Distemper called *alienatio mentis*, and advise he may be sent to the Castle, that by the Change of the Air his Case may be better known. December 7. *Earlstoun* petitions for pious Divines to be sent to him, that he may have their Benefit before his Death, and as a dying Man declares his Innocence of any Plot against his Majesty, prays for the King, and adheres to the Answers he gave to the Interrogatories. He is reprieved till the last Friday of January. January 17. *Earlstoun's* Reprieve is continued till the last Friday of April, and his Petition for Pardon transmitted to the Secretary. April 11. he is reprieved again till December. And in May he is sent to the *Bast* for his Health. In September following he is made close Prisoner. Thus he continued confined sometimes with more Liberty, and sometimes less, with his excellent Lady, until he was liberate by the Revolution. And all the Endeavours of the Bishops and Managers, to fix the Plot against the King's Person upon Scots Presbyterians, came to nothing.

He continues in Prison till the Revolution.

To return again to the Proceedings of the Justiciary, the same Day that *Earlstoun* received Sentence, they order 'the Lady *Moristoun*, a pious and sensible Gentlewoman, to go forth out of the Kingdom before the First of November, and appoint this to be intimate to her.' No more is to be found about her in the Registers. She appears not to have been cited, or any Probation led against her, but summarily is banished for her Respect to the Gospel and Sufferers.

Lady *Moristoun* ordered to leave the Country without any Label.

Upon the last of August the Council grant Commission to Mr. George Bannerman Advocate, in Absence of his Majesty's Advocate, to pursue a Process of Forfeiture before the Justiciary against Mr. John Dick and George Lapsley. And September 4. I find them both indicted before the Criminal Court, and Mr. John Dick condemned to be hanged at the Grass-market, September 28. But the Escape of the Prisoners, spoken of before, September 16. prevented the Execution for some Time, and I shall delay the Account of Mr. Dick's Process till next Year, when he again falls into their Hands.

Mr. John Dick and George Lapsley, before the Justiciary.

It seems, at this Diet the Court had not Time to come to a Sentence against George Lapsley, and I find no more about him in the Registers. He escaped with the rest of the Prisoners, and was not again caught. From an attested Account of his Sufferings, I give what follows. He was for some considerable Time Miller in Linlithgow Mill, and, among Multitudes of others, had a real Change wrought on him by the Gospel preached in the Fields. At Bothwell he was shot through the Leg, and made Prisoner. When before a Committee of the Council, he was very bold in his Answers to their Interrogatories. Bishop Paterson attacked him first, and when he asked, if he thought Bothwell-bridge Rebellion, he answered,

Some further Account of George Lapsley.



1683.

His Examination before a Committee of the Council.

swered, Sir, you are a perjured Prelate, I'll answer you no Questions. He did not refuse to answer the other Lords of the Committee, as appears by the following Hint of what passed.

*Question.* Wherefore are you in Prison? *Answer.* For hearing the Gospel. *Quest.* Do you go to Church? *Ans.* No. *Quest.* Wherefore? *Ans.* Because they are not the sent Ministers of Christ, and because of their Perjury. *Quest.* Will you own the King's Authority? *Ans.* According to the Word of God and Covenants, and no otherwise, which you have broken and burnt, for which the Lord will be avenged. *Quest.* Did you write to Mr. Dick? *Ans.* Yes. *Quest.* Who wrote the Letter? *Ans.* I will give no Account. *Quest.* Was the Bishop's Death Murder? *Ans.* I am not concerned with his Life or Death either. *Quest.* Was Hackstoun's Death a Murder? *Ans.* Yes, and all those whose Lives you have taken these Two and twenty Years. *Quest.* Was you at Bothwell-bridge? *Ans.* I will not accuse my self. *Quest.* What thought you of it? *Ans.* I thought it Duty and not Rebellion, and all that were on the contrary Party were in Rebellion against God, and that ye will find. *Quest.* Did you converse with Mr. Welsh? *Ans.* Yes, and I bless God for it. *Quest.* What Book is that under your Arm? (he had been brought in suddenly before the Committee, when he had been reading the Bible in Prison, and he had it with him.) *Ans.* It is the Acts of the Parliament of Heaven, and I charge you as ye shall answer at the great Day, when ye and I shall stand in equal Terms, that you judge me according to what is contained in it. *Quest.* Is it lawful to resist the King's Forces at the Field-meetings? *Ans.* Yes, the Law of Nature allows Self-defence, and the Word of God and our Covenants, to stand to the Defence of one another.

It was much, after such bold Answers, that he was not condemned, and had not the breaking of Prison prevented it, no doubt Sentence would have been pronounced; but he escaped, and lived a Merchant in *Edinburgh* for many Years after the Revolution.

By this Time the Justices seem wearied of their long and close Attendance, and the Multitudes they had before them, and therefore, *September 19.* they empower the Clerk to take Caution of the meaner Commons in the fugitive Roll, or Bonds, if they cannot find Caution for their Appearance, of an Hundred Merks each, and thereupon to relax them. And *November 12.* an Act of Council is produced of that Day's Date, empowering the Justices to prorogate the Diets of such as were liberate in *July*, and yet enacted to appear at this Time, until such Diets as they find best, with respect to such Persons as the Advocate declares he is not in a Readiness to prosecute; and that Day Diets are deserted in a great many Processes for Sodomy, Adultery, Murder, Theft, &c. and Multitudes of Gentlemen and Heritors, referred to this Diet for Accession to the Rebellion, Reset, and Converse, are continued, and some deserted *simpliciter*, just as they procured Interest with the Managers, and paid Sums of Money to the Advocate and others, to get favourable Sentences.

*November 28:* Three Country Men are indicted before the Justiciary, for Treason, and being at *Bothwell*. I know no further about them, but what is in the Records of the Criminal Court. They had been before the Council *November 26.* and no Probation is adduced, but their own Answers there to the Interrogatories propounded, and all the Three are hurried into Eternity, *November 30.* for their Accession to that Rising, now near Five Years ago. They were Persons from whom the Government had nothing to fear, and their Blood was shed, for what I can see, merely out of Love to Blood. Their Process stands thus in short.

*John Whitelaw*, some time in *Stand*, in *New-monkland* in the Shire of *Lanerk*, is indicted as above. For Probation his Confession is read to him, and is in short, '*John Whitelaw* declares he thinks *Bothwell-bridge* lawful, that Rising being in Defence of the Gospel. He thinks himself and these Three Nations bound by the Covenants. That it is above his Reach to tell whether the King be lawful King or not. Confesseth he was some time with the Rebels at *Bothwell*, but not at the Battle, and that he had a Sword. Refuses to say *God save the King*, this not being a proper Place for Prayer, and if it mean his owning his Authority, he has spoken as to that already. Declares he can write, but will not sign what is above. Being interrogate if his Judges were lawful Judges, and if the Archbishop's Death was Murder, he answers, those Questions are above his Reach.'

*Arthur Bruce* in *Dalserf*, in the same Shire of *Lanerk*, is next indicted, and his Confession adduced as Probation. '*Arthur Bruce* confesseth he was at *Bothwell*, and had a Sword; that he was with the Party who took away one of *Dalziel's* Horses; refuses to say *God save the King*, but said, *God save all the Election of Grace*; declares he cannot say whether the Archbishop's Death was Murder or not.'

*John Cochran*, Shoemaker in *Lesmabago*, sisted as above, confesseth, '*That he was at Drumclog and Bothwell-bridge, and had a Fork; refuses to pray for the King, or own him as his lawful King, will not tell what he thinks of the Bishop's Death.*' The Affize bring them all Three in guilty, by their own Confession, of being in the Rebellion, and they are sentenced to be executed at the Cross *Friday* next, *November* last.

The Sentence was executed, their Speeches at their Death are remaining, and that of the last published in the *Cloud of Witnesses*, and therein he acknowledges the King's Authority, in

The Clerk of the Justiciary empowered to take Caution of the meaner Sort, and others, against whom the Advocate is not ready to insist, are delisted.

Process against Three Country Men for being at *Bothwell*, Nov. 28.

*John Whitelaw* in *Stand*.

*Arthur Bruce* in *Dalserf*.

*John Cochran* in *Lesmabago*.

They are executed, Nov. 30.



in as far as, according to the Word of God, he observes, to the Support of all in a suffering Lot, that when the Storm blew hardest, the Smiles of God were sweetest, and died, leaving his Wife and Six Children, with much Confidence, on the Lord, in much Peace and Comfort, as likewise did the other Two.

I find the Lairds of *Partan* and *Barjarg*, the first is a Papist, what the other is I know not, appear before the Justiciary for refusing the *Test*, and Converse with Fugitives. The Lords, *December 3.* find their Fathers were useful to his Majesty's Service, and they order them to be liberate, and desert the Diet *simpliciter*.

*December 10.* a good many Gentlemen and others, mostly from the West Country, appear before the Justiciary, Sir *John Schaw* of *Greenock*, in the Shire of *Renfrew*, *John Anderson* of *Dovehill*, Mr. *George Skirvin*, Chamberlain of *Kinniel*, *James Young* Chamberlain of *Evandale*, and about Sixteen others, and are itaged for Treason, Rebellion, and doing Favours to Rebels. The Advocate declares he is not ready to insist against them. The Lords oblige them to find Caution to appear when called, and liberate them.

The same Day Mr. *Andrew Hay*, *George Ramsay* of *Idington*, *John Porterfield* of *Douchall*, Sir *Patrick Hepburn* of *Blackcastle*, Sir *Daniel Carmichael*, and several others, are continued to several Diets in *March* and *April* next, and we shall meet with several of those next Year, under new and severe Sufferings; and with those Gentlemen Twelve other Country People, upon their giving Bond under Five hundred Merks, to compear when called, are liberate.

At the same Diet it is represented to the Justiciary, in the Petitions of a great many Country People, from all Quarters of the Country, that merely out of Malice they were put into the porteous Rolls, as guilty of Reset and Converse with Rebels: The Lords find it is so with relation to severals, and the Diets of such are deserted, and the Diets of others of them continued; but I remark no Rule is laid down to prevent this in after porteous Rolls. That same Day about Twenty, who being cited to this Diet, and yet compeared not, were declared Fugitives and put to the Horn.

*December 17.* as to Mr. *Matthew Campbel* in *Air*, the Lords desert the Diet *simpliciter*, because no Probation. Mr. *Anthony Schaw* is continued till *January* next. Multitudes this Day are continued, and as many have the Diet deserted. I find some Persons assailed by the Lords, upon their representing, that at one Circuit they were assailed by an Assize, and notwithstanding called to the next that came about, upon nothing new, and thus sadly harassed, and not compearing again, after being once or twice assailed, they have been fugitate and persecuted; the Lords order them to be liberate. A vast many Instances of this and the like Treatment might be given, and this insensibly brings me to the following Section, where an Account of the Circuits must be given.

## S E C T. IV.

*Of the Circuit Courts held up and down the Country, with some other Severities following them, this Year 1683.*

I Have already given some general Account of those itinerary Justiciary-courts or Circuits, and shall add very little further upon this. Any Thing remaining this Year relative to the Circuits, comes best in after the Proceedings of the Justiciary at *Edinburgh*, and had all their Proceedings in the Country been recorded in the Registers, as a few of them this Year are, I should have been able to give a full Account of them; but it is only a few Hints are there, and therefore I am obliged to give any Accounts I have from other Informations, still taking in all that offers from the Registers themselves.

One would think, there was never less Need of Circuit-courts than at this Juncture; No Need of Field-conventicles were at present quite given over, and there were but few House-preachers. Major *White*, *Claverhouse*, and others, were clothed with a Justiciary Power in their several Jurisdictions; but the Managers resolved to have the whole Country, who were not actively involved with themselves, some way or other made obnoxious, and brought within their Reach.

Accordingly, after the Scheme is formed at *Edinburgh*, and transmitted to *London*, a Letter from the King comes down, and is read *April 10.* bearing, 'That the King was glad to learn, from the Accounts lately sent him of the State of Affairs in his ancient Kingdom, how successful Methods the Council had fallen upon for settling the Peace, and reducing People to Order and Conformity; and could not but signify how much he was satisfied with their Procedure.' And then goes on in the Terms of the printed Proclamation just now to be named.

1683.

Papists dissuaded, Dec. 3.

The Lairds of Creech, Dovehill, and others delayed upon Caution to compear.

Others delayed till March and April next.

The Lords find severals put in the porteous Rolls from Malice.

Dec. 17. others have their Diets deserted, and others are continued till next Year, and thus assailed upon their Maltreatment before the Circuits.

What is done in the Circuits through the Country, is very seldom recorded.

No Need of Circuits this Year.

King's Letter April 10. about Circuits.



1683.

Proclamation  
April 13 ap-  
pointing Cir-  
cuit Courts.  
App. N<sup>o</sup>. 87.  
Observes upon  
it.

Upon the Receipt of this, *April 13.* the Council publish the Proclamation appointing Circuit-courts, which being every way remarkable, and some of the After-persecution depending upon it, I have insert it *App. N<sup>o</sup>. 87.* and it may be some way necessary to make some Observes upon it.

Were that Account of the State of Affairs the King declares himself so much pleased with, before me, I doubt not but it would let us into some Things that are now Secrets; and it is not improbable, that the Return to the Injunctions, and *Things to be done by each Minister*, we shall just now hear of, gave Ground to the Managers to propose this new Inquisition of Circuits to the King. However, the Penners of this Proclamation make the King say, on the Matter, *peccavi*, and endeavour to cast a Slur on the Duke of *Lawderdale*, *Monmouth*, and others formerly in the Ministry, when 'tis said, *the King had been too often induced to grant Indulgences, Indemnities, and other Favours*; and that, *in this Exigence it was fit to declare this*. What made such a Declaration necessary at this juncture I know not, unless it were, that some Papists about Court found such a Confession from his Majesty, a proper Preface to a new sham Plot, or at least a violent perverting of some People's honest Struggles against the present, severe, arbitrary and oppressive Courses: But this I am sure of, Lenity was none of the Vices of this Period; and if the King had any Inclinations this way, his Brother and Servants took Care effectually to quell them. The King is made further to add, *That his Favours to the fanatick [i. e. Presbyterian] and disaffected Party, had encouraged Disorders, whatever fair Hopes were given [by the Dukes of Lawderdale and Monmouth] at the granting of them*. Such Thrusts come now in course in these publick Papers, and have been more than once answered. The moderate Presbyterians, yea, the Body and almost the Whole of them, could never be justly charged with any Disorder, except their Nonconformity, and refusing Subjection to Prelacy. The Rising in Arms, as hath been noticed, was forced, and what the Generality of them were not engaged in; and these who were, by this Time were sufficiently persecuted therefore, without the least Shadow of Favour, yea, with the utmost Rigour: And the Indulgences Presbyterians got, were so palpably clogged, that they fell evidently short of the good Ends they might otherwise have brought about, and few or none of them reaped any Benefit by the last Indemnity about Four Years ago; so that so great a Sputter needed not have been made about these Favours to Presbyterians; but this Part of the Proclamation speaks out the Inclinations and Language of the Prelates, who were grated and uneasy at the least Intermission of the highest Severities.

In their Stile, and agreeably to their bloody and violent Desires, the King is made further to add, *It was and is now more than ever our Royal Inclination and firm Resolution, to extirpate and root out all seditious and rebellious Principles*. Here is Root and Branch-work in View, no doubt in order to extirpate the Northern Heresy, which lay so near the Duke of York's Heart. The King is next brought in, as *fully perswaded, that it is neither Difference in Religion, nor Tenderness of Conscience, but Principles of Disloyalty and Disaffection, that move Presbyterians*; therefore the Council, Judges and Magistrates, are ordered to *execute the Laws*. What the Framers of this Paper mean by *Difference in Religion*, I know not, unless it be the Duke of York's Religion; but every Body might see, it was merely for Conscience sake that Presbyterians were suffering, and they have been abundantly vindicated from the Charge of Disloyalty.

After this bitter Satyr palmed upon the King, the Laws are appointed to be executed against all who are guilty of any *fanatical Disorders and Irregularities*. These are comprehensive Words, to be explained, with a Vengeance, by the Bishops and Army. Then follows a particular Clause against *Refetters, Harbourers, and Conversers with forfeited Persons for Rebellion*, yea, all who are put to the Horn, which was the Case of Multitudes never in the Rising, nor Refetters, &c. of such; but they were denounced precisely because they answered not at Courts, where they were almost sure to be ruined, or because they refused the Oaths now pressed.

I want that Knowledge of the *Scots Law*, necessary to determine whether what follows is agreeable thereto; but to me there appears, in the next Article of the Proclamation, a cunning enough Fetch in the Drawers thereof, for a further and more extensive Imposition of the *Test*; and this and other Letters from the King, to tender the *Test* to all suspect Persons, and the Proclamations following upon them, were improved that way; whereas the Act of Parliament imposes it only on those in Places and Offices of Trust: Thus again the Duke of York's Prediction, *that the Test should fall upon others than Catholicks*, was fulfilled. And because some of the King's Subjects may have, by Mistake, conversed with Rebels, in great Clemency it is recommended to the Council, to cite before them all suspect Persons of *Reset and Converse with Rebels*, and judge them; and in case they appear not, to hold them as *confest*, and to *restrict the ordinary Pains of Treason to Banishment, Fining, and arbitrary Punishment*; and upon an Absoluture, or satisfying the Council's Sentence, the said Persons are *indemnified*. Further, the Council are empowered to appoint *whom they see good in the different Shires, for judging of Persons whom they have not Time to examine, with as much Power*



*Power as the Council have.* Here is a vast Power, under pretext of Kindness, for an universal Oppression of the Country, by committing the Council's Power, yea, many Times a Judicial Power, to single Persons, the Sheriffs, Officers of the Army, &c. and a wide Door for pressing the Test.

1683.

Thus it follows. *And because several Commons*, I know not if Feuars and Heritors could be reached by this, and yet they were attacked, *through Ignorance have lost the Benefit of the Indemnity, by not taking the Bond*, it is statute, *That their taking the Test before the Council, or any commissioned by them, shall indemnify them.* Thus it generally holds, one Imposition opens the Door to another, and they get the Test in room of the Bond. It would be observed here, that most who have been concerned in *Bothwell*, were gone off the Country, or executed, or at least were not known to the Persecutors; and the Persecution now ran most upon Reset and Converse, and upon such as had been denounced Rebels, for not appearing at their Courts. This was a Ground of Oppression some of themselves were almost ashamed of; therefore they give it a new Turn, and make a pretended Favour this way, become a Handle for an almost general Imposition of the Test, beyond the Parliament's Design, under the Pretext of Favour, and to clear People from Suspicion: The Test, they knew well, would be a new and effectual Foot for a general Persecution of all Presbyterians.

And to force the Country to fall in with this new Imposition, as well as to make it the more general, *Circuits are appointed*, much in the Terms of the last Proclamation about them, where Remarks were made, which are applicable here. These were to meet at *Stirling* the Fifth of June, at *Glasgow* the Twelfth, at *Air* the Nineteenth, at *Dumfries* the Twenty sixth, &c. as in the Proclamation. Next, the Commons, in taking the Test, are ordered to do it on their Knees, and to sign it by themselves or a Notar, in presence of the Persons named in the Proclamation, who are to certify the Subscription, which is declared to be a full Indemnity. The Pretext for this new Addition, is, that some false Names were subscribed to the Bond formerly annexed to the Indemnity. The Persons thus impowered, are all Privy Counsellors, Officers of the Army, Magistrates, with a long List of others, whom the Reader will see in the Proclamation; and many of them were the great Instruments of the Persecution till it ceased. I have insisted the longer upon this Proclamation, because it appears to me to have been the great Foundation of the Persecution, till the next Parliament meet.

In order to the carrying on the Ends of these Circuits thus appointed, the Council pass this Act, April 18. which is another Specimen of the Methods used at this Time, and a Proof that it was not the King's Honour, and the Safety of the Government, which was before them, but quite other Views. 'The Lords of his Majesty's Privy Council considering, that all Persons, of whatsoever Quality or Station they be, if delated upon Oath to the Clerks of the Criminal Court, in their taking up of Dittays in order to Justice-airs, ought to be insert in the ordinary porteous Rolls. Notwithstanding, in this present Conjunction, the said Lords have thought fit to give Order and Warrant to the Clerk, not to insert in the ordinary porteous Rolls, any Noblemen, or Sheriff-principals, or Provosts of Burghs, where the said Circuit sits, as also any Persons who are already under Process before the Privy Council, or Justice-court, for Rebellion or Reset of Rebels; but that the Clerk and his Deputes shall take up all Information they can have against all Persons whatsoever. And in case any Noblemen, or Persons foresaid, be delated and given up to the said Clerks, that they keep a particular and private Roll for such Persons, which Roll the said Clerks are to keep secret, as they will be answerable, and send in those private Rolls to the Council; for all which this shall be their Warrant.' Reflections upon this are needless, the Design is plain enough.

Council's Act, April 18. about private porteous Rolls.

Next Day, April 19. a Draught of Instructions, with respect to the Circuit-courts, is produced from a Committee ordered to draw them up; and I give them just as they stand in the Council-books.

*Instructions to the Commissioners of the Justiciary, at the Circuit-courts, and their Clerk, in taking up Dittays.*

THAT the Sheriffs be commanded to cite some of the most intelligent Gentry, as well as Commons, and indemnified Rebels, to give up Dittay, and that the Clerk be authorized to take the Sheriff-depute's Oath that he hath done so. When any Person is given up for Rebellion, or resetting Rebels, and the Advocate is not ready to insist, or the Justices have not pregnant Presumptions of the Party's Guilt, that the Justices be instructed to take Caution of such Persons, for their Appearance, under such Penalties as they see fit.

Instructions by the Council to the Circuit-courts, April 19.



1683. ' That the Justices proceed against Preachers at Field-conventicles, and those that have accompanied them in Arms, and are reputed to be their Guards, according to Law. ' ' When Persons are cited to give up Dittay, and refuse to depone, that they be immediately secured. ' ' If the Clerk get Notice that notorious Rogues are lurking where he is taking up the Dittay, he is to require the Magistrate of the Place, or these commisionate by the Council, that they be surprized and secured. ' ' That the Lieutenant General send out Forces to attend at the Places where Dittay is taken up, that they attend the Clerk in his Progress from Place to Place, for that effect; that the Officers, in the several Places where they quarter in the Country, give all the Information to the Clerk they can; and that the Persons commisionate by the Council, make exact Enquiry of absent Persons guilty of the late Rebellion, and their Refettters, and that they be present with the Clerk at the respective Places, for giving up of Dittay, and be cited to give up Dittay to these Crimes. ' ' That the Sheriffs uplift the Fines imposed upon the Absents, for not giving up Dittay, according to the old Custom, and count at the Justice-air for the same. ' ' Since the Sheriffs are to be at great Charges and Trouble, in summoning Persons to give Dittay, Parties, Witnesses, and Assizers, and constant Attendance upon the Court of Justice-airs, it is recommended to the Lord Treasurer, to pay punctually their Depursements, and that they be authorized to uplift the Fines, and be countable therefor, being paid of their Expences off the first End. ' ' Since, by Act of Parliament, the Clerk is to keep secret the porteous Roll, and, after the taking up thereof, he must deliver the just Double thereof to the respective Sheriffs, it is fit he be authorized to administer an Oath of Secrecy to the Sheriffs and their Clerks, and that they give no Double, but imploy such Persons as are trusty, for executing the same, who are to execute the same upon Oath. ' ' That absent Sheriffs, Noblemen, Gentlemen and Freeholders, be warned to attend, and, if absent, fined according to Custom, and the Fines punctually uplifted without Excuse. ' ' That no Sheriff-deputes or Bailie-deputes sit with the Justices, but only the Principals. ' ' That the Clerk take alongst with him to the Courts, exact Rolls of Persons forfeited, denounced, and put to the Horn for Rebellion, and likewise exact Rolls of all such as have either taken the Bond before the Council or Justices, or have special Remission for the Rebellion. ' ' The Council approve these Instructions, and order Extracts to be given to all whom they may concern. ' ' We may easily guess what vast Trouble and Charges the Country was put to, by these preparatory Steps to the Circuits. Most of these Instructions were carefully executed by the Persons to whom they are given, and the porteous Rolls were drawn. I have taken an overly View of some of these Rolls, and had it been possible to have gone through them narrowly, and compared them with other Accounts I have from the respective Shires, no doubt very black Discoveries might have been made; but that was impracticable. The porteous Roll for the Shire of *Air* this Year, as far as I could guess when I folded it out, consists of upwards of Three hundred Sheets of Paper. That of the Shire of *Lanerk* is upwards of 200 Sheets. I observed evidently Sheets taken out here and there, and others, written in a different Hand from the rest of the Roll, put in their Room, and that with very little Nicety, this probably having been done in haste. And Multitudes of Names are razed out, and others put in their Place, sometimes by one Hand, sometimes another. Those Rolls consist of three Columns; the first contains the Persons Names, where there are a vast many Changes and Alterations made, different Hands, different Inks, and evident Rasings of one Name, and writing in another for it; and that those were done privately, and no doubt brought in vast Sums of Money to some, appears from this, that what was found judicially by the Court, is still added to every Person's Name in the Roll by the Clerk's Hand, that he is deleted, that he is delayed, remitted to *Edinburgh*, remitted to the Judge Ordinary, fined, or the like; and generally in those Rasings the Persons are absent or deleted. In the next Column the Person's Crime is inserted, being at *Bothwell*, Refet and Converse, not keeping the Church, Absence from Courts, &c. and in the Third Column the Names of Witnesses, to prove the Charge, are inserted. In Persons of Note the Charge is very distinct and particular, and in meaner Persons it is but shortly expressed. It may not be out of the Road to give one Instance, whereby the Reader may understand the Method of these Rolls. In that of *Renfrew* Shire scarce any of the Gentlemen are overlooked, the Article relative to the present Lord *Pollock*, whom we shall afterwards meet with, follows. ' Sir *John Maxwell* of *Nether Pollock*, you are indicted and accused of Refetting of Rebels in so far as *Stevenson* Shoe-maker in *Pollocktoun*, *Robert Jackson* in *Carnwatherrick*, *Arthur*

Remarks on them and upon the porteous Rolls.

Great Alterations and Razures in them.

The Form of the Rolls.

Instance in Sir *John Maxwell's* Case.



Arthur Cuninghame there, Robert Taylor there, Archibald Barr in Pollock-town, and several other of your Servants and Tenants being actually in the Rebellion 1679. were upon the first, second, or remanent Days of the Months of July, August, September, October, November or December 1679. or January, February, or the remanent Months of the Years 1680. 81, 82, 83. or upon some of the Days of the Months foresaid, reset, harboured, intercommuned, aided, assisted, and did Favours, or had Favours done to them by you, or you otherwise supplied them. Of the which Crimes you are Actor, Art and Part. As also the said Sir John Maxwell is guilty of high Treason, as upon one of the foresaid Days the said Rebels and Traitors, who were actually in Rebellion, were supplied and furnished with Meat, Drink and other Provisions, reset and entertained in his House, by Order of him, his Lady, or other Persons. Then overagainst this follows the List of Witnesses, John Luke in Pollock-town, John Breadie Hammer-man there, John Wallace in Pollock-shaws, John Park in Arden-head, David Kennedy Gardiner in Pollock, David Kincaid his Servant, Andrew Martin Groom, John Paton Cook.

1683.

In a cursory View of the porteous Roll of this Shire of Renfrew, which is the shortest of any I looked at, I find from the Parishes of Cathcart, East-wood, Eaglisham, Merns, Neilstoun, and Lochwinnoch 105 common People, how the rest of the Parishes escaped, I do not know, Nineteen considerable Gentlemen, and three Ladies. In the Roll for the Shire of Lanerk, I noticed the whole Gentry of that Shire, almost without Exception. And the Commons and Gentlemen are pretty much classed by their Parishes. In Monkland 46. Bothwell 64. more in both of these 52. Douglas 24. Lesmahago 60. Carmichael, Pittenweem, Carstairs, &c. 50. Carlouk 19. Lanerk 59. more 16. more in Carlouk 25. Stonehouse 19. more 10. Cambusnethan 35. Kilbride 103. Hamiltoun 84. Carmonock 19. Blantyre 14. Rugland 13. Dalserf 30. more of Gentlemen 5. Glasgow 100. more Gentlemen 19. Barony 18. Govan 39. Evandale 80.

Further Remarks on the Rolls in Renfrew and Lanerk.

Only let me further observe upon these Rolls, that the most Part of the Commoners are charged with Reset and Converse, and not keeping the Church, some Fathers for resetting their Children and Brothers who had been at Bothwell. A good many of the Gentlemen in both Shires are remitted to Edinburgh in July, where we have met with them; some of them are excused *simpliciter*. And lastly I notice, that the Witnesses cited in every Parish are oft-times more than the Persons charged; and when any of them are absent, they are noted and remitted ordinarily to the Magistrate of the Place. From those cursory Remarks the Reader may guess somewhat of the sad Circumstances of the West and South of Scotland, at this Time. But the vast Trouble every Body was put to, and the extraordinary Sums of Money uplifted, what upon one Score, what upon another, cannot be narrated.

To prepare Matters for the Circuits, and make the Persecution as extensive as might be, the Clergy are engaged, and were most ready to give their utmost Assistance. I have before me a Paper dispersed among them, and Copies sent to every Congregation: What Time it was given the Curates, I cannot say; but 'tis probable, that it was spread in the Time of the forming of the Rolls. Whether it was spread by the Bishops Orders, or came from the Council, I know not; but the Episcopal Ministers were very willing to fulfil it in all its Parts, and were most useful to the Clerks in making up the Rolls. The Title of the Paper is

Share of the Episcopal Clergy in Informations at this Time.

### List of Things to be done by the Minister in each Parish, 1683.

- That the Ministers give in upon Oath a List of their Sessioners, their Clerks and Bellmen, of Withdrawers from the Church, and Noncommunicants.
- That to their Knowledge they give Account of all Disorders and Rebellions, and who are guilty of them, Heritors or others.
- That they give a full and complete Roll of all within the Parish.
- That they give a particular List of all the Heritors.
- That all Women who are Delinquents, be given up as well as Men.
- That they give Account of all Persons who have gone out of their Parishes, and the Reasons of this withdrawing.
- That they give up particular Accounts of Fugitives, their Wives or Widows within the Parish, and all Resetters of them, and of Chapmen and Travellers.
- That they declare who are the People in their Parishes who can give the best Account of all these Particulars, besides their Sessioners, that such may be brought in and examined.

List of Things to be done by the Minister in every Parish.

This last Clause seems plainly to refer to the Examination of the Circuit Clerks, when they came about, according to the Council's Instructions, to receive Information and make up the Rolls. No Remarks need be made upon these Demands made upon every Curate in every Parish; they are plain enough, as also their Design. One Thing is observable, that their Sessioners, as they are called, Members of their Sessions, are here just made Use of as Informers against honest People; and therefore it is no Wonder, a good many Gentlemen and others,

Remarks on it.



1683.

others, when named to joyn with them in Session, peremptorily refused this invidious Office, and chose rather to undergo considerable Fines, than to concur in this malicious Work, and horrid Profanation of the Office of ruling Elders, whose Work is to oversee Peoples Manners, and joyn in judging them, not in informing the civil Government against them. This Paper confirms the general Remark so many Times made and proven, that the Clergy were at Bottom of all the Persecution I am describing, and the Curates extremely useful, as in the lesser oppressive Courts, so likewise in the more extensive Circuits.

Lagg Stewart-depute of Kirkcudbright, Bannerman Advocate at the Circuits.

Before I come to the particular Procedure of those Courts, I only further notice, that April 23. Sir Robert Grierson of Lagg, a most violent Persecutor, is continued Stewart-depute of Kirkcudbright, till the Justice-airs be over; and May last, Mr. George Bannerman Advocate, is appointed as Advocate-depute to attend the Justice-airs. The King's Advocate, we have heard, was otherwise employed.

Claverhouse, Meldrum, Haymag, Graden, Major White, Milltown, and Hallyards, to wait on the Circuits.

And June 4. just before the Justices go upon their Circuit, the Council appoint the Laird of Claverhouse, Meldrum, Riddel of Hayning, Ker of Graden, Major White, Sir John Whiteford of Milltown, and John Skene of Hallyards, who received Commission from the Council or Treasurer, anent the Discovery of Rebels or their Refetters, and for securing and sequestrating their Goods, with their Deputes and Clerks, to attend the Justices with their Books, Papers, Depositions, and Informations they can give, and that they be in Readiness to depone on Oath, anent any Persons guilty of Treason, or Refet of Rebels, or whatever shall be enquired of them by the Justices.

Instructions to the Circuits, June 4.

That same Day the Council agree upon the following Instructions to be given to the Circuits, which deserve a Room here.

### Instructions given by the Council to the Commissioners of Justiciary.

THAT the Commissioners of Justiciary, conform to his Majesty's Letter, take Precognition, and consider the Probation, and distinguish the Delinquents into Classes.'

1. The Class of Absents from the Host be *in cumulo* deserted, and remitted to the Council.'

2. That the Class of Commons, and those that are not Heritors, either Rebels or Refetters, on their taking the *Test*, be deserted, and such of them as do not take the *Test* be either secured, or put under Caution.'

3. That the Diet be deserted against all Refetters, they taking the *Test*, and such as will not, if by the Precognition it appear that they have refet or intercommuned with Rebels who were forfeited, denounced, and registrate, or notour, that these be put under Caution under great Sums effecting to their Condition and Rank, and Quality of their Crimes, to appear before the Justices at particular Diets.'

4. That rebel Heritors of whatsoever Quality, applying for taking the *Test*, presenting themselves, and confessing the Crimes, and disposing their Estates, the Justices shall allow them to take the *Test*, and promise that the Council shall recommend them, as to their Lives allenarly, to his Majesty's Mercy.'

5. That Absents, who are accused for Rebellion and Refet, be declared Fugitives, and the Witnesses against them exactly examined, in order to a Process against them, either before the Justice-court or Council, as effects.'

6. That the Justices be exact in observing the Form of Process in the Justice-air, and if any Delinquent refuse to enact and find Caution, that they be seized.'

The Council approve these, and appoint they be given to the Justices, that they act accordingly.'

With those Instructions, the Persons appointed by the Council apply themselves to their Work. Only Two or Three Processes at Glasgow and Air are insert in the criminal Books, and these I shall give as briefly as I can, and add some other Accounts not recorded, because not brought to a Sentence and full Issue, from other Informations, which may be depended upon, and then subjoyn some particular Oppressions, at particular Courts held by the Persons named in the Proclamation for Circuits this Year.

June 5. the Circuit at Stirling.

By the Proclamation they are to be at Stirling, June 5. where they began their Circuit. I have before me a very surprising Instance of Inhumanity before the Circuit at Stirling, in the Pursuers or Judges, if they knew the poor Man's Case.

Their Severity to William Johnston.

One William Johnston, a Stirling Shire Man, had been in the Engagement at Bothwell, where he was sore wounded, and carried Prisoner into Hamiltoun. There, through Negligence, and not allowing him a Surgeon, he lost so much Blood at his many Wounds, that for Three Days he was speechless, and every Body gave him over for dead; and so he was not carried away with the rest of the Prisoners, yet he gradually recovered; but by reason of the extraordinary Loss of Blood, and Strokes he had got, he did not recover the Exercise of his Reason fully, but was silly, and next to an Idiot. When his Wounds were healed, and the Keepers had got any thing he had, he was overlooked and let go, and got Home to his Friends.



Friends, and lived with them till this Circuit; and to it he was cited, tho' all the Country knew he had very much lost his Reason. Accordingly he appears with many others, and upon his Knees he and they sware the *Test*, and subscribed it. When he came out, he asked what Paper that was they had caused him put his Name to. Some of his Acquaintances told him, it was a renouncing of that Work he had owned at *Bothwell*. When he heard this, he was mightily affected, and his Dittemper increased upon him till his Death, which was in a few Days. This melancholy Account needs no Reflections.

1683.

The Circuit was to sit at *Glasgow*, by the Proclamation, *June 13.* and that Day Two Persons were executed at the Cross, for alledged killing of a Soldier, as we shall just now hear. The Circuit did not sit till that Day they were executed, and they appear to have been condemned a little before. Whether Major *White*, by his Justiciary Power, or the Baron Bailie passed the Sentence, I cannot learn. However, they were executed, and that very suddenly, for the more awful opening of the Circuit; and the fullest Account I can give of this Matter, from several Relations of it before me, is as follows.

Circuit at Glasgow, June 13.

Towards the Beginning of *June*, a very few Days before their Execution, a Party of Soldiers who had seized one *Alexander Smith* an outlawed Country Man, and were carrying him, I think, to *Edinburgh*, were attacked by some few Country People, Friends to the said *Alexander*, in Arms at *Inchbelly-bridge*, Six Miles from *Glasgow*, in the Road to *Edinburgh*, and the Prisoner was by Force taken from them. In the Rencontre some were wounded on both Sides, and one of the Soldiers was killed. The Country People retired with their Friend in good Order, and went off. The Soldiers rallied in a little Time, and in great Rage and Fury, fell a searching the Places near by, tho' by this Time the Party who had attacked them were retired a good Way from them; and in a Wood, not far off from the Place of Action, they found *John Wharry*, or *Macwharry*, and *James Smith*, sitting without any Arms, having only Two walking Staves in their Hands. The Soldiers alledged, these Two belonged to the Company who had rescued the Prisoner, and brought them in to *Glasgow* Prison; and they were sentenced to die, and to be executed the 11 of *June*, says the *Cloud of Witnesses*, but other Papers make it more justly the 13.

Attempt on the Soldiers at Inchbelly-bridge.

*John Wharry* and *James Smith* taken.

When they were brought to *Glasgow*, very much Spite and Malice was vented against them. Some Papers say, That the Soldiers suborned Two of their Number to depone they saw them kill the Soldier at *Inchbelly-bridge*, when the Prisoner was relieved; but I am well informed by Persons of Credit, who were present at their Trial, that no Witnesses were adduced against them, but the Court sustained it relevant, that they were found so near the Place where the Soldier was killed. Whereas it appears to be a very great Presumption in their Favour, that they were so near; since, had they been in the Engagement, it is not to be supposed they would stay so near by, but would have retired with the rest. What would make them cast themselves in the Soldiers Hands? And if they had, by some Occasion or other, been obliged to stay so near, why would they quit their Arms? This is certain, the Fact was never confessed by them, neither were there any Evidences of their being in the Attack for relieving the Prisoner. But their being found in the Vicinity, tho' without Arms, was made Ground enough to take away their Life, according to the Justice of this Time.

These brought into Glasgow and condemned to die.

They were sentenced to have their right Hands cut off, and then to be hanged, and their Bodies to be carried to *Inchbelly-bridge*, and there hung up in Chains. Their Carriage at their Execution was cheerful and gallant. *John Wharry* was ordered to lay his Hand on the Block, he thinking they required him to lay his Head down, did so with much Courage. Major *Balfour* said in a great Rage, It is not your Head but your Hand we are seeking. *John* answered, he had then heard wrong, but was most willing to lay down not only his Hand but his Neck, and all the Members of his Body, for the Cause of Christ. When his Hand was cut off, he was not observed to shrink, but holding up the Stump with great Courage, said, This and other Blood now shed, will yet raise the burnt Covenants. *James Smith* died in much Peace and Comfort, not in the least discomposed.

And are executed, June 13.

I have some of their Letters to their Friends, from the Prison at *Glasgow*, dated *June 11* and *12.* full of pious Matter, and discovering a very great Measure of divine Joy they were under. They appear to have been sensible serious Christians. When they were but half-choked, says the *Cloud of Witnesses*, they were cut down, and, in that Condition, carried on Two Carts to *Inchbelly-bridge*. Some honest People had provided Coffins for them, and caused bring them near, at which *Balfour* raged terribly, and caused break them in Pieces.

But I return to give a more direct Account of the Circuit at *Glasgow*, and begin first with what is in the Registers, and there are only Two Processes recorded at this Place. The First is *June 13.* and the Lords present are, *Perth* Justice-general, and *Maitland* Justice-clerk, with the Lords *Collingtoun*, *Castlehill*, and *Forret*.

That Day appear in the Pannel, *John Russel* Portioner in *Eastfield* in *Monkland*, *Gavin Paterfoun* *Feuar* in *Bothwell-shiels*, *Robert Russel* of *Windy-edge*, *Mr. Thomas Hamilton* of *Raith*,

Process against Jo. Russel, Gavin Paterfoun,



1683.

Rob. Russel, Mr. Tho. Hamilton of Raith, and James Hamilton of Parkhead, all forfeited, June 13.

*Raith, James Hamilton of Parkhead.* The second and third of these had been before the Justiciary formerly, and how they came now to be again pannelled I know not. Their Indictment runs very short, that they had been in Arms with the Rebels at *Bothwel*. Their Indictment is found relevant, and the Probation is remitted to an Assize. The Depositions of Witnesses appear very lame. One depones, he saw *John Russel* at *Meadows*, and at *Hamiltoun-muir*, with a Horse, Sword, and Pistols. Another depones, he saw him at *Scharwehead-muir*, some Days before. Two Witnesses depone, they saw *Mr. Thomas Hamilton* and *James Hamilton* at *Scharwehead-muir*, but without Arms. One depones against *Robert Russel*, that he saw him at *Druneclog*, and another that he saw him at *Hamiltoun-muir*. And the same as to *Gavin Paterson*, one saw him at one Place, and another depones he saw him elsewhere; and, as far as I could remark, there are not Two Witnesses *ad idem*, as to any but *Raith* and *Parkhead*, and both declare they had no Arms; and these Gentlemen's Houses were near by, *Raith's* within a Quarter of a Mile of *Bothwel-bridge*. The Assize bring them in guilty of the Crimes libelled. The Lords forfeit them, and appoint them to be demeaned and executed as Traitors, when the Justiciary or Council shall think fit. This is another Instance of the Justice of this Period, a Sentence of Death passed upon Two Gentlemen, for being in the Company of the West-country Army, when just lying about their Houses. We shall meet with some of them afterwards, next Year.

June 15. James Maxwell of Williamwood, and John Maxwell younger of Bogtoun, both in the Parish of Cathcart in the Shire of Renfrew, and in Absence. They are indicted for being with the Rebels at *Bothwel*. For Probation the Advocate produceth the porteous Roll, and Dittay against the Defenders, who not compearing were outlawed, fugitate, and put to the Horn, and all their Moveables to be inbrought to the King; but the Spite against these good Men stops not here. The Lords, as the Sentence runs, conform to *Act 11. Sess. 1. Parl. 2. Char. II.* proceed to give further Sentence in Absence, and find the Libel relevant, and remit it to the Assize. None of the Witnesses, as far as I can see, are *ad idem*. *John Hart* in *Braehead* of *Cathcart* depones, he saw them in Arms with the Rebels in *Hamiltoun*, *Glasgow*, and some other Places some time before the Engagement. This *Hart*, as I am told, was in the porteous Roll himself, and was practised upon to witness in this Case, by *Mr. Ezekiel Montgomery* Sheriff-depute, who had *Williamwood's* Estate in View, but missed it. Another depones, he saw *Williamwood* in Arms at another Place. Another depones, he met *Williamwood* in the Road going to the Rebels, at the Infal on *Glasgow*; another, that they are held and reputed to be Rebels, and have taken Guilt on them, and fled; but not one of the Depositions agreeing as to Time and Place, the Assize bring them in guilty of being with the Rebels, and at the late Rebellion: And the Lords sentence them to be forfeited, and when apprehended to be demeaned as Traitors, &c. in common Stile.

More particular Detail of Williamwood's Sufferings.

This religious and peaceable Gentleman had suffered, as most about him did, very much from the Highland Host, *January, February, and March, 1678*. That same Year in *June* or *July*, there came a Party of Soldiers to his House, without any Orders which they could produce, and indeed he could not be reached by Law, for he had managed himself with all Caution and Circumspection. The Party was commanded by one *Scot* of *Bonnitoun*, and carried off, or caused carry off Fifty Bolls of Meal, Four Horses, with the whole Household-furniture left by the Highlanders, Chimneys, Pots, Pans, Crooks, Tongs, Beds, and Bed-clothes, and every Thing that was portable, without any Pretext of Law, but that *Williamwood* was a suspected Person.

So mad and violent were they in their Spite and Rage, that they cut and mangled with their Swords, and other Instruments, the Beds and other Things they could not carry off, and cut down and spoiled most of the young Timber about the House; yea, so virulent were they, that finding a Stack of Bear, reckoned to contain about Twenty Bolls, which they could not get transported, they set Fire to it once and again, but being wet it did not kindle. They carried all their Spoil to *Rutherglen*, and there sold it; and though this was once and again represented, no Redress could be had, neither can any Reason be given for this Spoil, but an Information given by *Mr. Finnick*, Curate of *Cathcart*, against *Williamwood*, as a Person suspect to be Presbyterian in his Judgment, and who would not joyn with him as one of his Elders.

After this Riot committed upon him, being conscious of his own Innocence, and knowing he had never been disloyal, or acted any Thing against the Government, that could justly lay him open to these Barbarities, *Williamwood* plenished his House of new, and continued in it; but in *May* or *June 1680*. a new Storm falls on him.

Upon a false and invidious Information given against him, as having been at *Bothwel* last Year, a Party of Soldiers came to his House, and, by Order from General *Dalziel*, seized him, and brought him Prisoner to a Kind of Camp which was at *Newlands*, where he was kept Prisoner some Days, and then carried into *Glasgow Tolbooth*, and from thence to *Edinburgh*, where he was once and again brought before the Council, and, no Probation being adduced of his being at *Bothwel-bridge*, he was set at Liberty upon Bond to compear before the Council upon the First of *September*.

Accor-



Accordingly at that Diet he appeared, and no Witnesses being offered, his Bail was continued till the Second of *November*. At that Time he went in again to *Edinburgh*, and no Proof being adduced, upon paying a little Money for Fees, &c. he got up his Bond from the Clerks, and came home and lived peaceably at his House, paying all Taxes and Impositions now a going, when required.

Things went on pretty smoothly with him, till *November* next Year, when *Thomas Kenno-way*, of whom above, came with a general Commission in Writ from one *Carmichael* at *Edinburgh*, as Donatar to all the Rebels Escheats in the Shire of *Renfrew*, and brought a Party of Soldiers with him to the House of *Williamwood*. It was in vain to tell them he was no Rebel, that he had been liberate by the Council last Year, and lived peaceably since. They had him, as they said, in their Commission, and unless he had been Master of a Force equal to theirs, there was no repelling this Violence, or Remedy for him.

He had sought Redress before, but all Doors were shut to Presbyterians, so the whole of his Moveables were seized, and Soldiers left to stay in the House, until they were carried off by Country Men, whom they ordinarily forced to such Pieces of Service. However, finding *Kenno-way* was as much for Money as Moveables, *Williamwood* compounded with him, and gave him a very considerable Sum, and so was delivered from the Soldiers.

When thus by long Experience he found there was no Safety or Protection to be had from the Malice of Mr. *Finnick* the Incumbent, notwithstanding, in obedience to the Laws, he went to Church and heard him, this Gentleman thought good to let his Land to Tenants, and live himself as privately as he could with his Family. When ordering his Affairs thus, Mr. *Ezekiel Montgomery* Sheriff-depute of *Renfrew*, who had harassed him formerly for irregular Marriage and Baptisms, hearing of this, and fearing he should thus get out of his Reach, applied to him, and sought from him, under Pretext of a Loan, (but he knew well it was never to be paid again) the Sum of Two thousand two hundred Merks, which the Sheriff alleged the Government owed him, and he could not command it at present, when he had important Business to do with it, and plainly told him, if he gave it him not he would inform against him, and prove as much as would cost him twice that Sum he now sought. These were the Methods of the Under-agents of the Government at this Time, and some greater Men than Sheriff-deputes were not altogether free of them.

*Williamwood* being fully conscious of his Innocence, peremptorily refused the Proposal, yet considering he had a cunning and dangerous Enemy to deal with, and having some Relations in *Ireland*, he began to resolve upon transporting himself and his Family thither, that for some time he might be out of Harm's Way. Accordingly, he went over to *Ireland* to his Brother in Law, Mr. *Andrew Rowan*, an Episcopal Minister there, and stayed some Months, that he might settle Matters in order to the bringing over his Family.

While in *Ireland*, an Indictment is left at his House, of the Date the Day of to compare before the Lords of Justiciary. Neither he nor his Wife living in the House, but a Tenant, the Paper was neglected, and not heard of till too late. Mean while, Mr. *Montgomery* the Sheriff-depute is as good as his Promise, and dealt with several Persons who were in the porteous Roll for being at *Bothwell*, to depone they saw *Williamwood* there, promising to get them absolved, and their Names put out of the Roll. Many refused, and would not perjure themselves to get free. At length he fell upon one *Hart*, as we have seen, who was in the Roll, but a profane Vagabond, who stuck at nothing, and another like him, to whom, it is said, he gave Money, and, by his Interest in managing the Roll, got *Hart's* Name scored out, and they deponed they saw *Williamwood* with the Rebels when in Arms, either at *Glasgow*, *Rutherglen*, or somewhere.

Whereupon the Justiciary passed the Sentence of Death and Forfeiture upon him, in Absence, before he ever so much as knew there was Dittay against him, being in *Ireland*; and his Estate was given to Provost *Johnstoun* in *Glasgow*, and his Wife and Six small Children put to shift for their Sustenance and Bread, till the happy Revolution.

And to put all the Sufferings of this good Man together, his Wife, *January* 1684. was harassed and persecuted with many others, because she did not appear before the Courts then holden, and swear the Oath of Abjuration; and, because she had not delivered her Husband's Papers to the said Donatar *Johnstoun*, for much of that Year she was obliged to hide and flee from one Place to another for Safety, till through Toil and Grief she died in *November*, and exchanged a present miserable Lot for a comfortable Eternity. Her Six small Children were in a very destitute Case, their Father being forth of the Kingdom, and under Sentence of Death, and they continued under Difficulties in abundance, till the general Deliverance at the Revolution.

Nevertheless, since that Time the Estate of *Williamwood* is in better Circumstances than ever it was, and the Persecutors, *Finnick*, *Montgomery*, and *Johnstoun*, are extinct, and their Families, for any Thing I know. Many kind Retributions of Providence to honest Sufferers at this Time, might be remarked. This Instance I have given at the greater Length, because I have it fully documented, and it tends not a little to open up the Spirit and Wickedness of these Times.



1683.

Many Gentlemen  
were indicted  
to the Justice  
court at *Edin-  
burgh*.

Process against  
the Lord of  
*Bradyholm*.

His cautious  
Cautious at  
*Bothwell*. He is  
indicted at the  
Circuit 1681.  
and all further  
Prosecution against him  
discharged.

His Indictment  
at this Time.

His Act of Li-  
beration, July  
25.

Many other Gentlemen received Indictments before this Court at *Glasgow*, and were de-  
layed to the ordinary Meeting of the Justiciary at *Edinburgh*, as we have already noticed,  
and there either deserted or continued as they could make interest. I shall only take notice  
of the Sufferings of that religious and worthy Gentleman, the Lord of *Bradyholm*, in the  
Suite of *Lanerk*, from original Papers he was pleased to send me, of whom I would say  
more if his Modesty did not forbid me.

*James Muirhead* of *Bradyholm*, had been still a Countenancer of Presbyterian Ministers;  
and before the Rising at *Bothwell*, by several Summons and other Papers before me, I find  
he was brought to much Trouble before the Privy Council and other Courts, and paid  
considerable Sums of Money for hearing the Gospel preached by Presbyterian Ministers. He  
was further charged and fined for harbouring Presbyterian Ministers in his House, and be-  
cause they prayed in his Family when they came to visit him, he was made guilty of a House-  
conventicle, and underwent several arbitrary Fines.

In the Year 1679. at the Rising at *Bothwell*, his House being within Two Miles of the  
Place of Engagement, he carried with all the Caution he was capable of, and retired from his  
own Dwelling for several Weeks; yet he was indicted before the Circuit 1681. as being in  
the Rebellion, tho' without the least Shadow of Truth. His Indictment is in my Hands, and  
runs in the common Form above insert. After the Examination of a prodigious Number of  
Witnesses, and nothing being proven, and when he had given in a Representation against  
some of his Pursuers for suborning of Witnesses, and offered to prove it, the Matter was  
hushed up, and by an Order of Court just now before me, all further Prosecution of him  
was discharged.

When he was, as he thought, secure, he is again put into the porteous Roll, and before  
this Circuit at *Glasgow* receives a new Indictment, which being but short, I insert from the  
Original. ' *James Muirhead* of *Bradyholm* younger, you are indicted for the Crime of high  
' Treason and Rebellion, in joining with the Rebels June 1679. and being in their Com-  
' pany with Arms at the *Schawhead-muir*, *Hamiltoun*, *Hamiltoun-muir*, and several other Places,  
' aiding and assisting them, giving and sending out Meat to them, or otherwise supplying  
' them, sending out Horses and Servants to them, countenancing and favouring of Rebels,  
' accessory to the late Rebellion, harbouring and resetting of them in your House, upon the  
' Ground of your Land as Tenants, receiving Mail and Duty from them, converting and  
' intercommuning with them, particularly you reset and kept *Robert Turner* in *Gowachill*  
' upon your Lands, as your Tenant, and receives Mail and Duty from him; for all which  
' Crimes you are to underly the Law.'

To say nothing of this informal and general Libel, when he appeared with other Gentle-  
men he was continued till the 25 of July at *Edinburgh*, where I find by a signed Extract of the  
Act of Adjournal he was liberated from Prison. The Act it self, containing his Petition, and a  
short Hint of his strange Usage, deserves a Room here.

*Apud Edinburgh, 25 die mensis Julii, curia legitime affirmata.*

\* Because this  
may appear  
strange to such  
as know not  
the Methods of  
this Time, it  
would be no-  
ticed, that in  
the Year 1681.  
many more  
Witnesses than  
700 were carried  
into *Edinburgh*  
from the West-  
country against  
the Gentlemen  
then indicted,  
and they were  
all interrogate,  
with respect  
to each Gentle-  
man who stood  
his Trial.

THE whilk Day anent a Petition presented to the Lords by *James Muirhead* of *Brady-  
holm* younger, shewing, That he being formerly ( 1681.) convened before the said  
Lords for his alledged being in the late Rebellion at *Bothwell*, and exact Trial made, and  
\* Seven Hundred Witnesses or thereby being examined against him, nothing of Guilt could  
be made appear, and the Petitioner having then pressed to go to Trial, and having an Act  
of Council for that effect, the Lords at that Time deserted the Diet *simpliciter*, and dis-  
charged all new Letters and Dittays, except by a Warrant *in presentia*: And yet, without  
any such Warrant, he was put in the porteous Roll, appeared at *Glasgow*, urged a Trial,  
and was continued to *Edinburgh*, where he offered of new to abide a Trial, but was com-  
mitted to Prison. Therefore craving, that seeing the Petitioner hath been so oft troub-  
led, and always appeared, and is now ready to pass to the Knowledge of an Assize, for clear-  
ing his Innocence, and is ready presently to exculpate himself by famous Witnesses, that he  
be ordained to be set at Liberty, and the Diet deserted *simpliciter*. The Lord Justice Clerk  
and Commissioners of the Justiciary, having considered the said Petition, do ordain the Pe-  
titioner to be set at Liberty. Extracted forth of the Books of Adjournal, by me Mr. *Thomas  
Gordon* Clerk to the Justice Court.'

*Thomas Gordon.*

Next Year he  
is again indict-  
ed, and fined  
in 4000 Merks,  
and imprison-  
ed fourteen  
Months.

At this Time there was no Security for any Body who had ever favoured Presbyterians,  
and so, notwithstanding of this second Absolviture by the Criminal Court, next Year at the  
Circuit he is again put into the porteous Rolls for the same pretended Accession to *Bothwell*;  
and when he would not purge himself by taking the *Test*, he is remitted to *Edinburgh*, when  
he



1683.

he is libelled before the Council for Refet, Converse, keeping Conventicles, and other Points, and his Oath is taken upon the Articles of the Libel. And because, in his Deposition, he acknowledges his having had four Times Presbyterian Ministers in his House since the Inseminity, and that they went about family-worship, with not above six present more than his family, he is found guilty of keeping House-conventicles, and fined, according to a wrong Account given in of his Valuation, as an Heritor, in four thousand Merks, and was kept in Prison about Fourteen Months at *Edinburgh*. All this I have given the more animadversely, because every Part of it is vouch'd by principal Papers before me. And this was the Case of a great many other worthy Gentlemen next Year and this, as we may hear.

Vast Numbers of People and Wives, were cited to this and the Circuit at *Air*. We may guess at their Numbers by the Accounts I have given of the porteous Rolls. It is within Bounds when I term them some Thousands, and they were put to no small Charges when waiting on, besides what they had to give to Clerks and Servants about the Court. I have before me an Account of the following Persons from the Parish of *Evandale*, *John Ayton*, *Caldergreen*, with several others who attended this Circuit, and at a modest Computation each of them were at Two hundred Merks and more in Charges before they got home, and yet nothing could be proven against them, and their Diet was deserted. Mean while, next Year when the Circuits came about, the very same Persons in many Parishes, not visiting again.

The Country put to vast Trouble and Expenses at these Circuits.

Another Thing which fell most heavy upon honest People, at those Circuits at *Glasgow*, and other Places, was in drawing up the Lists for Assizers. The Clerks took Care to insert a great many worthy honest Men, who could not be otherwise reached among the Forty five Assizers, whom they well knew would suffer before they would sit upon the Assize of the Persons who were to be pannelled. And greater Sums were extorted this way from some of the most considerable Merchants in *Glasgow*, than one would think of. I know that excellent Christian *John Luke* of *Claythorn*, paid at different Times near Fifty Pounds Sterling to get himself excused from this vexatious Work. This was the Case of these good Men, *Andrew Gibson*, *George Bogie*, and several others.

Great Sums extorted from honest People to be freed from being on the Assize at the Circuits.

But it is Time to follow this Circuit to *Air*, where I find by several Accounts, the Curates in that Shire had been very active to get Matter prepared for the Lords before they came, and one Mr. *Abercrombie* in *Carrick*, signalized himself for his Diligence in Delations and Informations, as Mr. *Joseph Clelland* in *Dalsferry* had distinguished himself this way in *Lanark* Shire.

Circuit at *Air*.

The following Account of the Trouble the Country was put to about *Air*, by that knowing Country Man formerly mentioned, *Quinn Dick* in *Dalmellington*, deserves a Room here, as plain Matter of Fact. 'Vast Numbers of Persons (says he) were cited out of every Parish in the Shire, to give Information of any they knew had been at *Bothwell*, or *Airs-moss*, or any other Rising, or such who had refet and conversed with them. And great Numbers were given up. The Persons delated, whether of the Risings or Converse, tho' themselves had never been in Arms, were charged before the Circuit to purge themselves from Suspicion by taking the Test. All who compeared and took it not, were imprisoned, and such who did not appear, by Sound of Trumpet and Tuck of Drum were denounced at the Cross of *Air*. Most Part of such who were imprisoned, gave Bond and Caution to appear at *Edinburgh* against such a Day, and enter themselves. When they came there they were either imprisoned, or gave a new Bond to appear at another Day, and severals had a third Bond to give before the Expiration of the second, and before the Expiration of that they were allowed to prove themselves *alibi* at the Time of the Rising, and to purge themselves from Refet and Converse, by taking the Test. And such who did not so, were either imprisoned, or denounced Rebels at the Head-burgh of the Shire, and their Names printed in a Fugitive Roll, that all who conversed with them, or harboured them, might be as guilty as they.'

*Quinn Dick* says, 'that the Trouble the Shire was put to at this Circuit.'

This is a very distinct Account of the general Method taken at each of the Circuits, and it falls in much with the Way taken immediately after *Bothwell*, where Reflexions were made upon it. There is only one Process at *Air* recorded in the Registers, and I come now to insert it.

June 22. the following Persons were indicted, as above, of being in Arms with the Rebels at *Bothwell*. Mr. *Matthew Campbel* of *Watershaugh*, *Robert Lockhart* of *Bankhead*, *James Brown* Son to *James Brown* Portioner in *Newmills*, *John Paterson* in *Dandilian*, *Adam Reid* Portioner in *Mauchlin*, *John Wilson* Portioner in *Lindsayhill*, *John Crawford* of *Toishaw*, *Andrew Brown* of *Duncanzeamer*, Mr. *John Halbert*, Colonel *John Burns*, and *James Macfies* of *Auchnairn*. All of them were absent, but *Bankhead* and *Andrew Brown*. Witness when the Rebels were there, with his Sword about him; another depones, he heard him demand Corn in June 1679. for *Kaitlock's* Troop, and that he saw him at *Strathewan*, on

Persons indicted at *Air*, and indicted.



1683.

the Friday before the Defeat, with Two Ministers, Mr. Samuel Arnot and Mr. Robert (it should probably be Hugh) Archbald. Another saw him in Company with Two Persons, who were going that Day toward *Hamilton*. Three Witnesses depone, they saw Mr. John Halbert riding with above Twenty of the Rebels; and one of them, that he saw him take out a Roll from his Pocket, and call over their Names, some Days before *Bothwell*; and Three or Four swear, that they saw Colonel Burns and James Macneilly riding with the Rebels in several Places, with walking small Swords about them. I do not observe Probation against the rest that amounts to any thing.

Robert Lockhart of Bankhead confesseth he was in the Rebellion, begs Mercy, and offers to take the Test, and petitions the Lords may recommend him to the King for a Remission. Andrew Brown confesseth the same, and offers to renounce his Heritage. The Assize bring all in guilty of Treason and Rebellion. The Lords continue pronouncing Sentence against the Two Confessors, till the 2 of August, and commit them to Claverhouse, and require him to present them that Day. They sentence the rest to be executed and damned as Traitors when apprehended, as in common Form. August 2. the Lords considering the Verdict of the Assize on Robert Lockhart of Bankhead, and Andrew Brown, at Air Circuit, June 22. sentence them to be beheaded at the Cross of Edinburgh, August 9. but I suppose Remissions were got down before that Time.

The Case of  
the Lord of  
Water-side.

I have some other Informations come to my Hand, with relation to this Circuit at Air. John Cochran of Water-side, whom we shall afterward meet with, and being yet alive I forbear his Character, was informed against, as having been with a Party of Country Men which came from Galloway to Bothwell. He was indeed accidentally at the Town of Cumnock upon Business, when they came by, in their Road to Hamilton; and some of his Acquaintances in Galloway hearing he was there, did call for Water-side, who came out of a House, and spoke to them upon the High-way, but had no Arms, not so much as a walking Sword at that Time.

Water-side finding he was informed against, and being unwilling to come in their Clutches, thought it safest to withdraw, and leave the Kingdom: Being conscious of his Innocency, he hoped in a little the Storm would blow over; but in Absence the Witnesses were examined against him; none of them could swear that Water-side had Arms. At length, with some Difficulty, they prevailed upon Two, whom many took to be suborned, to depone in terminis, that they saw him converse with the Rebels, when coming from Galloway to Hamilton. Upon which, and his Absence, the Gentleman was forfeited. We shall meet with him and his Father Two Years after this. Whatever be in the Subornation of Witnesses, which no Body ought to believe without good Evidence, good Informations bear, that both of them fell shortly into a lingering Distemper, and their Bodies waited away, and in less than a Year's Time, both of them were in Eternity, to answer for what they had done, good or evil.

Of William  
Boswel in  
Auchinleck.

Another Instance of Severity at this Circuit, was as to a young Gentleman in Auchinleck Parish, William Boswel. He was scarce Sixteen Years of Age at the Time libelled, and was riding about some Business, when he happened to fall in with a Company of Men, who were drawing up in order to march towards Bothwell. The Youth, out of Curiosity, stopped his Horse, that he might see them draw up and march away. For this he was charged before this Circuit, as being in Company with the Rebels, though he had no Arms; and, for any thing I can learn, spoke not to any of them, but only, at some Distance, looked on, when they were forming themselves in Ranks, and marching Eastward. All this he confessed, and further could not be proven; yet he was obliged to take the Test, and pay 1000 Pounds Scots to preserve his Lands from Forfeiture.

William Torbran  
in Stranraer.

It was at this same Circuit, as a signed Paper before me bears, that William Torbran, late Provost of Stranraer, was cited, and afterwards forfeited. This good Man was lately alive, and endured no small Hardships, which I shall give an Abstract of, from a Paper before me fully attested. In March 1679. for mere Nonconformity, he was forced by a Party of Soldiers to leave his Family, and retire to Ireland. Mean while, his House was filled with Soldiers for some Days, and they went not off without a considerable Sum of Money. In November the same Year, he was again forced to retire for Three Months. He was no sooner returned, but Claverhouse sent a Party of Seventeen Dragoons to quarter upon him; and it cost him 85 Rix-dollars before he was rid of them, besides the Hurt they did to his House and Shop; and all this without any Sentence against him, or Crime laid to his Charge save his Noncompliance with Prelacy.

A Citation was left at his House May this Year, to compare before the Circuit at Air, tho' one of the Bailies, and another Person of Credit in the Town, depone they saw him some Time before go off for Ireland. When this was represented, all his Lawiers could prevail to get done, was to have Sixty Days allowed to cite him as one off the Kingdom. When these were out, he was forfeited, and the Sentence of Death past on him, and that upon no Crime proven against him, but his Absence and Noncompearance; and the Lords Sentence was intimated at his dwelling House in Stranraer. He notices, he was at Twenty Dollars



Dollars in Charges at the Circuit at *Air*, in order to have this Piece of material Justice done him, and at great Expences in transporting his Goods and Family to *Ireland*, before the Expiration of the Sixty Days.

1683.

During Four Years, as he himself expresses it, he was obliged to live in a strange Land, upon what the Locuits had left; and when he returned, in the Year 1687. he found his Loss far greater than he imagined; for his Debtors would pay him nothing of what was owing him, whether having taken Occasion to transact his Bonds with those who had the Gift of his Forfeiture, or for what Reason, is not said. One Gentleman was owing him 3000 Merks, another 60 Pounds *Sterling*, Two others 1000 Merks each; of all which he never got a Farthing. And for some Time after his Return, his Trade and Business was quite stopped, it was but few would venture to converse or deal with him, till he got his Forfeiture reversed, which cost him a great Sum; yet at the Close of this Narrative, and upon Reflection on all the Treatment he had met with, this excellent Man magnifies and humbly blesses the Lord, who ever honoured him so far, as to call him to give this small Testimony of his Love and Loyalty to him and his Cause.

The next Place where the Circuit was held was at *Dumfries*, of which nothing is in the Registers. From other Informations before me, I shall only notice, that great Numbers having come to *Bothwell*, from the Bounds of that District, as well as of the others formerly spoken of, and, as we heard, their Names had been taken up, 1679 or 1680. yet no Molestation followed to the most Part, and they lived peaceably, haunting Fairs, Markets, Burials, and all publick Meetings, and no Body refrained Converse with them. At this Time, Resettled and Converse being made criminal, the whole Heritors, Gentlemen, and substantial Tenants, every Body who had any thing, and were not directly engaged in the persecuting Courses, were attacked, and Probation was not difficult to find as to Converse and Resettled.

The Circuit at *Dumfries*.

And in this District, very few, but Papists and Persecutors, and their Friends, escaped. The same Preparations were made before this Circuit, as we have seen upon the former; only I find it noticed, that such who had formerly signed the Bond, were made Use of as Witnesses, and brought to great Trouble if they did not turn Informers themselves, after they had made their Peace with their Persecutors. We have heard, that the taking the Test saved the Lives of such who swallowed it, and their Fortunes came in the King's Will, which ended in a swinging Composition with the Managers. This Snare took with great Numbers, and the Test was gone into. Mr. *Hugh Maxwell* of *Dalswinton*, and some few others were remitted to *Edinburgh*. It is further observed, that at *Dumfries* the Test refused it, they were not to have the Offer of it again, but upon a voluntary Petition, in Terms some way worse than the Test it self; and such who compeared not, were denounced and declared Traitors, and all who after that conversed with them, their Father, Mother, Brother, or Sister, Husband or Wife, became in Law as guilty as they; and those near Relations must either contradict the Laws of God and Nature, or ly open to the Severities of this Time. In all the Persecutions in Popish Countries, I do not remember any Instance that comes this Length; and even among Heathens, it was scarce ever ventured upon, to dissolve those nearest natural Ties.

I have no particular Accounts of the Circuits at *Edinburgh* and *Jedburgh*, save what I meet with in a Letter this Year, to the Laird of *Cavers*, then at his Travels abroad, from a Gentleman concerned in his Affairs, Mr. *Gladstones*, a Part of which containing some Things relative to the Sufferings of a great many excellent Gentlemen, at and after the Circuits, and deserves a Room here. He tells, he was stopped in some Things he designed to do, 'by a Citation to compear before the Circuit in July at *Jedburgh*, for alledged Resett and Converse with Rebels upon your Ground. From *Jedburgh*, Sir *William Scot* elder was with a Party of Horse, by an Order from the Council, carried in Prisoner to the Castle of *Edinburgh*; and all other Pannels who refused the Test, were bound over to *Edinburgh*, upon their finding Caution to compear there the 2 of August. At the Day of Compearance, *Stevenson*, *Ormistoun*, *Mauldsley*, *Pollock Maxwell*, *Greenock*, and *Blackcastle*, were sent Prisoners to the Cattle; Sir *John Riddel*, with another Gentleman, to the Tolbooth of *Haddingtoun*, and *Bonjedburgh*, *Well*, *William Ker* Uncle to *Greenhead*, *Gideon Scot* and my self to that of *Edinburgh*, where, with about Sixty other Gentlemen, we remained about Ten Days, till the Prison, in such a Season, with such a Throng, became dangerous for our Health. We all made several Applications to the Lords of Justiciary, for Liberty to come out, upon Caution to answer when called for; which they finding reasonable, did order our Liberty; but our Bills were not all returned with the same Answer: Some are confined to the Town of *Edinburgh*, till their next Day of Compearance, which is the second Munday of November. Of which Number is Sir *William Scot*, *Riddel*, Sir *Daniel Carmichael*, Sir *John Schaw*, *Pollock Maxwell*, *Duntop* of *Houshill*, Mr. *John Veitch*, *Bonjedburgh*, and my self, with about Half a Dozen of other Gentlemen. The rest, for the most part, were allowed the Liberty of the Country, till the second Munday of December.

N n n n

We



1683. ' We cannot yet tell how this Business will end; but all Heritors indicted for the like Crimes of Refet and Converse, and against whom the Dict was deserted, upon their taking the Test at the Justice-airs, were last Week (the Letter is dated October 2.) by Proclamation indemnified only as to their Life, and the Council is ordered notwithstanding to proceed against them, and impose such arbitrary Punishment as they shall see fit, according to the Specialities of their several Guilt.'

Effects of  
these Circuits.

This is all the Account offers to me as to the Circuits this Year. The lamentable Consequences of these Courts cannot be narrated. Multitudes of Families were scattered, Parents and Children, Husband and Wife, set one against another. Multitudes were obliged to remove off the Kingdom, as we have seen in some Instances already.

In short, at and after these Circuits, great Drovers of Prisoners were carried from Prison to Prison, and, generally speaking, the Prisons were emptied into *Edinburgh*. The Persecution was, in a special Manner, violent in *Nithsdale*, where mean while, the Papists were not only overlooked but encouraged; and, as hath been materially hinted, the Laird of *Stonehouse*, tho' a Papist, in reality acted as Sheriff of *Nithsdale*, and was at the Bottom of much of the Persecution there, tho' he was so honest to his Principles as not to take the Test. This may suffice as to the Circuits this Year, we shall meet with more of this Nature the following Years.

## S E C T. V.

*Of some other Branches of Persecution, the Plot, and other incidental Things, this Year 1683.*

Contents of  
this Section.

**H**AVING thus gone through the more publick Branches of Persecution, by the Council, Justiciary, and Circuits, I come to end my Accounts of this Year, by some other Pieces of the Hardships of Presbyterians, by Fines and otherwise, most of them consequential upon the Proclamation about the Circuits, and from the Courts held by the Persons nominate in it, under Notion of allowing the Benefit of the Test; and I shall annex a brief Hint at some other Things which fell in this Year, not so well reducible to the former Sections.

Persons named  
in the Procla-  
mation, April  
23 hold Courts,  
and harass the  
Country.

By the Proclamation for Circuits above narrated, Power is given to the Persons named, Officers of the Army, broken Gentlemen and others, to offer the Test; and for that end, they held Courts, and pressed the Test even beyond the Terms of the Proclamation: And indeed they might do what they would, for there was no Body to controul or call them to an Account for what they did. This Year, *Hallyards*, named in the Proclamation, and a Soldier of my Lord *Airly's*, *Duncan Grant*, with Powers from him, held Courts in the Parish of *Kilbride*, and the neighbouring Parishes in the Shire of *Lanerk*. This last Person was a Terror to that Neighbourhood; all who were suspect to have been at *Bothwell*, or to have conversed with such, were at pleasure fined as the said *Grant* thought good. *John Wilson* in *Hifflet*, had his House again spoiled, and lost to the Value of 673 L. 6 s. 8 d. *Grant* went off for some Weeks, but quickly returned with new Powers, as he said, from *Airly*, and in the Harvest Time, quartered his Soldiers, to the Number of Twenty, in that Parish, perfectly on free Quarters, sometimes upon one Family, sometimes upon another. He seized the last named *John Wilson's* Crop, and made his Neighbours swear, whether they were accessory to the shearing or uplifting any of it.

*Hallyards* likewise was upon the same Neighbourhood; and the Reader will easily form a Notion of the Oppression of the Country at this Time, when not only such who were allowed by the Proclamation, under the Colour of Kindness, and to give Opportunities to take the Test, as was pretended, held their Courts, for quite other Purposes, in every Parish, but their Deputes came and oppressed in their Name; yea, the same Parish was harassed with different Persons holding Courts for the same Faults, and, it may be, both of them coming more than once in the same Year. This was indeed a sweeping Befom of Oppression.

In Harvest this Year, *Hallyards* came with a Party of Soldiers, upon *John Wat* in *Kilbride*, and many others, and destroyed their Viſtual in the most lamentable Manner, and all for Nonconformity and Noncompearance at Circuits and Courts. In a little Time, he returned



returned and spoiled *John Wat's* House; his Loss was above 500 Merks. *John Granger*, a Neighbour of his, for the same Cause, was fined, and his House was rifled, and Twelve Cows, Five Horses, and other Goods taken away to the Value of 1100 Merks. I have before me a List of Fines exacted in the same Parish at this Time, which comes to a vast Sum.

1683.

This same violent Persecutor held a Court at *Glasgow*, perhaps it might be some little Time after. Thither, such in the Parishes near by, as could not be reached in the parochial Courts, if I may call them so, were cited. Mr. *James Creighton* Curate in *Aulroide*, and others of the Clergy, were close Attenders. A Person present informs me, that a Woman in *Kilbride* was called before this Court, to give her Oath whether she kept the Church, which, it seems, she was willing to do. Mr. *Creichtoun* moved in the Court, 'That seeing her Husband was irregular, and waited not, as he said, upon Ordinances dispensed by him, she should be engaged upon Oath not to refet or converse with him.' The Woman answered him, after a little Silence, That such an Engagement was contrary to her Marriage-oath, and boldly asked him, *Whether, when he married them, he had not made her swear, she should never forsake her Husband till Death parted them.* At this *Halyards* and many others present could not forbear Smiling; however, he put it off with a Jeit, saying, *Goodwife, will you desire your Minister once to separate you,* and dismissed her without any further Trouble. Indeed the Country People, now and at other Times, when appearing at such Courts, commonly blamed the Curates for their Oppression, and many Times to their Face; and I had it noticed in the Parish of *Monkland*, much harried at this and other Courts, where the Heritors were not inclined to bear hard on the People, that many would have escaped the Fury of the Soldiers, and the Courts, had not the Episcopal Ministers been indefatigable in their Informations; yea, they frequently called in the Soldiers, and directed them where to search.

As this Time, besides the great Trouble many in the Parish of *Evandale* were brought to before the Circuit, the Laird of *Netherfield*, *Alexander Muir* in *Ploughland*, *Alexander Hamilton* in *Halls*, and Three or Four more, were imprisoned for alledged Refet and Converse; and tho' little was proven, they were fined in 953 L. 13 s. 4 d.

It would be likewise remembred, that besides those incidental Courts, by virtue of the Proclamation foresaid, the ordinary Sheriffs and their Deputes, either before these commissioned Persons came to particular Parishes, or afterwards, took Care not to want their Share in the Fines; so that this Oppression was so general and repeated, that 'tis impossible to give a full View of it; yet somewhat of this heavy Time may be understood from what is here collected.

And the Sheriffs and their Deputes.

Few or no Persons escaped in the Town of *Cumnock*. *William Creighton* Sheriff-depute held a Court, and most Part of the Men of the Parish of *Auchinleck* were cited before him, and many compelled to swear, whether they kept the Church, at least every third Sabbath. The Curate sat in the Court with the Sheriff-depute. All who came before them were likewise obliged to declare upon Oath, what they knew anent their Neighbours not keeping the Church, and such who would not swear, and engage to Regularity, were fined in Fifty Pounds, whereof they behoved to pay Twenty presently, otherwise Soldiers were sent to their Houses to poynd and drive.

Cornet *Graham* held his Courts in *Balmaghie*, and the People of that Parish and neighbouring Parishes were cited to the Kirk, and were rudely enough dealt with. When they came before him, they were welcomed with *Sir*, and frequently *You Dog, hold up your Hand and swear.* Then it was asked, *How many Conventicles have you been at since Bothwel, who preached at the n, who had their Children baptized,* and the like; and it was really thought, by their Rudeness and Indiscretion in many Places, they designed to fright some, whom they could not otherwise reach, to Noncompearance. If any Thing was extorted from Country People by this Examination, they were presently fined; and if they saw fit to jealous them, and had not full Probation, the Test was offered them, and if they refused it, they were suspect Persons.

In the Parish of *Penningham* and the neighbouring Places, Multitudes were brought to great Trouble by those Courts, who never carried Arms at *Bothwel*, *Airs-moss*, or any where else, and upon mere Suspicion the Test was put to them, tho' none but Heritors were named in the Letters about it. In those remote Corners, the Persons intrusted at those Courts did what they pleased. In that Parish *William McEwmont*, Weaver in *Myreton's* Land, who had never been in any Rising, was pressed to take the Test, and, upon refusing, sent Prisoner to *Edinburgh*, and in a little Time banished, and died at Sea.

The Laird of *Lagg* is named in the Proclamation for the Circuits, and he exercised his Power with the greatest of Virulence. He kept a Court at the *Old Clachan*, and forced Multitudes to take the Test, and in a very little Time he came again, and obliged many of the same Persons to take it over again.



1683.

*Thomas Lidderdale* of *St. Mary Isle* is likewise named, and in the Parish of *Twinam* he carried on the Persecution most violently. There was an old infirm Man confined to his House, and seemingly in a dying Condition; *Lidderdale* came into his House, and charging him with Irregularities, required him to purge himself by taking the *Test*. The poor Man refused it, and a Party of Soldiers presently took away his Cow, which was all he lived by, and threatened to carry him to Prison in this dying Case. Another Man in the same Parish, after many Threatnings, was prevailed on to swear the *Test*. In a little Time he was cited to another Court, for alledged Refet and Converse with his own Son, and there he was obliged to swear never to refet or speak to his Son.

The like Courts were held at *Kirkcudbright* and *Dumfries*, and all Persons whom they were pleased to suspect, and such whom they convict of Church-irregularities, had the *Test* put to them, and those who refused were straight committed to Prison. These same Methods, tho' not so commonly, were used in the East Country. I find about this Time a Man in the Parish of *Carringtoun*, attacked for Converse with his own Son, and harbouring and resetting him for a very little Time. They forced him to pay Two hundred Merks, and when he had done so, he was obliged to take the *Test*, or go straight to Prison; but I find it will be endless to insert Particulars.

I shall end my Account of this pressing of the *Test*, and these Courts, towards the Close of this Year, with a very singular Outrage committed at *Moffat*. This Place fell within the Commission of the Laird of *Westeraw*. Upon the Lord's Day he caused Intimation to be made in the Church, that the *Test* was to be otered to Morrow in that Parish, and summoned all the Heads of Families to appear. After this Intimation was made, this profligate Man was heard say openly, *The Devil damn his Soul in Hell, but before Morrow's Night they should be all damned as well as he*. And next Day, when the Parishoners came, he raged and cursed among them, threatening the Refusers, and then caused them all joyntly, in the most confused and disorderly Manner, swear it.

Besides those wicked Courts, another Thing this Year was very heavy to the Country, and made Finings very severe and general. Particular Persons had Gifts granted them of the Fines imposed by Law, in such a Precinct, Parish, or more, as they were able to make their Interest with the leading Men in the Council; and those Donatars of the Fines had Liberty granted them to make Use of the Soldiers in uplifting the Fines. This way prodigious Sums were uplifted, and Multitudes squeezed. *Armillan* had this Gift for the Parish of *Straitoun*, and some neighbouring Parishes in *Carrick*. I have a particular Account before me of above Five hundred Pounds Sterling that Gentleman exacted from that one Parish, this and the following Year.

Thus in the City of *Glasgow*, *John Barns* had the Gift of Fines for Nonconformity, and used his Power with Rigour enough. In the former Years Provost *Bell* had a Grant of the Fines by Law imposed upon such as kept not the Church in Terms of Law, with Power to apply them for the Relief of such who had suffered by the great Fire in that Place, 1678. But I do not find there was any severe Exaction of them till this Year, when Mr. *Barns*, a Man of no Substance, was made Provost, and he levied the Fines with ll Severity. No Accounts were kept of the Sums uplifted, but, at a moderate Computation, it was known he lifted Eighteen or Twenty thousand Merks, from the poorer Sort of People there: And I am assured this was but very little, in Comparison of the secret Bribes, and Composition with Persons of better Fashion. By the very Fines for irregular Baptisms and Marriages, he got a huge Sum from Merchants and Persons of better Condition, as they and he could agree; and many were glad, at any Rate almost, to save themselves from publick Trouble. There was never any Account made of these vast Sums; and this poor Man is at this Day living in mean enough Circumstances, upon the Town's publick Charity, in his old Age. Not a few in that Town were made to flee from their Houses, and reduced to great Straits, by the unmerciful Exaction of those Fines.

In *October* and *November* this Year, Searches were very common and severe in Towns, especially in *Glasgow*. Whenever the Curates or Soldiers got Notice of the Return of any who had been absent from Courts, and for a little retired from their Dwellings, or of any People come into Town from the Country, presently a Search was ordered. All who were Strangers, unless they presently complied with their Catechism, and answered their Queries satisfyingly, were carried to the Guard or the Prison.

At these Searches Multitudes were taken, and, without any Libel, Probation, or Sentence, were sent into *Edinburgh*, or otherwise dealt by as the Officers of the Soldiers pleased. No Man, against whom an Informer had a Grudge, was safe; and in the Searches at *Glasgow*, frequently good Numbers were ordered to ly round the Town, to catch such, who, upon the Search, offered to flee, and by this Means many were seized.

In *October* this Year, *William Inglis* Mason, was taken out of his Bed in his own House, merely from an Information he was a Nonconformist, and remained long in Prison, and was at last banished to *Carolina*, where he died. The same Month *George Jackson*, in the Parish of

Eastwood,

Prodigious  
Sums uplifted  
by Donatars of  
the Fines.

Great Trouble  
this Year from  
repeted Search-



*Eastwood*, was taken at *Glasgow*, being discovered by being overheard at Prayer, and consequently suspect for a Presbyterian. We shall meet with him afterwards at his Execution.

1683.

In *November*, *John Richmond* was taken by Major *Balfour*, and died publicly next Year. That same Night, *John Dick* and *John Williamson* were taken; the first was banished to *Carolina*, *John Williamson* made some Compliances, for which he shewed evident Repentance, and was after the Revolution a Minister of this Church. Having catched Three that Night, they were in Hopes of some more, and early next Morning the Town was surrounded with Horse, and that Day a Second general Search was made; it was very narrow, and began about Eleven of the Clock. No Place was left unsearched, Cellars, Cielings of Houses, Chetts, and all By-places they could discover were carefully observed. I hear of none taken but *John Min*, who had Arms about him, and was seized in the *Gorbals*, and we shall afterwards meet with him at his Execution.

In *December*, another grand Search was made at *Glasgow*. No Secret was made of it some Days before, that suspect Persons might retire. Mean while, Care was taken to have Soldiers waiting without the Town, at some little Distance on all Airts, to seize such as should venture to go off. It was at this Search, or some other Time this Month, that *John Buchanan* a Student was taken, and after a good whiles Imprisonment was sent off to *Carolina*.

Toward the End of this Year, the Persecution was very violent and severe. I add one Instance more, which is singular enough. *James Dun* in *Burwhat*, in the Parish of *Dalmellington*, a very peaceable and pious Man, who could not be reached by Law as to his personal Carriage, except for Nonconformity, suffered very much in his Family. He had Four Sons, one of them with a Son in Law of his were killed by the Soldiers, another was banished, the other Two were severely hunted and harassed. It is his Fourth Son *Quintin Dun* I am here to speak of: In *December* he was taken for his Nonconformity, and indeed he was capable of no other Crimes, not being yet full Fourteen Years of Age. However, the Party of Soldiers took him into *Air*, and put him in Prison, without having any Thing to lay to his Charge. All this the Boy did bear, with a Stayedness and Composure far beyond his Years. When his Father came to *Air*, tho' there was nothing worthy of Death or of Bonds to lay to his Door, yet he could not get him liberate, till he paid down Two hundred and forty Pounds. I question if they would have got so much for him, if they had sold him as a Slave, as they did afterwards, as we may hear.

*James Dun* in *Burwhat* his sufferings, and that of his Son *Quintin Dun*, of Fourteen Years of Age.

Having thus gone through what directly relates to the Sufferings this Year, I come to gather up some other Things which came not in so directly upon the former Heads. In *March* this Year, a Letter comes down from the King to the Council, and one of the same Import to the Lords of Justiciary, ordering Extracts to be made out of the Registers, of the Trials of such as were condemned for Rebellion. The Letter will best speak for itself.

Incidental Things this Year.

## CHARLES R.

Right trusty, &c. Whereas we have thought fit to appoint Extracts to be made out of the Books of Adjournal of Our Justice-court, of the Trials of some of the most notorious Rebels, as also of the Trial of *John Niven*, and those Persons found guilty by a great Assize of Error, and likewise of all Papers whatsoever relating to the Trial of *Archibald* late Earl of *Argyle*, and the Process of Forfeiture led against him, to the end the same may be digested and methodized by *Charles Hanses* of *Gray's Inn*, Esq; and published for the Satisfaction of Our good Subjects: We have hereby thought fit, to authorize and require you to transmit to Our Secretary of State, to be delivered to the said *Charles* true and exact Copies of all Proclamations, Letters, Examinations, Confessions, Trials, Indictments, Declarations, and others, since the Decease of our Royal Grandfather King *James VI.* of blessed Memory, that relate to publick Matters, Our Prerogative, the former and late Rebellions, the Rebels their Suppression or Caption, the Security of the Peace whether in Church or State, or the Advancement of the Interest of Our Bishops and their regular Clergy in that Our ancient Kingdom, and of all Informations, Relations, or Petitions, sent to Our Privy Council from Time to Time, about any Thing of this Nature, as Conventicles, Insurrections, Insolencies, or Cruelties of Fanaticks, and such other Papers of any publick Concern, which you judge most proper to be published, for the Satisfaction of all good Subjects: which are to be attested under the Hand of Our Chancellor. Given at *Whitehall*, February 21, &c.

King's Letter Feb. 21. ordering Extracts to be sent up from the Registers, of the Trials of Rebels, in order to be methodized and published by *Charles Hanses* of *Gray's Inn*, *London*.

## MIDDLETON.

Another Letter to the same Purpose I find recorded *March 12.* in the Justiciary-registers, ordering Extracts as above, and further requiring 'Copies of the several treasonable Declarations, Proclamations, Bonds of Combination in *Sanquhar*, *Lanerk*, *Rutherglen*, and those affixed to Church Doors, and all Papers relative to *David Hackstoun*, *James Skene*, *Archibald Stuart* of *Borrowstounness*, *John Potter* Labourer, *Isobel Alison*, *John Murray* Seaman, ' *Christopher*

Another to the same Purpose directed to the Justiciary.



1683. Christopher Miller Weaver, William Gogar in Borrowstounness, Robert Sangster, Adam Philip, Andrew Pittillo, Lawrence Hay, Labourers, Mr. Donald Cargill, Mr. Walter Smith, Mr. James Boig, Preachers, William Thomson Labourer, William Cuthill Seaman in Borrowstounness, Patrick Foreman, Robert Garnock, David Ferry, James Stuart, Alexander Ruffel, Christian Eyfe, Robert Gray an English Gentleman, and John Mein Captain of the Ship called the *Fortune of London*; as also of Alexander Blair, Lewis Johnstoun, and Thomas Noble, Merchants, Captain John Binning Vintner, Alexander Bothwell of Glencorse, James Baylie Merchant, Mr. Andrew Temple of Raveridge, James Baird of Sauchtounhall, Robert Sandilands, James Gray of Warristoun, John Dundas of Arnistoun, John Lindsay Taylor, Robert Eliot Wright, Alexander Henrison of Newhaven; all which were a grand Affize of Error; and likewise all Debates and Pleadings in the several Processess, which the said Charles shall call for; as also the Trials of any Persons whatsoever, who have been before our Justice-court any way, which they shall think fit to be published.'

What was done in Prosecution of this Design I know not. I have found nothing in the Registers as to any Thing actually sent up, nor heard of any Narrative published at London by Mr. Hanser, or any other of the Extent this seems to have been designed. Whether it was, that, upon Reflection, the Managers were ashamed of their Procedure, or that Sir George Mackenzie had this in his View in the History he was now writing, or what the Reason was, I cannot determine. Had any Thing of this Nature been done with any Sincerity, it would have saved me a great deal of Time and Trouble.

May 22. I find the Laird of Claverhouse is made a Privy Counsellor. We have heard of his particular Diligence in the Persecution, and we shall afterward have more Instances of his Severity, and as a Premium of his unwearied Efforts to bear down the Presbyterians, he is taken into the Management of Affairs by being made a Privy Counsellor.

In June this Year the Business of the Rye-house Plot broke out in England, which I shall very much leave to English Historians. June 21. it was given out that a great Conspiracy was discovered, extraordinary Councils were frequently held, and it was alledged they had Evidence, that a designed Project was formed, when the King was passing betwixt Acremarket and London, to bring in the Wagons loaded with Carriages, at the Time the King was to go through a narrow Passage, this strait Place being stopped by the Wagons, the King's Coach and the Duke's would inevitably be stopped, and at this Time a Dozen of Blunderbushes were to be unloaded upon the King and Duke. And some other Things were shaped out to be done, about the Place called the Rye-house, from which Place this Plot gets its Denomination.

Doctor Spratt, late Bishop of Rochester, hath published the History of this Plot, and it is in every Body's Hands, alledged to have been revised by King Charles before his Death, and printed by King James's special Order. The Author, when only Doctor, struck heartily in with the Duke of York's Measures, and wrote this Narrative with a plain Party-design, and when afterward advanced to a Bishoprick in Queen Anne's Time, sufficiently discovered his Biass to the Side who were no Friends to the Protestant Succession.

This is not a Place to make Reflections upon the Doctor's Performance, so much hugged by People of that Side, I shall leave this to such as write the English History; and as to what relates to Scotland and Scotsmen, I'll now and then have Occasion to set several Things the Doctor misrepresents, in their proper Light. There is one Thing so palpably unfair, and contrary to what he himself relates, as well as other unquestionable Evidences, that I wonder this Performance is so much valued even by his own Party. Page 21. Edit. 4. 1696. he tells us, *The whole Proceedings towards the Discovery of the Plot, were managed by all imaginable Integrity, there was no straining or extorting of Accusations, no Temptation of Reward proposed, no Pardon assured beforehand.* For the first Branch, it is certain that the English Law did not allow Torture, and yet there seems to have been Straining and Extorting, else why was West Ten times examined? and we have heard Earlstoun was ordered, tho' even under Sentence of Death, to be tortured. The Torture of Mr. Spence and the Reverend Mr. Carstairs, are what every Body knew. And we shall find, when we come to the Case of the last named excellent Person, that he had very large Promises of Reward made him. The Doctor could not but know those and other Strainings and Rewards proposed in this Matter, and with what Sincerity such Paragraphs were published by him, the World will observe.

Much of what the Doctor says, to fix this Plot upon Protestants, seems to be overthrown, and the Plot fixed upon others by that one Fact which is asserted by the best English Historians. Mr. Robert Fergusson was certainly as deep in this Matter as it can be pretended any other was, and yet when Mr. Secretary Jenkins gave a Warrant to Mr. Legate the Messenger, to seize the Persons alledged to be in the Plot, he gave him likewise the strictest Orders not to take Mr. Fergusson, yea, to shun him, and if he should meet with him, even to suffer him to escape. The Consequences of this are obvious, and Bishop Kennet very justly observes, 'that the Fashion of the Court was now to disbelieve the whole of the Popish Plot, and to talk of nothing but the Plot of the Presbyterians.' Of which Malate Writer says, Most People looked on it as the Contrivance of the Jesuits to baffle the Popish Plot, and crush the Ring-

Claverhouse  
made a Privy  
Counsellor.

The Rye-house  
Plot breaks  
out in June.

Doctor Spratt's  
Narrative of it.

Remarks on it.



leaders of that Party, who for several Years had so warmly endeavoured to prevent King James's Accession to the Throne. He afterward remarks, that many concerned were executed in King Charles's Time, and upon King James's Accession, the Court being resolved to prosecute the rest, ' the eloquent Pen of Doctor Spratt was industriously set on Work to palliate the Flaws of Keeling and other Witnesses Depositions: Accordingly in the Beginning of June, he published his Account of the Plot, adorned with all the Flourishes of Oratory, which are so far from perswading, that they rather give Truth an Air of Fiction. But however, as Affairs were then managed, Romance was as fit to serve the Court as true History. ' But I shall leave the Doctor's Performance.

1683.

That at this Time the Duke of York's engrossing all into his Hands, and the wide Steps taken for introducing Papists and Popery, awakened some Noblemen and Gentlemen to meet together secretly, and consult upon Measures proper for the preserving the Protestant Religion, and Liberty of the Subject, is very plain, and that some of the best and greatest Men in the Age were concerned in these innocent Meetings : But that ever my Lord Russell, Colonel Sidney, the Earl of Argyle, the Laird of Jerviswood, Mr. William Carstairs and others, were dipped into any murderous Design, is denied by themselves, was never proven against them, nor never will be.

This will appear at more length, when I come to hint at the particular Processes of the Scotsmen said to be concerned in the Plot. All I design here, is but to give a very short Hint of what I meet with in the Registers this Year upon this Head. A Letter comes down to the Council, dated June 27. acquainting them with the Plot, and ordering them to search for Mr. Robert Fergusson, and requiring them to compare a Letter of Jerviswood's, as was supposed, with one in his Hand, which Ewistun had. June 28. I find the English Proclamation against the Plotters, as they were called, published, ordering James Duke of Monmouth, Ford Lord Gray, Sir Thomas Armstrong, and Mr. Robert Fergusson, to be apprehended. And indeed this Plot, as to the murdering Part of it, seems to have been contrived by the Duke of York, for the staining the Duke of Monmouth and Buccleugh, and getting him removed for ever from Court ; and several excellent Gentlemen in England were sacrificed to this Jealousy of the Duke of York

Orders to the Council upon the breaking out of the Plot

I find another Letter was read in Council, July 2. bearing, ' Whereas we have thought fit, for the Good of our Service, to appoint all our Officers of State, our Privy Counsellors and all others employed in any Trust and Station, not to depart out of that our ancient Kingdom without Leave from us or you, it is now Our Will and Pleasure, and we do hereby authorize and require you, in such a Manner as you see most proper, to order all the forefaids to attend our Service in their Stations, and not to depart forth of the Kingdom on their Peril.

A Letter ordering none to leave the Kingdom without Licence.

July 4. The Council issue out a Proclamation against the Duke of Buccleugh and Monmouth, and others named in it, which I have insert App. No. 88. Where the Reader will see, that all Englishmen which came to Scotland since June 20. are immediately to be apprehended, all Ships are to be searched, and every Person who cannot make it appear he is come on the account of Trade alienarly, is to be seized, and an Embargo is laid upon all Ships, and they discharged to sail till they give in Lists of all Persons aboard their Vessel, with several other arbitrary Clauses which the English Proclamation wants. And indeed, our Doers at Edinburgh were accustomed to a great many Severities and heavy Articles, in their Proclamations and other publick Papers, which the English were absolute Strangers to.

Proclamation July 4. agtst the Duke of Buccleugh App. No. 88.

That same Day a Proclamation was published in the Terms of the above Letter, discharging all Officers of the Army, of State, Privy Counsellors, and Magistrates, to go off the Kingdom, and ordering them most strictly to their Posts. It is before me, but needs not be insert. And at the same Diet the Council send up a most flattering Address to the King, congratulating his Majesty upon the Discovery of the Plot, and acquainting him, that they were appointing a Thanksgiving for this.

It is August 7. before this Proclamation for Thanksgiving be insert in the Records, and it is September 9. before it is kept. The Occasion of this Delay seems to have been to keep Pace with England in theirs. The Trials of the excellent Lord Russell, Captain Walcot, Mr. Forse, and some others, are in every Body's Hands, and their Speeches and Letters in Print. When those were dispatched under Colour of Law, and the Government, or rather the Duke of York, were rid of some whom they were unwilling should live, a Day of Thanksgiving is appointed for his Majesty's merciful Deliverance, in England and Ireland. The English Declaration is pretty large, and alledges a general Insurrection was designed, and that a Correspondence was established in Scotland, and that the Earl of Argyle, Lord Melvil, Sir John Cochran, Mr. William Carstairs and others, were concerned in it. This Paper was reprinted with the Scots Proclamation, and ordered for Solemnity's sake to be read Twice from every Pulpit, to impress the People the more with ill Thoughts of the Presbyterians on whom they would fix the Plot. I have inserted this Declaration App. No. 89. There are several

Proclamation for a Thanksgiving Aug. 7.

English Declaration about the Plot App. No. 89.



1683.

See Proclama-  
tion, App. N<sup>o</sup>. 90.  
Remains on it.

Matters of Fact in it, which, I doubt not, were laid before the King and Council, but afterwards were discovered to be groundless and false. It is dated July 28. 1683.

The Scots Proclamation is dated August 7. and 'tis inserted App. N<sup>o</sup>. 90. To throw an Odium upon the Presbyterians in Scotland, it is intituled, *Proclamation inditing a Thanksgiving for the Deliverance from the fanatical Conspiracy*; and *fanatical*, the ordinary Term for expressing Presbyterians, is joyned in the Body of the Proclamation, with *atheistical* and *republican* Principles, and named in the first Room, as being, in the Sense of the Penner of this Proclamation, the worst of the Three. They likewise make the King to say, *That Providence had often delivered him by Miracles*; and in a few Lines again, 'tis termed a *miraculous Deliverance*. How well this came from the Pen of Court-parasites, and flattering Ministers, I shall not determine; but 'tis plain, common Decency might have kept them from putting this in the King's own Mouth, especially since it was not true.

What I meet with further in the Registers this Year, as to the Scots Gentlemen alledged to be concerned in the Plot, I shall delay to the next, because it will come in with more Advantage, when the particular Processes against them fall in; and this Year, the Processes are almost but tabled against them.

It is not my Work to take Notice of the Prosecutions in England upon this score, otherwise, besides the worthy Persons already named, I might acquaint the Reader, that November 21. this Year, that good and great Man *Algernon Sidney* was executed. One of the great Articles insisted upon against him, were some Things alledged to be of a seditious Nature, pretended to be under his Hand, among some Papers that were found in his Closet. If I mistake not, it was a loose Leaf or Two of that Gentleman's excellent Discourse upon Government, since published, and so justly and generally valued. Mr. *Sidney* pleaded, that the comparing of those alledged Papers of his Writing, with Letters produced under his own Subscription, and the Likeness of both, was no sufficient Evidence they were his Writing, since he offered, in a few Hours, to produce Writ so like any Hand should be given him, that the Court should not be able to distinguish: And further, that it was very hard to make a Man answerable for every Thing found in his Closet, when the spreading or publishing it to others, was not so much as alledged. But all those Defences were over-ruled, and this great Man was sentenced to die. This Instance comes nearest our sanguinary Measures in Scotland, of many Things I meet with in England.

The Design of these arbitrary Steps was against the Duke of Monmouth and his Friends;

These violent Methods were the Effects of the Spite and Rage of the Duke of York, against his Rival the Duke of Monmouth and *Buccleugh*; and it was to remove him from the King, and to fright his Friends, and the Asserters of the Nation's Liberty, that these bloody Steps pointed at. The Duke himself was forced to abscond for some Time, tho' 'tis plain enough, that the Correspondence 'twixt his Father and him did not break off; and he found Means, by his Friends, so fully to vindicate himself from any Share in the alledged Plot, that in a little Time he got Liberty to appear openly at Court, and was received with plain Affection by the King his Father.

This Extremity displeased the Duke of York and his Party, and therefore his Creatures used the utmost Diligence to impress the Court and King with Stories to the Duke of Monmouth's Disadvantage, and at length prevailed with the King to dismiss him from his Presence. This was so great a Point gained, that an Express comes down with the Accounts of it to our Managers at *Edinburgh*, who were entirely the Duke of York's Servants, and they find it convenient to read them in Council; and the curious Reader will be gratified with the authentick Account of this Matter, which is as follows, from their Books.

Upon the 12 of December, his Majesty was pleased to acquaint the Lords of Council, that since he had received the Duke of Monmouth into his Mercy, having had several Reports, that the said Duke's Servants, and others from him, endeavoured to make it believed, that he had not made a Confession to his Majesty of the late Conspiracy, nor owned the Share he himself had in it; his Majesty had thought fit, for the Vindication of the Truth of what the said Duke had declared to himself, his Royal Highness being present, to require him in Writing, by way of Letter under his own Hand, to acknowledge the same; which the Duke having refused to do in the Terms commanded him, his Majesty was so much offended therewith, that he had forbidden him his Presence, and commanded him to depart the Court. And for the Information of the Council, his Majesty directed the Letter the Duke had been required to sign, to be entred as follows, and was pleased to declare that the same should be no Secret. A Copy of the Letter, transcribed from the Copy of his Majesty's own Hand-writing, follows.

I Have heard of some Reports of me, as if I should have lessened the late Plot, and gone about to discredit the Evidence given against those who died by Justice. Your Majesty and the Duke know, how ingenuously I have owned the late Conspiracy. Altho' I was not conscious of any Design against your Majesty's Life; yet I lament the having had so great a Share in the other Part of the said Conspiracy. Sir, I have taken the Liberty to put this in Writing, for my own Vindication, and I beseech you to look forward, and endeavour to

Cite of *Algernon Sidney* executed in England for the Plot, comes near to our arbitrary Measures in Scotland.

And the King is prevailed with to dismiss him.

Account of this in the Council-books.



to forget the Faults you have forgiven me. I will take Care never to commit any more against you, or to come within the Danger of being misled from my Duty, but make it the Business of my Life to deserve the Pardon your Majesty hath granted to

1683.

Tour dutiful, M.

At first View, one would think this Letter is in such safe Generals, that the Duke of Monmouth needed not have scrupled to sign it; but this was a Contrivance his Enemy put upon his Father, and he considered the Handle the Duke of York would have made even of this much under his Hand; and that this yielding to the King would not have secured the Duke from the After-designs of the Popish Party: And being confident of his own Innocence, and not without Hope of the King's good Intentions to him, tho' at present put upon by the Duke of York, he retired a second Time, and so the Duke of York had the more Room for executing the Designs, probably now hatching, which afterwards broke out, when the King was thinking to make himself easy for his whole Life, by a Change of People about him, in the King's sudden Removal.

Let me only remark further, that this Account, recorded at the King's Command in the Council-books, appears more probable than the Story Dr. Spratt hath, Page 208, 209. That the Duke first signed the Letter, and then got it back from the King.

I come to end my Accounts of this Year, by taking Notice, That while our Council and Army are imployed in harassing the poor Country in Scotland, and the Courtiers and Duke of York in discovering the Rye-house Plot, the loyal Oxford Gentlemen publish their famous Decree upon the 21 of July, against the Books and Tenets specified in it. The University declare the Tenets they are pleased to condemn, contrary to Scripture, Councils, Fathers, &c. and order the Books they name to be burnt, and appoint all their Readers, Tutors, Fellows, &c. to teach the Doctrine of absolute Submission to the King. A great many of the Books the Oxford Decree sent to the Flames, are of a Scots Extract, and this Nation needs neither be ashamed of the Authors or their Productions. They are, Buchanan de jure regni, Knox's History, Calderwood's Altare Damascenum, Rutherford's Lex Rex, Nepephali, the Apologetical Relation, the History of the Indulgence, and to crown all, the solemn League and Covenant.

I have, tho' it doth not immediately relate to my Subject, insert in the Appendix, this Decree for passive Obedience, and slavish Principles, because it is not in every Body's Hands to whom this History may come; and it contains a very lively Evidence of the arbitrary and tyrannical Measures that were a pursuing at this Time, through these Three Nations. The Reader hath it App. N<sup>o</sup>. 91.

And if we look over to France in July this Year, we shall find a patheticall Petition of the French Protestants presented to their King. They held their Meetings and Conventions in the Fields as well as Scots Presbyterians; and I have annexed it App. N<sup>o</sup>. 92. Whether that grand Oppressor of Protestants copied from the Management in Britain during this Reign, or if rather the Procedure of the Two Royal Brothers among us, was in Concert with him, and paved the Way to his beloved Project of rooting out the Northern Heresy, I leave to others to determine. A large Parallel might be run betwixt the noble Confessors in France, and the persecuted Party in Scotland, 'twixt the Laws made against the Reformed there, and those against Presbyterians here, and the rigorous Execution of both; but these would take up too much Time and Room. I only mention what might be done this way, that the Reader may notice this moving and affectionate Petition, as a material Vindication of the persecuted Party here. And because of the near Relation to the same Subject, I insert likewise App. N<sup>o</sup>. 93. another Petition of the same French Protestants, presented by the Marshal Schomberg, and the Marquis of Ravigny, whether before or after the former I cannot at present determine.

September 19. a Letter comes down from the King to the Council, ordering the fugitive Rolls to be printed. This was delayed for some Time. December 17. I find, the Lords of Justiciary order the fugitive Roll of Lanerk, to be amended, upon a Declaration of Sir John Harper and the Laird of Wishaw, that many named in it were dead, and some not in Being; and next Day, the Council delay the printing of the fugitive Rolls till March next, being informed by the Justices, that they are not yet in Readiness. There is no doubt some People made a good deal of Money by this Delay.

To end the Accounts of this Year, upon the 28 of November, the general Meeting of the united Societies drew up a Protestaion against the Scots Congregation, Ministers and Session, at Rotterdam, and sent it over to Mr. Hamilton their Agent, without any Orders to print or publish it, as, I find, they themselves notice in the Register of their Proceedings. Mr. Hamilton put them upon these violent Measures, and being personally piqued, and, as he thought, affronted by the Minister and Session there, at his own Hand printed the Paper.

1683.

Oxford Decree, July 21.

App. N<sup>o</sup>. 91.

Petition Protestants in France to their King. App. N<sup>o</sup>. 92.

A Parallel 'twixt the French and Scots Persecution.

Another Petition, App. N<sup>o</sup>. 93.

Procedure about the fugitive Rolls, September and December.

Protestation of the Society People, against the Ministers and Session of Rotterdam, Nov. 28.



1683.

Remarks on it.

It runs mostly upon the Indulgence, and the Session at *Rotterdam* their admitting such as had heard the indulged Ministers, and given Bonds of Peace, &c. in *Scotland*, to communicate with them. The Paper hath been more than once printed, and I need not reprint it, especially when the Societies, in their *apologetical Vindication*, recede from several Things in it; and afterwards, when Mr. *Hamilton* began to discover himself, and they came to be less under his Management, they own, that though they had Matter for a Protestation, yet the Manner of going about it, without previous acquainting the Persons concerned, was what they did not approve; and they acknowledge several Expressions and Words used in that Paper, some of them were unsuitable, and others untender, bitter, and offensive.

## C H A P. VIII.

## Of the State and Sufferings of Presbyterians, during the Year 1684.

Progressive  
Nature of Per-  
secution.



THE Nature of Persecution is progressive and growing, and it can scarce be otherwise; one Sin is a native Inlet unto another, and the *Wicked wax worse and worse*. Malice, Envy, and Enmity, against Religion and its Followers, are insatiable; and the Lord, in the Depth of his righteous Judgment, suffers Sinners to harden themselves, and go on from evil to worse, till their Cup fill. Success in Sin emboldneth the Actors, and Thirst after Blood, like a Fever, still increases till a Crisis happen.

Which appears  
this Year.

Accordingly, the Reader will find a cruel oppressive Spirit mightily upon the Increase in *Scotland*, this Year; the Work is turning easy, Hardships upon Presbyterians ordinary, and the Trade is gainful to not a few. Towards the End of the Year, a vast many Gentlemen, formerly out of their Reach, were attacked, and the Prospect of having a Share of swinging Fines, as good, if not better, as Forfeitures, made the Sentences go glibly on. Some of the best of the Nation were attacked, and the Duke of *Tork* had every Thing going in *Scotland*, according to his Wish.

Contents of  
this Chapter.

We have this Year a new Scene of Blood, and publick Executions were frequent; and, during this Summer, Murders in cold Blood in the Fields are beginning, and we shall meet with great Numbers of them next Year.

The universal pressing of the *Test*, was a noble Handle for Persecution. Fines and Banishments are most frequent. The Garisons and lesser Courts, by Citations and Searches, harass the Country; and the larger Circuits bring Persons of better Quality to a great deal of Trouble. Great Numbers of Gentlemen of Note and Rank, are most exorbitantly fined, to the Value of their real Estates; and this Year is shut up with the Martyrdom of that excellent and extraordinary Person the Laird of *Jerviswood*.

In this Heap of Matter, where the Rigour and Severity of the Persecution is indeed far beyond any Notion I can give, or the lame Accounts that now, after so many Years, can be had, I cannot observe that Order I could desire; yet, to essay this as much as the Vastness and Variety of the Matter will allow, I shall give some Account of the Procedure of the Council this Year, from the Records, both more generally in their Acts and Commissions, and more particularly in their Processes against Gentlemen, Ministers, and others: And next, I design to lay before the Reader, the Processes before the criminal Courts, and the Forfeitures and Deaths enacted by them, with a more distinct Account of the Processes with relation to the alledged Plot. Then natively will follow the Procedure at the Circuits, and the exorbitant Fines after them, with some other Hints which came not in so well on the former Heads. This will afford Matter for Eight Sections.



## S E C T. I.

1684.

*Of the Procedure of the Council, relative to the Sufferings this Year 1684.*

**T**He Privy Council, as influenced now, not only by the Clergy, but a Habit of Severity, heightened by Gain and Incomes from the Fines, was the great Spring of all the Persecution, and therefore I begin with distinct Accounts of their Procedure, as the Foundation of the other Branches of Persecution. There was not much Need of any new Acts, but a vigorous Prosecution of those made, and giving Commissions to particular Persons, with a Council and Judiciary Power. As I have done on the former Years, I here just run through what they did, in the Order of Time it fell out.

*Procedure of the Council*

Fines were one of the fore Oppressions the poor Country came under in the former Years, as we have heard; the most Part of them were pocketed and squandred away in Profanity, and it was but a small Part of the that ever was accounted for. The Duke of *Queensberry* and others of the prime Managers had observed this, and grudged it; wherefore last Year a Letter was impetrate from the King upon this Subject, which was read and recorded in the Council-books, *January 3.* this Year, and follows.

*King's Letter about Fines received Jan. 3.*

## C H A R L E S R.

**R**ight trusty, &c. Whereas We are informed, that since the Indemnity, granted by Us soon after the Rebellion at *Bothwell-bridge* was defeated by the Blessing of God upon Our Forces, a great Number of Fines were imposed by several of Our Judges and Magistrates, in that Our ancient Kingdom, upon Heritors, on the account of Fanatick Irregularities and Disorders, whereof a Part hath been uplifted by them, or others by their Appointment. It is now Our Will and Pleasure, and We hereby authorize and require you forthwith to call all such Judges and Magistrates to an Account of what Fines, or any Part thereof, they, or any others by their Order have received, and to take Care that with all convenient and legal Diligence, all, or such a Part of the said Fines not yet raised, as Our Privy Council there shall think fit to determine, be uplifted and received from the said Heritors, to the end that the same, as well as what is already received, may be brought into Our Exchequer, to be disposed of to such Uses, and in such Manner as We shall hereafter think fit to appoint. Providing always, that the Remainder of such Fines be not discharged, but left as an Award over their Heads, for their good Behaviour in Time coming, accordingly to be raised, or not, hereafter, as Our said Privy Council shall think fit for Our Service: And in regard it is reasonable and just, that such of the Officers of Our Forces as are or shall be employed in the extraordinary Commissions granted, or to be granted in relation to Fanatick Disorders, have not only their Charges allowed, but a Reward given them for their good Behaviour, We require Our Treasurer-principal, and Our Chancellor, to transmit to Us an Account of all such Charges as Our Officers are at, and of such Sums as they judge reasonable to be bestowed on them, to the end that We may declare Our further Pleasure. Given at *Whitehall April 5.* and of Our Reign the Thirty fifth Year.

## M U R R A Y.

This Letter is directed to the Lord Marquis of *Queensberry*, Lord high Treasurer-principal, and Lord Treasurer-depute, and was remitted to a Committee, who were to bring in a Report. And,

*Remitted to a Committee.*

*January 10.* the Committee about the Fines reported, 'That having considered his Majesty's Letter, and the Council's Remit, it is their Opinion, that a Distinction cannot be made of Persons guilty or less guilty, or altogether free, or who shall deserve his Majesty's Favour or not, till the Persons decerned upon the Decreets, and their particular Case be considered upon their Application: And that therefore Letters of Horning, under the Council's Signet, should be direct upon the Sentence of the Sheriff-depute of *Renfrew*, as to the Heritors of that Shire in the first Place, to make Payment of their Fines in Fifteen Days, being the ordinary Term of Law; and that they or any of them who shall make Application, shall be heard before the Council; and that after the discussing of that Shire, such another Shire may be discussed as the Council shall think fit.'

*Their Report Jan. 10.*

The Council approve, and order the Persons charged to be heard on their Application, by way of Suspension. According to this Act, we shall, in the following Section, find a good

*Heritors of Renfrew Shire attacked*



1684.

Mr. Ezekiel  
Montgomery  
Sheriff depute,  
imprisoned.

Petition of  
Hugh Wallace  
Cash-keeper.

many of the Heritors of Renfrew, Matthew Stuart, Falside, Balgray, Brisbane, and others, have Suspensions and Reductions of their Decrets granted them. Sir John Blaxwell of Abernethy Pollock, and others of the Presbyterian Gentlemen of that Shire, were in Dependence before the Justice-court, and at the End of the Year came under most unaccountable Fines. Mean while, February 12. Mr. Ezekiel Montgomery Sheriff-depute, is ordered to be seized for many Malversations in his Office, some of them we have heard, and more will fall in.

Whether the Council went on to examine the Procedure about Fines in other Shires, I know not. All I meet with further in the Registers upon this Head, is a Petition from Hugh Wallace his Majesty's Cash-keeper, April 17. shewing, ' That the Council, by their late Act, ' were pleased to ordain Letters of Horning to be direct against all the Magistrates within ' this Kingdom, who had not made Report of their Diligence, against such as were guilty of ' Ecclesiastical Disorders, and to deliver in their Decrets and Sentences to the Lord Treasurer, Treasurer-depute, or your Petitioner in their Name, to the effect Diligence may be ' done against the Persons liable for such a Part of those Fines as belong to his Majesty. ' Conform thereunto the Magistrates of Edinburgh have been charged to give in their Decrets, which they having done, it appears the Fines received by them extend to 8349. lib. ' 12. sh. Scots, given in at the Bar. The Magistrates are ordained to pay the said Sum to ' his Majesty's Cash-keeper. And upon a Petition from the late Magistrates, to have some Allowance for the Expences and Trouble they were at, in putting the Laws in Execution ' against the Delinquents, the Council allowed them to retain the Sum of Two hundred ' Pounds Sterling, which is to be distributed among the late Magistrates for their Care in that ' Matter; that the Council may ordain the Superplus to be paid into the Cash-keeper. ' They do so, and appoint it to remain in his Hands, till it be considered what Part belongs to the King, as having a Right to Heritors Fines, and what to the Town, as being the Fines of Burgeffes and others, not Heritors.

I meet with no more about this Act. If it was put in Execution with relation to the other Burghs and Shires, where Fines were uplifted, it would amount to a prodigious Sum; and we may see what large Allowances were made to the Magistrates, who were severe in Execution of the Laws about Fines.

January 23. the Council send a Letter to the King by the Earl of Perth, seeking Liberty to dispense in some Cases with the Fines imposed upon Husbands, for the Disorders of their Wives. The Case came natively in upon the forementioned Act, and therefore I annex it here.

May it please your Majesty,

YOur Majesty's Parliament did wisely foresee, that withdrawing from the Church would leave your Majesty's Subjects to be deluded with rebellious Principles, and necessarily occasion these Field-conventicles, which have proved to be actual Rebellion, and are by your Parliaments called the Rendevouzes of Rebellion, and therefore they ordained all Persons who withdrew to be fined. And such who are intrusted to put the Laws in Execution, against that or other Ecclesiastical Disorders, having on all Occasions represented to your Privy Council, that Women were the chief Fomenters of these Disorders, and that nothing could restrain them, except making Husbands liable for their Fines: They considering, that in all other Cases of the like Nature, Husbands were liable by your Acts of Parliament for the Fines of their Wives; and that therefore, by the Analogy of Law, and Parity of Reason, the best Interpreters of all Law, they ought to be so in this Case also, did, upon those and many other Considerations herewith represented to your Majesty, find the Husbands accordingly to be liable.'

But because in Matters of Government, and Laws relating to it, your sacred Majesty, as the Fountain of all Justice as well as Power, is the best Interpreter, and your Approbation adds much Vigour to the Law, and encourages such as are to put it in Execution, we have sent the Earl of Perth your Justice-general to represent the whole Case to your Majesty, who will inform you fully of all the Reasons and Occasions of our Procedure, and answer such Questions as your Majesty may desire to be satisfied in, as to this or any other Matters relating to your Government here, which could not be done by a Letter. And we do, with Submission to your Royal Pleasure, desire an Approbation of what we have done in this Particular, with Power to dispense with the Fines of loyal Husbands, as are no ways to be suspected of Connivance with their obstinate Wives, but are content to deliver them up to be punished. We are your most, &c.

J. Drummond,	Tweddale,	Aberdeen Cancel.
Geo. Mackenzie,	Balcarras,	Alex. St. Andrews,
Geo. Mackenzie,	Livingstone,	Arthur Glasgow,
Jam. Fowles,	Jo. Eainburgh,	Queensberry,
And. Ramsay,	Elphinstoun,	Hamilton,
J. Lockhart,	Kinnaird,	Montrose,
J. Graham,	J. Falconar,	Linlithgow.

Follows

Council's Letter about  
the Fines  
imposed upon  
Husbands.



*Follows the Tenor of the Reasons mentioned in the foregoing Letter, which induced the Council to be of Opinion, that Husbands should be liable for their Wives Fines in case of Delinquencies.* 1684.

1. BY Act 7. Parl. 2. Sess. 2. Char. II. the Parliament appoints every Person to be fined who shall withdraw, which certainly must include Men and Women; and therefore there being no other Punishment imposed but that of fining, that fining behoved to be effectual, else the Law resolved in nothing: But so it is, that except Husbands be liable for the Fines, the Fine was no Punishment, because Women, who were the great Transgressors in this Point, have no Estate out of which they can pay Fines.

Reasons why  
Husbands  
ought to be  
liable for their  
Wives Fines.

2. The Goods during the Marriage being in Communion, and the Husband having the Power over them, he should therefore in the Construction of the common Law, be liable in the Payment of the Fines imposed by Act of Parliament, without expressing this particularly, tho' sometimes it be expressed.

3. The Parliament having consented, that the Wives should be fined, they consented consequentially that the Husbands should pay it; for it is a common Rule in Law, When any Thing is granted, every Thing is granted, without which that cannot be made effectual.

4. Laws are to be interpreted by Analogy, for that is the presumed Will of the Law-givers, which has been usually allowed in all other Cases of this Nature; but so it is, that in all other Cases Husbands are made liable for their Wives Fines. Act 104. Parl. 7. Jam. VI. Papists are ordained to pay the Fines of their Wives using Popish Superstitions; and by the 38 Act, Parl. 1. Sess. 2. Husbands are ordained to pay their Wives Fines for swearing and cursing. And many other Acts, such as those against Conventicles and others, Husbands are also liable, and Parents are also liable for their Children, where there is no Act for it.

5. Laws are to be interpreted by Parity of Reason; but so it is, there is as great Reason for their being liable for their Wives Fines in this as in any Thing else.

6. Publick Interest, and the Necessity of the Government, is by all Lawyers thought a good Reason for extending Laws by Parity of Reason; and without Husbands being liable, it is impossible to preserve the Peace, or prevent Rebellion.

It was urged by Lawyers for the Defenders, that it was hard that Husbands in that Case should be liable for their Wives. To which it is answered, that Rebellion is a harder Case, and that has not been considered, in the like Cases which were as hard, by the Parliament.

2. That the former immediate Law made the Husbands liable, and therefore must be presumed to have omitted this designedly. To which it is answered, that having in other Acts expressed this, they needed not here, or at least that this was but an Omission, which in a Thousand other Cases is supplied from a Parity of Reason, and publick Interest, being universal Laws.

3. That this Law may be made practicable by Imprisonment of Wives. To which it is answered, that neither has the Law appointed Imprisonment, and if we must recur to Inferences and Consequences, the one is as reasonable as the other: But it is impossible to make the Act practicable by Imprisonment, for Offenders know we cannot imprison so many as may be guilty; but Fines is a present Punishment, and so terrible, the one makes the Husband active to persuade the Wife, but the other does not; and if a Fine once become a Debt by a Sentence, no Woman can be imprisoned for Debt during Marriage.

4. This may be dangerous to loyal Husbands. To which it is answered, that the Case by Experience is known to occur seldom; for before this way of Execution there were many Offenders; yet it is now known there are very few honest Men in those Circumstances, and if they be, they are in the Mercy of a King, who is compassionate even to Rebels, and his Majesty may empower his Council as to this.

The Occasion of this Letter was a Petition from Sir William Scot of Harden, who, we heard, was most exorbitantly fined last Year, and continued in Prison for his Lady's Irregularities. It would seem, the Bulk of the Council were not for insisting on the Fine as to him. This will come in afterwards on his Sufferings, and yet the Matter was put over upon the King, and this Letter and Reasons appointed to be sent him, and the Lords of the Clergy, such Counsellors as are Lawyers, and Duke Hamilton were appointed to draw them.

An Answer from the King comes down, February 12. bearing, 'That his Majesty approves Husbands being fined for their Wives, but authorizes the Council to dispense with the Fines on loyal Husbands, who do not connive at their obstinate Wives Ways, and are willing to deliver them Prisoners.'

In the Entry of this Year new Commissions are granted to the following Persons. This Method saved them the Charges and Solemnity of a Circuit, and did their Business as effectually and more arbitrarily. Commissions granted the Year.



1684.

Commission for  
Lanerk and  
Dumfries with  
Justiciary Pow-  
ers.

January 3. Commission is granted as follows. ' Charles R. To all Our loving Subjects: Forasmuch as We being informed, that divers desperate Rebels do haunt and frequent about *Glasgow, Dumfries*, and other Places in the Shire of *Lanerk*, and other western Shires, some whereof are apprehended and imprisoned for being in the late Rebellion, who treasonably justify the same, or deny and disown Our Authority and Sovereignty: And We finding it necessary for Our Service, that Justice be done upon the Place upon such desperate and malicious Rebels, which may be more expeditely done, and of greater Example, We, with Advice of Our Privy Council, hereby give and grant full Power and Authority, and express Commission to the present Provost of *Glasgow*, the Bailie of the Regality there, the Sheriff-depute of *Lanerk*, Sir *James Turner* and Lieutenant-colonel *Windram*, or any Three of them, as Our Judges in that Part, for judging the Persons guilty of the said Crimes, who are or shall be apprehended, in the Shires of *Lanerk* or *Dumbar-ton*, or Jurisdictions within the same, they not being Heritors.'

For *Dumfries*,  
*Kirkcudbright*,  
*Wigtoun*, and  
*Anandale*.

' And to *James Alexander* Sheriff-depute of *Dumfries*, the eldest Bailie for the Time there, *James Johnstoun* of *Westeraw* Stewart-depute of *Anandale*, *Thomas Lidderdale* of *Ile Stewart-depute* of *Kirkcudbright*, *David Graham* Brother to *Claverhouse*, *Bruce* of *Abbotshall*, Captain *Strachan*, *William Graham* Cornet to *Claverhouse*, or any Three of them, for trying and judging such Persons in *Dumfries*, *Kirkcudbright*, *Wigtoun*, and *Anandale*.'

' With Power to meet when and where they please, to hold Courts, create Members, call before them the Persons foresaid not being Heritors, and put them to the Trial of an Assize, and pass Sentence, and see Justice done accordingly, conform to Law, and this Commission to continue till recalled, recommending to the Advocate and the Clerk of the Justice-court, to send fit and qualified Persons to serve as Deputies for them, before Our said Justices, promitten. to hold firm and stable.'

<i>D. Falconar,</i>	<i>Livingstone,</i>	<i>Montrose,</i>	<i>Queensberry,</i>
<i>Jam. Fowlis,</i>	<i>Jo. Edinburgh,</i>	<i>Lintithgow,</i>	<i>Athole.</i>
<i>Southesk,</i>	<i>Douglas,</i>	<i>Aberdeen Cancel.</i>	

For *Renfrew*  
and *Airshire*.

February 19. I find another Commission granted in the very same Terms, and with the same Powers, only *Renfrew* and *Airshire* are included, to the Lord *Ross*, the Provost of *Glasgow*, Sir *William Fleming* of *Ferm*, Lieutenant-colonel *Windram*, Lieutenant-colonel *Buchan*, Sir *James Turner*, *Somerwel* of *Spittle*, and *William Stirling* Bailie of the Regality of *Glasgow*, or any five of them.

Several Persons were condemned, by virtue of this Commission, at *Glasgow*, in *March*, and I scarce think they would spare all who came before them at *Dumfries*, the Commissioners being a Set of the most violent Persecutors of that Time, yet I have no Accounts of their Procedure. The Account of those executed at *Glasgow*, I shall delay till the third Section, where the publick Executions will come in.

New Directi-  
ons give to  
these Commis-  
sioners, Feb. 28.

Meane while I find those Commissioners corresponding with the Council, and receiving Directions from them. February 28. ' The Lords of his Majesty's Privy Council, having considered a Letter from the Commissioners of Justiciary at *Glasgow*, containing some Doubts and Queries as to their Procedure against the Persons indicted before them, in the Cases where Pannels are silent, or make no direct Answers, or such who, albeit guilty, yet offer to take the *Test*. In those the Lords allow them to delay Procedure against them, and administer the *Test* to such as desire it, and to acquaint the Council with their particular Cases and Repentance, that they may give particular Directions therein. And the Lords expect, where Probation is clear as to any who were actually in the Rebellion, and assert treasonable Principles, that they will proceed against such, and cause Justice be done according to their Commission.

The same Orders are repeated to the Justices at *Dumfries*, with this Alteration, that when the Pannels refuse to answer, and there is no Probation, the Justices send them into *Edinburgh*.

And upon another Case, which offered as to Persons without the Bounds specified in their Commission, April 22. the Council declare, ' That their Commissioners for judging Rebels in the several Shires, ought to proceed against Rebels without the Bounds of their Commission, wherever they formerly lived, or were apprehended, as against those within the same Shire, they being brought to them, and to proceed in all respects, as if this had been a Clause of their Commission. ' This is all I meet with as to these Justiciary Commissions.

Remarks on  
these.

They are plain Instances of the Bloodiness of this Time. There had been very lately Circuits, the Justice Court was sitting at *Edinburgh*, and this Year we shall meet with new Circuits: Yet to awe the poor Country, and to dispatch the People they had apprehended in their Searches, and were daily catching, this Power is granted, and was exercised with much Severity.

Perhaps



Perhaps it might be to prepare Matters for this Country Justiciary, that the Laird of *Mel-*  
*drum*, January 14. gets Commission to make Trial for Rebels in *Lanerk* Shire. The Reason 1684.  
given is, the Council was informed of some Disorders and Insolencies committed in *Carstairs*  
and *Lefmahago*, by stabbing some Dragoons Horses, and taking away some Goods and Corns  
belonging to Rebels. Commission to  
Malden.

It seems, all their Diligence for recovering the Fines got into the Hands of Under-magi-  
strates, and the uplifting of what was not paid, had little Effect through the Country. And  
therefore a new Commission to Colonel *Thomas Buchan*, is granted by the Council, to uplift  
those Fines in the Shire of *Air*, much in the same Terms of some granted last Year.

That same Day, *April* last, the Council make another Act, which was the Occasion of fur-  
ther Oppression of the Country. The Lords of Council being informed, that since the  
Justice Court (the Circuits I suppose are meant) divers of these Rebels denounced for  
not appearing before the Justices, have been harboured, reset, entertained by several disaf-  
fected Persons in the western Shires, to the great Encouragement of them to persist in those  
rebellious Courses, give Orders to the Sheriffs and other Deputes, and the ordinary Ma-  
gistrates and Officers of the Army, to inform themselves of the Persons guilty of the Reset  
of Rebels, and to lead Probation for proving thereof before themselves, and where they find  
the same proven, to search for and apprehend the Persons guilty of the Reset of Rebels,  
and imprison them till they be brought to Justice; recommending to the Commissioners of  
the Justiciary in the several Shires, to do Justice upon some of those, not being Heritors, most  
guilty, and the Heritors to be tried and judged by the Justice Court; and recommend it  
to the Lord Treasurer and Treasurer-depute, to commissionate some fit Persons in the Coun-  
try, to sequestrate, secure, sell and dispose upon the Goods and Moveables of these Reset-  
ters, whether Heritors or not, after they shall be found guilty as aforesaid, and have sub-  
scribed Lists of their Names from those who shall adduce Probation against them, to be made  
for coming for his Majesty's Use.

Council's Act  
about Rebel  
Rebels, April  
last.

It hath been frequently observed, that Nonconformity, Reset and Converse are at this  
Time the Two great Pretexes made Use of for Persecution, the most Part of such who were  
actually in the Risings being either cut off, or out of the Country; and we see how care-  
fully the Managers prosecute both. This last, of Reset and Converse, was what the whole  
Country were one way or other engaged in, since People concerned in the Risings were o-  
verlooked for Two or Three Years, and frequented Fairs and Markets, and all other pub-  
lick Meetings, undisturbed. And now by this Act, the leading Probation against, and Trial  
of such Persons, is committed to the Officers of the Army, with Power to search for, appreh-  
end, and imprison Persons guilty. Thus the Execution of the Laws and Justice is com-  
mitted to the Army, the Consequences of which need not be insisted upon. We shall have  
a View of them in the general Hints of Persecution this Year, to be cast together in the  
last Section. I only remark as to the Persecution for Nonconformity, it turned more ex-  
tensive, by the turning out of the indulged Ministers, which was almost completed this  
Year, and so the Persecutors had new Matter to work on, in many Parishes formerly not  
open to them.

Remarks upon  
it.

Another Thing the Council are taken up with, is the Banishment and Transportation of  
a great many of the meaner Sort, and some others, to the Plantations. Indeed, by the Me-  
thods we have heard of, the Prisons were overstocked, and there was not Room for these  
they were daily apprehending: Therefore, in a Letter to the King, *April* 11. they humbly  
offer to his Majesty's Consideration, whether it be not fit to empower his Council to send  
abroad such of the Rebels as appear penitent, tho' they take not the *Test*, because the  
Prisons are full, and Ships are going to the Plantations, and they have Reason to believe,  
that, if this be granted, it will encourage other Planters to free the Nation of such Per-  
sons.

Council's Letter  
to the King  
April 11. de-  
siring Liberty to  
banish Rebels  
to the Planta-  
tions.

To this Request comes an Answer, dated *April* 24. 'Wherein the King declares it is his  
Pleasure, that such of the Rebels as are found penitent, be sent to the Plantations,  
tho' they have not taken the *Test*, within the Time prescribed by Act of Parlia-  
ment.'

King's Answer  
April 24.

In pursuance of this, *May* 5. they write to the Commissioners, appointed anent Disorders  
in several Shires, for Accounts of the Condition of the Prisoners, Men or Women, and who  
they are, who have harboured and reset, conversed or corresponded with Rebels, and re-  
quire distinct Accounts of them to be sent in to the Clerks of Council, with the Names of  
Witnesses, or their own Confessions.

Great Multitudes were at this Time sent away to the Plantations, by virtue of this Power. I  
cannot so much as do Justice to a great many of these good People, by recording their  
Names: As far as the Council-records go, I have noticed them, but there were many sent away  
from *Glasgow* and other Places of the Country, that I have no distinct Account of. How-  
ever, I shall here set down what I meet with for some Months, as to Banishments in the

Great Numbers  
banished.



1684.

Persons banished  
May 17.

May 22.

Registers, and add some few Hints from some other Accounts come to my Hand, that the Reader may have some View of this Part of the Council's Procedure.

The Council, May 17. banish to the Plantations, *William Laing* in *Hawick*, *James White* in *Douglas*, *John Harper* in *Firwick*, *Gavin Muirhead* in *Cannethan*, *John Gardner* in *Monkland*, *David Jamison* a Sweet-linger; *James Balfour* in *Fife*. Their alledged Crimes are Rebellion and Refet of Rebels. And, May 22. Two *Balfours*, imprisoned as concerned in the killing the Bishop of *St. Andrews*, but had exculpate themselves of that, are ordered to be transported, and the Persons to transport them, were to give 10000 Merks Bonds for each of them, that they should safely carry them to the Plantations.

After the Managers had agreed for the Transportation of such as were banished, with *Walter Gibson* Merchant in *Glasgow*, May 27. the Council make the following Act granting Prisoners to him.

At May 27.  
granting Prisoners to  
Walter Gibson.

**F**Orasimuch as the King's Majesty, by his Letter April 24. last, signified, that it is his Royal Pleasure, that such of the Rebels as are now in Prison, and appear penitent, tho' they have not taken the Test within the Time prescribed by his Majesty's Proclamation, be sent abroad to the Plantations, and by the said Letter authorized the said Lords to do or cause the same to be done, at such Times and in such Manner as to them should seem most fit and proper. And whereas the Lords of his Majesty's Privy Council are informed, there are divers of the Rebels in the Prisons of *Glasgow*, *Dumfries*, and other Prisons in the West, where they have granted Commissions for judging and trying of them, according to Law; they, to the effect that such of them as appear penitent, may taste and share of his Majesty's great Clemency and Mercy, do hereby, in pursuance of his Majesty's said Letter, fully committionate, impower, and authorize the Persons formerly committionate by them, at *Glasgow* or *Dumfries*, and their Quorum, for putting the Laws in Execution against such Rebels, to sentence and banish such of them as appear penitent, to the Plantations in *America*, in the Ship belonging to *Walter Gibson* Merchant in *Glasgow*, bound thither, he still finding Caution to them for transporting the said Persons to the Plantations, and for returning a Certificate of their Landing, under the Hand of the Governor there, to be reported to the Clerks of the Council, before November 1. 1685. and that under the Penalty of 1000 Merks, for ilk one of the said Rebels who shall be sentenced and delivered to him, in case of Failie, (Sea-hazard and Pirates being always excepted.) And as to such of the said Rebels who do not appear penitent, the said Lords do authorize the said Commissioners to proceed according to their Commission, according to Law; with Power to the said Commissioners, to sentence and banish in Manner and upon the Terms foresaid, such Persons Rebels, not being Heritors or Ministers, as are or shall be hereafter imprisoned, and do appear penitent, conform to his Majesty's said Letter.

Remarks on it.

It is a Knick peculiar, I think, to this Period, to pretend Kindness and Grace in the greatest Severities inflicted by them: Thus last Year and this, the taking the Test was pretended to be a Favour, and yet the Country was forced into it, and now Banishment to the Plantations, is another Act of Grace and Favour to Penitents, much the same with the *Coup de grace* in *France*.

More banished  
June 19.

June 19. Sir *William Paterson*, who had been West at *Glasgow* upon the Conventicles we shall presently hear of, reports to the Council, that Two and twenty Persons, Prisoners in the Tolbooth of *Glasgow*, are now banished to the Plantations, and ordered to be transported in *Walter Gibson's* Ship. And the same Diet at *Edinburgh*, the Lords by Sentence appoint *James McGachin* in *Dalry*, *John Crichtoun* in *Kirkpatrick*, *John Matthison* in *Clofure*, *John Mabbisholm* in *Spittle*, libelled for Refet and Converse with Rebels, found guilty by their Confession judicially adhered to, to be transported to the Plantations. And August 15. about Fifteen more are ordered to the same Place.

Others banished  
Oct.

This is all I have observed in the Council-books this Summer. From other Papers upon this Head, I find March 4. *James Forrest* Younger, *John Colin*, *James Gourlay*, *Dennis Giltreof*, *Thomas Jackson*, *George Jackson*, were before the Committee for publick Affairs, and, as they say in their joyn't Testimony before me, the Chancellor after a long Speech aggravating their rebellious Principles; Refet, &c. declared to them, that they were banished to *West Flanders*, never to return on Pain of Death. In their Testimony they vindicate themselves from the Imputation of Diloyalty and Rebellion, and leave their Testimony for the Scriptures, Confession, and Covenants, against Popery, Prelacy &c. And *John Colin* hath a separate Paper by himself, likewise before me, wherein he gives the Reason why he could not say God save the King, and tells, he desired the Committee to let him know the Meaning of those Words, which they did, by telling him, it imported an owning his Person and Government, and the Laws and present Actings, which, adds he, satisfied me much, and I think no serious Christian would approve those.

Remark on  
the saying  
God save  
the King.

John Dick banished  
Oct.

I have likewise some original Letters of *John Dick*, dated April and June this Year, with his Interrogatories without Date; but I take them to have been in April, at *Glasgow*. He was in



in June banished to *Carolina*. Some of his Interrogatories and Answers deserve a Room here, he being a very sensible knowing Person. Being asked, if it was lawful to bear Arms, answered, he thought it lawful for the Defence of Religion, *that is*, when People are oppressed for adhering to their Principles, pressed to deny them, and killed for not denying them, and for personal Defence against Robbers and Murderers. He was further asked, but what if the King should carry on a Course contrary to the Word of God, may he be opposed by Arms? He answered, he might, when no other Means could prevail. The Bishop, or Professor of Divinity, he does not mind which, said, but I'll make it plain to you from the Word of God, that though the King carry on a Course contrary to Scripture, he ought not to be opposed. John interrupting him, said, the World will never do that, for it is a setting Scripture against it self, and the like of it was never heard. Then it was asked, if he would kill one of the King's Guards if he found them in the Way. He answered, he was of no such murdering Principles. They were very close upon him, as to his praying for the King; and after many Questions this way, they asked, can you now pray for him; he said, I can as he hath a Soul, and hath not sinned the unpardonable Sin, but to pray for him as he is King, and for the Prosperity of his Courses, I cannot do. He notices the Bishop, with a great deal of Pains and Cunning, essayed to bring him to some Acknowledgment that might have been Matter of Libel, but he endeavoured to bear off. In his original Letters, he excuses their entering into Terms with *Walter Gibson* for Transportation, and expresses his Doubts, how far they were obliged to propale their Principles, when they could not be proven against them, and whether Silence or Shifting were not lawful without making Compliances, and presses Sobriety, which he complains there is but little of, and Peremptoriness against all Sin.

1684.  
His Examination.

The original Testimony of about Two and Twenty, who were banished to *Carolina*, at *Glasgow*, probably by the Court there, is before me. That Day they received their Indictment, as they say in their Paper, for not owning the King's Supremacy (and indeed it was that most of the Country People meant when they refused to own his Authority) their declining to call *Bothwell-bridge* Rebellion, and refusing to renounce the Covenants. The Names of the Persons signing this joyn't Testimony are,

Two and Twenty banished to Carolina

*James McIntoch, John Buchanan, William Inglis, Gavin Black, Adam Allan, John Galt, Thomas Marisbal, William Smith, Robert Vrie, Thomas Brice, John Syme, Hugh Syme, William Syme, John Alexander, John Marisbal, Matthew Machan, John Paton, John Gibson, John Young, Arthur Cunningham, George Smith, and John Duart.*

Two of them, *John Buchanan* and *Arthur Cunningham*, add to their Names a Confession, that they had fainted in giving Consent to their own Banishment. The Matter stood thus, as far as I can gather it from the Accounts before me. Most part of them had been picked up at Searches and otherwise, in *Glasgow, Eastwood, Englisbam*, and other Places round about, and had continued in Prison some Months. *Walter Gibson* and his Brother were sending off a Ship to *Carolina*, and had come to some of them, asking if they were willing to go with them to the Plantations; promising if so be they would go with them, they would make Interest and get their Lives spared, and if not, they assured them they would be publickly executed. Some of them yielded to this, but afterwards when it was represented by some as an owning of Guilt, and having a Share in their own Banishment, they acknowledge it as a Step of Fainting: So hardly put to it were these honest good People upon all Hands. *John Dick*, in the forementioned Letter, very modestly vindicates this Step, and observes that their Sentence had no Relation to this dealing with *Gibson*, neither was it at all judicially considered.

Those Persons, with some others, after Sentence, were given to the *Gilsons*, and this Year were transported to *Carolina*. I have Letters written by several of them, and their particular Testimonies, with some of their Examinations; but they all running upon the ordinary Topics at this Time, the King's Supremacy, Popery and Prelacy, &c. I do not swell this Work with them.

I find them lying in *Greenock Road*, ready to sail towards the Beginning of July. There is before me a particular Account of the Hardships they met with in their Passage, of which I shall insert an Abstract, if once I had noticed, that it was in this same Ship, I suppose, the Reverend Mr. *William Dunlop*, formerly mentioned, whom I can never name without the greatest Regard to his Memory, transported himself, and voluntarily withdrew from the Iniquity of this Time. And, if I mistake not, the excellent and truly noble Lord *Cardross* left his native Country at the same Time.

Captain *James Gibson* commanded the Vessel, and is represented to have been very rude to the poor Prisoners, who were about Thirty Two. And his Seamen and Under-officers, were yet harsher. Any small Money their Friends had scraped together for them before they sailed, was taken from them, and they could have no Redress. They were disturbed when at Worship under Deck, and threatened, and whenever they began to sing *Ysolms*, the Hatches were closed upon them. They had their Water given them in very scanty Measure: One Man was allowed only a Mutchkin in Twenty four Hours. And when there

Severities to them in their Passage, and afterwards.



1684.

happened to be a Mutchkin or less over, it was carefully distributed among them all, or they would parcel it out by Spoonfuls to such as were most necessitous. All this was really from ill Nature, for there was no Strait. When they came ashore in *Carolina*, they had fourteen Hogheads of Water to cast out, besides a good Number of Hogheads of Beer remaining.

At the Beginning of their Voyage, every eight of them had a *Scots* Pint of Pottage allowed them, and a little Beer: Their other Food was salt Beef, with a few Pease, three or four Years old, sodden in salt Water; this they had literally by Weight, two Ounces and an Half to every two of them, with a Bisket, which was old enough. Their Bread was indeed so ill, that they could not eat it, but bartered it with the Seamen for the Rain-water they gathered. The Sick were miserably treated, and had no other Thing allowed them but what the rest had. Some of the Prisoners who were sick, desired to be put ashore at *Bermudas*, offering all Security to Captain *Gibson*, if they recovered, to come to *Carolina*. At first the Captain promised, but, when he found so many sick, altered his Mind. The very Ship's Crew were like to mutiny for Want of Water, and *John Alexander* died of Thirst, as was thought.

When they landed in *Carolina*, all the Prisoners almost were sick; they were taken out, and put into Houses under a Guard: Some Cloth and other Things given by their Friends in *Scotland*, to be sold at the best Advantage, and distributed among them in *Carolina*, was otherwise disposed of, and they had none of it. *John Dick*, formerly mentioned, having paid his Freight, to thirty Shillings, tho' he offered his Bond for it, and a Comrade of his offered to serve in his Room, till that Remainder of his Freight was paid, yet the Captain would in no wise yield to it, but forced him up the Country with him as his Servant, where he died. His Case differed from the rest of the Prisoners, because of the Contract he had entered into with the Captain, but no Faith was kept to him. Two of the Prisoners, *John Smith* and *John Paton*, offering to make their Escape, were discovered, and most barbarously used, being beaten eight Times every Day, and condemned to perpetual Servitude.

Harsh Treatment of Elizabeth Linning.

My Account of Banishments this Year, shall be ended with an Instance of Severity, great enough. When these Prisoners were lying ready to sail from *Clyde*, *Elizabeth Linning*, yet alive attesting this Account, came down to visit the Prisoners, some of them being her Relations; when she came aboard, Captain *Gibson* ordered her to be kept and taken with them, tho' he had nothing to charge her with: She perceiving this, took an Opportunity, when those who were watching her were asleep, to get ashore. She was soon missed, and the Captain ordered most of the Crew ashore in Search of her; they found her and brought her back, and carried her to *Carolina* with them.

After they arrived there, and the Prisoners were set ashore, she fell indisposed. One Day she heard the Captain say, when he did not know she was within hearing, *Since she is sickly, let her go ashore, but see that she come aboard every Night till we get her sold*. Upon this she took the first Opportunity to get ashore, and went straight to the Governor, and acquainted him how she was forced to that Place, and what she had heard. The Governor was very civil, and caused cite the Captain to the next Court-day, where he appearing was interrogate, if he brought the Girl from *Scotland* without Sentence, or her own Consent; the Captain owned he had, and trumped up a Story, which she utterly refused, that she had come with Letters to the Prisoners, and Means were essaying to procure their Escape, tho' he had given Bond to the Council of *Scotland* for Two and thirty of them at a thousand Merks per Piece. The Governor told him, that could not be, since, as he was informed, she was taken after she had made her Escape. To this he answered nothing, but that he had an Order from Lieutenant-colonel *Windram* to keep her, for she was such a Rebel as ought not to be permitted to stay in the Nation. The Governor desired him to produce this Order, the other answered, he had it only by Word of Mouth. Whereupon the Court ordered her Liberation, and allowed her the following Extract.

*At a Council held at Charlestown, October 17. 1684.*

‘UPON the reading of the Petition of *Elizabeth Linning*, against Captain *James Gibson*, Commander of the *Carolina* Merchant, in a full Council it was ordered as follows. Whereas, upon the Confession of Captain *Gibson*, that the within written *Elizabeth Linning*, was, without the Consent of the said *Elizabeth*, brought to this Province by Force, and by a pretended Order from Lieutenant-colonel *John Windram*, but the said *Gibson* producing none, it is ordered that the said *Elizabeth* be set at Liberty as a free Woman.

In short, most Part of the Prisoners died in *Carolina*, and scarce Half a Dozen of them ever returned to their native Land; and a great many Years after, their Commander, with the Ship he was in, perished in the *American* Seas, after a most unfortunate Voyage. Many others were banished this and the following Year, of whom I shall be scarce able to give any Account; but I now return to the Proceedings of Council at *Edinburgh*.

Toward



Toward the End of *April*, in the Vacation of the Session, a good many of the Managers were in the Country, and yet they were not willing any Sitt should be in the Persecution, therefore the following Order is made, *April 22.* 'The Counsellors who are in Town, are appointed to meet in the Intervals of Council, and impowered to do every Thing they shall find necessary for his Majesty's Service, the Exigence of the Government, and Peace of the Country, and receive Accounts from Magistrates of Burghs and Officers of the Army, and give Orders; with Power to them to convene the Council.'

1684.  
Council Power  
given to the  
Counsellors at  
Edinburgh.

That same Day the Council recommend it to General *Dalziel*, 'to ordain Lieutenant-colonel *Buchan*, with Five Companies of Foot, and the Lord *Ross's* Troop, to march to the Shire of *Air*, and that Half of the Troop of Guards march thither also; that Colonel *Graham* be ordered to post his own Troop at *Dumfries*, or where he thinks most convenient in that Country, and to post the Two Troops of Dragoons in the Garisons of *Kaitloch*, *Ballagan*, *Kenmuir*, *Macbrimmore*, or *Monigaff*; that Colonel *Graham* command all the Forces in *Air* Shire while there, and have Power to quarter them in the Shire of *Air* and *Renfrew*, or where most convenient for the King's Service; that Captain *Cleland's* Troop be put into the Houses of *Covington* and *Blackwood*, till *Strevan* be ready.'

Orders about  
the Forces.

*May 5.* the Council 'appoint a Garison at *Kenmuir*, and because the Lady is to ly in, the Soldiers are for the Time dispersed to *Barscob*, *Waterhead*, *Knockgray*, and *Kaitloch*.' Other Accounts at this Time bear, that the Garisons were increased, especially in the South, so that much of *Scotland* was, as if it had been a Country conquered by an Enemy. That strong Garison at *Kaitloch* was continued, Two were set up in the Parish of *Carsphairn*, another in *Lefmahago*, and one in *Craveford-muir*, besides these at *Newmills*, and several other Places.

Garisons.

Parties from those Garisons were the great Instruments of many of the Murders in the Fields in cold Blood, which now were a beginning; and to them likewise the Country owed the gravaminous Searchings at this Time so common, and continually almost Parties were travelling from the *Waterhead* of *Dough* to *Lefmahago*, or *Craveford-muir*, or down to *Newmills*, and other Places, so that the Wanderers were very hard put to it. Those Searches were most uneasy to good People through the Country in the Summer, and they were mostly in Towns and Cities in the Winter.

Last Year we heard, that the printing the fugitive Rolls was delayed from Time to Time, now, *May 5.* the Council publish them, and a Proclamation before them; I have annexed both in the *Appendix*, N<sup>o</sup>. 94. Remarks need not be made on the Proclamation, after the many such Papers we have met with. The Rebellion is represented as the great Matter upon which they were cited who are fugitated, but it was but very few of them who had been in the Rising, and they were only guilty of the alledged Reset of Persons who had been there; and if the Reader look back on what hath been said, he will see, that none in the West or South were free of Converse with such who were at *Bothwell*, since good Numbers of them were never staged for some Years, and openly frequented all ordinary Places of publick Meeting. The Design of printing the Roll, is alledged to be to prevent harbouring them, and to stir up every Body to persecute them. It allows such as are wrong insert to the First of *August*, to get their Relaxation gratis, by Production of Evidences of their having taken the *Bond* or *Test*; and there seems to be a Prorogation of the Time for taking the *Test* to that Day, if I understand the Proclamation. I make no Remarks on the Rolls, there are many Mistakes in them, but they contain a List of very good People persecuted for Conscience sake.

Fugitive Rolls  
now published  
with a Procla-  
mation.  
App. N<sup>o</sup>. 94.  
Remarks upon  
it.

*May 17.* 'the Council having appointed a Committee to consider the Case of the Prisoners in the Tolbooth, who have been long there without any Probation:' Upon their Report the Council order Eight or Ten to be liberate, on Promise to keep their Parish-church; they were poor Country People, who had nothing to maintain themselves, and had been imprisoned for Reset and Noncompearance, and would not take the *Test*. 'But remit *George Hutchison* of *Harelaw*, and *George Jackson*, to the Justices, and continue their Proceedings against *David McLivie* Taylor; *John Hodge* Sword-slipper in *Glasgow*, *Archibald Shiels*, *James Gray* of *Chrystoun*, Mr. *William Wisheart*, *William Scot* in *Libbertoun*, are continued until the Council further consider their Condition.'

Council's Pro-  
cedure against  
the Prisoners,  
*May 17.*

The Committee for publick Affairs, *May 22.* find, 'That some of the Rebels who have neither taken the *Bond* nor *Test*, and have been made Use of by the Laird of *Meldrum*, and some others having Commission, to discover Rebels, do think it fit, in regard they are under Process, and so notailable, that they be put in Prison, and the Justices proceed against them with all Speed.' This is the Reward some of those, who were useful to *Meldrum* and others in their Oppression, got, and readily, however the Treason for a Season was encouraged, yet the Traitors were hated.

Towards the Beginning of *June*, the famous Conventicle at the *Black-loch* broke out, which being the Occasion of much Trouble to many Gentlemen and Ministers, I shall give what I meet with thereanent in the Registers. Conventicles now were very rare, and the Managers make as great a Bustle anent this, as if the whole Country had been up. The

Conventicle at  
*Black-loch*, in  
*June*.



1684.

Committee for publick Affairs, who now have much of the Council Business among their Hands, meet *June 10.*

That Day they have Information, that on the 8 of *June*, a Conventicle was designed at *Black-loch*, where an Hundred Men were said to be in Arms together; that a Party of Soldiers were sent out under Colonel *Windram*, who traced them out, and pursued, but did not overtake them. He came to the *Muir-head*, and traced them to *Camnethan* Church, and thence to the Ford of *Clyde*, and that about fourscore Men and Twenty Women kept together all the *Sabbath*. *June 12.* the Committee send out Orders to General *Dalziel*, at this Time in the West Country, to examine *Gavin Lawrie* in *Redmire*, *James Stuart* of *Hartwood*, and *James Walker* of *Rosehall* Chamberlain to *Duke Hamilton*.

Sir William Pater-  
son sent to  
Glasgow upon  
the Accounts  
of it.

That Day in the Afternoon, the Committee think fit to send West Sir William Pater-  
son Clerk to the Council, to be present with the General and others at *Glasgow*, to examine all Witnesses, and take Information, who, through the Country, conversed with those Rogues in Arms, and to meet with the Commissioners of Justiciary now sitting at *Glasgow*; and the Advocate is to draw his Instructions against to Morrow.

Instructions to  
him.

Accordingly, the Committee for publick Affairs give Orders to the Advocate, *June 13.* to process the Heritors upon whose Lands some Rebels were lately seen in Arms, conform to Proclamation *July 8. 1682.* and consent to the Instructions to Sir William Pater-  
son, which are as follow.

‘ That he wait upon the Archbishop of *Glasgow* and the General, and shew them, the Committee expect further Accounts of those lately in Arms, and on whose Ground they were seen, and of Magistrates, Heritors, and others, who have been guilty of Con-  
nivance, or supine Negligence, in not giving an Account of these Rebels, to the Counsellors, or Officers of the Army, to be punished exemplarily conform to Law, and the Proclamation on *July 1682.* which clearly meets with this Case; and that *Stuart* of *Hartwood*, and *Walker* be most strictly examined, and if not ingenuous, that they be imprisoned, and *Lawrie* to be strictly examined, and his Wife and Servants, since the Rebels, in a Body, drank at his House.’

‘ It is to be considered, that those Three Persons are exceedingly to be blamed, that they did not dog and follow those Rebels, and give present Information, and have palpably contravened the Tenor of the said Proclamation.’

‘ You are to shew, that the Committee for publick Affairs are displeased with the Slowness of the Procedure of the Commissioners of Justiciary at *Glasgow*, against the Rebels and other disorderly Persons now Prisoners at *Glasgow*, and advise them forthwith to proceed according to Law and their Instructions. Such against whom the Probation is clear, or who confess their being in the Rebellion, and continue obdurate in their rebellious Principles, are to be instantly sentenced and punished according to Law; such as are penitent, and disown the Rebellion, and all rebellious Principles and Practices, are to be forthwith banished to the Plantations, in the Terms of the former Acts.’

‘ As to the rest of the Prisoners, against whom there is no clear Probation of their being in the Rebellion, and will not confess their being accessory thereunto, yet if they or any of them will not acknowledge the Insurrection at *Bothwell-bridge* to be Rebellion, and a Sin against God Almighty, and refuse to declare that it is unlawful for Subjects, upon the account of the Covenant, or any account whatsoever, to rise in Arms against his Majesty or his Authority, and the present Government in Church or in State, and refuse to enact themselves never to rise in Arms, and to live regularly, and to keep their Parishes hereafter, and refuse to take the Oath of Allegiance, that they be immediately banished to the Plantations, as above. And generally, you are to advise the said Commissioners, in any thing relating to their Commission, that may contribute for his Majesty’s Service.’

His Report to  
the Council,  
*June 19.* with  
their Proce-  
dure.

‘ Sir William Pater-  
son returns, and makes his Report to the Council, *June 19.* As to that Part of his Instructions with relation to the banishing People to the Plantations, we have had the Report above; and as to the Matter of the *Black-loch*, the Lords find, by Examination taken by the said Sir William, that the most Part of the Heritors and Inhabitants of the Parishes of *Shotts*, *Camnethan*, and *Monkland*, have been extremely guilty, in not giving any Information anent the said armed Rebels, tho’ they did march through those Parishes, to the Number of Eighty or an Hundred armed Men; that the Heritors have been remiss and supinely negligent in their Duty, and neglected to give timely Information of the said Rebels, and appoint them to be cited against *Tuesday* the First of *July*, and the Sheriffs of *Stirling*, *Linlithgow*, and *Lancerk*, to be cited to the same Day, as also *Stuart* of *Allantoun*, *Stuart* of *Hartwood*, *William Cochran* of *Ochiltree* younger, *Walker* of *Hacketburn*, on whose Lands, and near whose Houses the said Rebels appeared in Arms, to be cited to that Day; and in regard Mr. *William Violant*, indulged Minister at *Camnethan*, albeit the said Rebels patled his House in Rank and File in Arms, did



did not give Information thereof to any Magistrates and Officers of the Army, tho' some of them lay within Three or Four Miles of him, the Lords do ordain him to be cited.

1684.

The same Day, the Sheriffs of *Mid-lothian*, *Peebles*, and *Linlithgow*, and the Heritors of the Parishes in whose Bounds the Rebels were seen, are cited to appear before the Council, in the Terms of the Proclamation July 1682.

The particular Sufferings of those Gentlemen, Ministers, and others, who were brought to Trouble upon the account of this Conventicle, will come in upon the next Section; and this is growing so much, that it will be proper to leave them to it.

I only remark further upon this Subject, July 16. that the Committee for publick Affairs write a Letter to Sir *William Murray* of *Stenhope*, Sir *Archibald Murray* of *Blackbarony*, *John Veitch* of *Durwick*, signifying, that there was a Conventicle kept, June 1. at *Carnhill*, and another at *Colstons-loup* in *Peebles* Shire; and complain those Gentlemen had not given Advertisement of them, according to the Proclamation of Council, July 1682. which at this Diet the Council order to be reprinted, and order them to make diligent Search, and apprehend the Hearers and Preachers, and take the Assistance of the Garison at *Boghall*. We shall afterwards hear of particular Prosecutions for these Conventicles.

Another Conventicle in *Peebles*.

July 1. the Council recommend it to *Claverhouse*, to inform himself of the Heritors of the Lands where some Rebels had laid on Ambuscade for the King's Soldiers, and one of them was killed, and of the substantial Tenants, and report. This is what I have observed this Year, until the new Commission sent down this Month to the Council, which I come now to take Notice of.

Upon the 15 of July, a new Commission comes down from the King to the Council, none of the former Members were left out, and some new ones put in, and new Powers were granted; and at the same Time the Earl of *Perth* is declared Chancellor in *Aberdeen's* Room, and *Linlithgow* is Justice-general. That Day the King's Letter was read to the Council, which deserves a Room here.

A new Commission to the Council, *Perth* made Chancellor, and *Linlithgow* Justice-general.

## CHARLES R.

Right trusty, &c. Whereas, for weighty Reasons, We have thought fit to recal the late Commission of Our Privy Council, and being fully assured of the entire Loyalty and Affection of you who were in that Commission, We have thought fit again to nominate you, together with some others, ( of whose Loyalty we have good Reason to be assured ) to be in the same Capacity, not doubting, but as you have always continued zealously and faithfully to serve Us, by administering Justice, maintaining Our Authority, asserting Our Prerogative, and refused to comply with any such, as inclined either to support or countenance fanatical, or disaffected and turbulent Persons; so We doubt not, in consideration of this Trust We repose in you, and of your Duty to Us, you will go on firmly and faithfully in Our Service, by doing Justice to Our People, by putting the Laws vigorously in Execution against the Fanaticks, those Enemies not only of Our Person and Government, but likewise of all Religion and Society, from whose Principles We can expect nothing less than Rebellion and Conspiracies.

We do therefore recommend to your particular Care, to prevent their Malice, by all legal and suitable Means, prosecuting and disabling all such as you find obnoxious to Our Laws and Government. And that you might meet with no Impediment from Us, We have removed from Our Councils and highest Offices, all such as We thought forward in favouring, and slow in proceeding against them, or Countenancers of disaffected and turbulent People, that you may see how inconsistent Our Favour is with those Ways.

In the next Place, We require you to encourage Our regular Clergy, by maintaining them in their just Rights and Privileges, and securing their Persons and Goods from Violence and Outrage, especially Our Archbishops and Bishops, seeing We look upon all Discouragements they unjustly meet with, among the highest Affronts to Our Authority.

You are likewise to advert to the Security of the Peace of the Country, preventing, by all suitable Means, the Disorders that may arise from *Argyle* Shire, and other disaffected Places; and in every thing, not only in your joyn't but separate Capacities, doing whatever may most conduce to the Advancement of Our Interest, maintaining Our Prerogative, and securing your own Peace and Prosperity. In Confidence whereof We bid you heartily farewell. Given, &c. *Windfor*, June 13. 1684.

Reflections upon this Paper formed by the Managers, are needless; they grow in their Reproaches and Spite at the suffering Presbyterians, and make the King charge all who go under

S f f f

Remarks on it



1684.

under the Name of Fanaticks, with such Principles as they were entirely free of. If the Earl of *Aberdeen* and others now displaced, be pointed at as Favourers of, or at least flow Proceeders against the Sufferers, it is very much for their Honour. However that be, 'tis plain from this Letter, that the main Work of the Council was to maintain the King's Prerogative now sufficiently absolute, support the Prelates its Creatures, and to be their Burriers in persecuting the suffering Presbyterians; and to these they engage themselves in their Return to his Majesty that same Day, which I likewise insert.

*May it please your sacred Majesty,*

The Council's  
Answer.

**WE** should be sorry that our Affairs have of late been so troublesome to your Majesty, if we found not, by your Majesty's gracious Letter, dated *June 13.* that your Majesty has thereby understood perfectly your own Interest and ours: Nor can we doubt, but that hereafter, all who serve your sacred Majesty, will be convinced there is no Security in complying with turbulent and disaffected People, tho' that Compliance was become of late very plausible, from the Principles of Fear or Popularity; it being truly much easier, nobler, and safer, to disable your Enemies than to flatter them.'

'In Return to this your Majesty's most gracious Letter, we again renew, with all our Heart, the most sincere Offer of our Lives and Fortunes, with our grateful Acknowledgment of the great Kindness done to us, in preferring such among us to the chief Employments, as deserve to be our Leaders in those dangerous Times, and whose Preference being the Effect of your Majesty's perfect Knowledge of their tried Merit, gives us just Occasion to believe they will, by their Deportment, justify your Majesty's Royal Choice, and awake the Diligence of such as are joyned with them.'

'We also, whom your Majesty has honoured with the great Trust of being Privy Counsellors, by this your last Commission, find our selves obliged to bestow all possible Pains and Diligence, in serving so gracious and so judicious a Monarch, in the Way which, because your Majesty prescribes it, we have among other Reasons just Cause to believe to be the best.'

'And therefore, SIR, we shall do our utmost to administrate Justice to your Subjects, maintain your Authority, assert your Prerogative, protect the orthodox Clergy, and suppress Fanaticks, and to deserve in every Thing, as far as is possible for us, the happy Name of'

*Your Majesty's most faithful, most humble,  
and most obedient Subjects and Servants,*

*Subscribed at in Sederunt.*

It hath been remarked, that the Committee for publick Affairs have had a great Part of the Work of Persecution committed to them by the Council: Thus they continue to do, and therefore at this first *Sederunt*, the Council fail not to appoint this Committee. The Members and Powers of it follow.

*Act anent the Committee for publick Affairs, July 15.*

Act appointing  
the Committee  
for publick  
Affairs.

**THE** Lords of his Majesty's privy Council considering that, from Time to Time, they have been in Use to appoint a Committee for publick Affairs, and whereas now by his Majesty's late Commission to his Council, the Committee formerly nominate is dissolved, and it being necessary for the Administration of his Majesty's Affairs, that a new Committee be appointed, do therefore hereby nominate and appoint the Archbishops of *St. Andrews* and *Glasgow*, the Earls of *Linlithgow*, *Balcarras* and *Tweddale*, the Lords *Drumlanerck* and *Livingstone*, the Lairds of *Drumetzier* and *Claverhouse* (Officers of State and Lord President of the Session being always supernumerary) or any Three of them to be a Committee of Council for publick Affairs, with Power to them or their *Quorum* foresaid, to receive Accounts, from the several Magistrates of the Kingdom, of their Procedure and Diligence in the Execution of the Laws against fanatical and disorderly Persons, as also from the Officers of the Army anent such Persons, and to call and examine Prisoners, or such Persons as they shall have reason to suspect guilty of seditious or treasonable Crimes, or of publick Disorders, and to imprison or dismiss them as they shall find Cause; and generally, to do all and sundry other Things which may be expedient for his Majesty's Government and the Peace of the Kingdom; and appoint their first Meeting to be to Morrow at Three of the Clock after Noon, and thereafter at such Times as they shall think most convenient; and Accounts of their Procedure to be given in for their Approbation.

Thus



Thus we have the Beginnings of this new appointed Council ; they just go on where they left, and we shall find them prosecuting Heritors and others, for not raising the Hue and the Cry. I only notice some of their more general Acts. *July 17.* ' The Council being informed that the Rebels have been seen passing through some Parts of the Shire of *Air*, and that the Heritors and Inhabitants have not given Advertiement, grant Commission to the Sheriff-depute, and Captain *John Inglis*, or any of them, to call before them and examine upon Oath, all such Persons as can give best Information of the Heritors through whose Lands the said Rebels were seen to pass, and send in an Account to the Council. ' I need scarce notice that these Rebels so much Sputter is made about, were Mr. *Renwick's* Followers, who were obliged at the Conventicles, and I may say almost at all Times, for their own Defence, to carry Arms ; and such of them, whose Way homeward from Conventicles lay together, are the Rebels now marching up and down the Country.

But not satisfied with those Orders, *July 22.* a Proclamation is emitted for discovering Rebels and their Refettors in the West, which I have added *App. No. 95.* The Penners of this Paper make the King assert, *That the Monarchy is devolved upon him by God alone* ; which, in the plain and ordinary Sense of the Words, is not true, and would have been very far from his Stile in the Year 1649 or 1650. when the Monarchy was made over to him by the Presbyterians, and those very People in *England* and *Scotland* whom he hath been violently persecuting for upwards of Twenty Years. The Proclamation adds, *by the Nature of the Monarchy* devolved thus on him, and by his *inherent Prerogative* he was impowered to take such Courses for securing the Government as were best, *that is*, such Methods as he pleased, without any Proclamation, or Acts of Parliament, as the Tenor of this Sentence necessarily gives us to understand it ; which is a plain avowing the Nature of this Government was tyrannical, and that Tyranny was from God. Whether this Clause is designed to be a Cover for the Murders committed in the Field by the Soldiers in cold Blood, I cannot say ; but we shall find in the last Section a very barbarous one committed in *Airshire*, this same Month of *July*.

1684.  
Commission  
for the Shire of  
*Air*, *July 17.*

Proclamation  
*July 22.* for  
discovering Re-  
bels in the West  
*App. No. 95.*  
Remarks upon  
it

Next, the Subjects are told, that if this terrible Hue and Cry be neglected, other and effectual Methods will be taken. What those were are not expressed, and the Reader is left to guess whether a larger standing Army, an Highland Host, or rather the sanguinary and inhumane Orders to kill in cold Blood, all who did not answer the Soldiers Interrogatories, given towards the End of this Year, be meant, and were in View. It follows, that two hundred armed Rebels marched up and down. Informers could soon make two Hundred of Fifty, but when their own Registers make them but Eighty, and that just at the dismissing the Conventicle, we may see what Weight is to be laid upon the Numbers in their publick Papers. It is wisely inferred, they behoved to have been harboured and refet in the Shires they marched through ; undoubtedly they could not live without Meat and Drink, and yet one would think Two hundred Men in Arms would take Subsistence upon paying for it, if it were refused them. But all this is a Fetch to bring in the Sheriffs, &c. their Orders to apprehend them, and inform the Council who refet them, against the 15 of *August*, otherwise other and effectual Methods would be fallen upon ; and we shall find, that within Ten Days, without waiting so long, the Army is sent West. This Proclamation is to be read from all Pulpits after divine Service, which, I believe, the orthodox Clergy would not forget. And it opens a new Door for a general Harassing of the Country.

That same Day another Proclamation is emitted, ordering all the Forces and Militia to be in a Readiness to suppress the Rebels. It is much in the same Strain with the former, and so needs not be insert.

*July 23.* the Council form an Act, and record it, relative to the Thumbkins, for the Terror, as we shall hear, of Mr. *Spence* and others under Process about the Plot last Year : And being but short, I insert it here. ' Whereas the Boots were the ordinary Way to expiscate Matters relating to the Government, and that there is now a new Invention and Engine, called the *Thumbkins*, which will be very effectual to the Purpose and Intent foresaid, the Lords of his Majesty's Privy Council do therefore ordain, that when any Person shall by their Order be put to the Torture, that the said Boots and *Thumbkins* both be applied to them, as it shall be found fit and convenient. '

Council's Act  
about Thumb-  
kins, *July 23.*

Accordingly, as was threatened in the Proclamation just now named, the Council fall upon other Methods with a Witness, for oppressing the Country, besides the Examinations of the Sheriffs, and send the Army to the West Country, and impower the Officers to examine the Country. The Act will give the best View of this, and follows.

Act anent the  
Army, and im-  
powering the  
Officers to  
examine the  
West Country,  
*Aug. 1.*

*Act anent the Army, August 1. 1684.*

THE Lords of his Majesty's Privy Council considering, that several desperate Rebels do daily break out in Arms in Multitudes, at their seditious Field-conventicles, and lay

S f f f 2

' Am-



1684.

‘ Ambuscades for his Majesty’s Forces, and kill some of them, and rescue Prisoners in their Custody, to the high Contempt of the Laws, and Affront of his Majesty’s Government, to prevent and suppress all such rebellious Courses for the future, and to reduce the Country to their due Obedience, and not to suffer any skulking vagrant Rogues to go up and down the Country, to the Disturbance of the Peace thereof, and Disquiet of the Kingdom, have thought fit to dispose of his Majesty’s Forces, so as they may be most fit for Service; and therefore recommend to General *Dalziel* to continue the Foot where they are, and further, that he dispose the other Forces as follows. One Squadron of his Majesty’s Guard in and about *Edinburgh*; the Second Squad to go to *Fife*, and quarter as the Earl of *Balcarras* shall order; that Sir *James Turner* and his Company of Dragoons, attend near *Glasgow*; that *Meldrum* and his Troop of Horse, and the Lord *Charles Murray*’s Troop of Dragoons, go to *Teviotdale*; that the General’s Troop of Dragoons and Captain *Strachan*’s, ly at *Garifons* in *Galloway* and *Nithsdale*, the Lord *Drumlanerke*’s at *Dumfries*; that Two Squadrons of the Guards, *Claverhouse* his Troop, the Lord *Ross*’s Troop, Captain *Inglis* and Captain *Cleland*’s Troop of Dragoons be for *Air* Shire, or any where else the commanding Officer shall think best for the Good of the Government; that *Claverhouse* and Lieutenant-colonel *Buchan*, Commanders of the Five Troops in *Air* Shire, continue, with Power to them, or any of them, in the others Absence, to command and give necessary Orders to them, and the hail Forces, Foot and Horse, and Dragoons, in the Shires of *Air* and *Clydsdale*.’

‘ And to the effect Discovery may be made of the Rebels in Arms, and such as have been present at Field-conventicles, and upon whose Lands these Conventicles have been kept, or were seen, and did appear, may be known, the said Lords empower and commission Colonel *Graham* of *Claverhouse*, and Lieutenant-colonel *Buchan*, or any one of them, or, in their Absence, such as they shall think fit to appoint, (for whom they are to be answerable) to call for and examine upon Oath, all such Persons as can give any Information in the Premises; and for that effect to use all legal Diligence, and ordain them to report an Account of their Procedure as soon as possible.’

Observes upon it.

I need make no Observes upon this Act. I suppose the Ambuscade spoken of here and elsewhere, was the Attempt made at *Enterkin-path*, upon a Party of the Soldiers carrying in some Prisoners to *Edinburgh*. The Shire of *Air* still continues to be the Butt of the Army’s Fury, and more Forces are cantoned there, than almost through all the rest of the Country. And the commanding Officers of the Army, yea, whomsoever they shall please to substitute, are put in the Room of the ordinary Magistrates, and have Power to examine the Country upon Oath.

Act about the Prisoners, that they be executed Six Hours after Sentence.

That same Day, *August 1.* the Council form a very ill-natured Act, as to the poor People in Prison, full of severe Threatnings. ‘ The Lords of his Majesty’s Privy Council having resolved, that all Persons now in Prison for Crimes against the Government, in the Tolbooths of *Edinburgh* and *Canongate*, for being in the late Rebellion, or Reset of Rebels, be speedily brought to Justice, do ordain his Majesty’s Solicitors to visit the Tolbooths of *Edinburgh* and *Canongate*, and report what Prisoners are there on these accounts; that it may be recommended to the Justices, to proceed and pronounce Sentence of Death against them immediately, which Sentence they are to cause execute within Six Hours after pronouncing of it; and command the Commissioners of Justiciary at *Glasgow* and *Dumfries* to proceed immediately against the Prisoners in the Tolbooths there, in the like Circumstances, and pronounce Sentence of Death against them, and put the Sentence in Execution within Three Hours after the pronouncing of it.’

Remarks.

Such barbarous Acts to hurry good People into Eternity in Six Hours Time, make my Hair stand when writing them, and I think are no where to be met with but from a *Scots* Council; and yet the Orders given the End of this Year, for killing in the Fields in a few Moments, go beyond them.

Many Prisoners found wrongously imprisoned.

Perhaps it is upon the Report of those sent to the Prisons in *Edinburgh* and *Canongate*, that *August 5.* the Council find good Numbers of the Prisoners seized, as being in the Rebellion, only because of the same Name with some who had been there; and others because they were with the Rebels, seeking for their Goods and Horses some Days before *Bothwell*. Those, upon their Petitions, are released, and it would swell this Work too much, to insert all such as by the Records I find were wrongously imprisoned.

Act requiring the Advocate to process such as owned Authority according to the Covenant.

*August 19.* the Lords of his Majesty’s Privy Council considering, ‘ That several of the Persons called and examined before themselves, will not own the King’s Authority, but according to the Covenant, and their own treasonable Limitations, do hereby give Order and Warrant to his Majesty’s Advocate, to process and indict such of these Persons as are already brought in, or shall be brought in for the said Crime, before the Justices, that they may be proceeded against according to Law.’ Thus the owning of the King’s Authority according to the Covenants, was made Treason, which was what the Parliament would not venture

Remarks on it.



venture on, and only discharged the owning of the Obligation of them. By this Process were intended against Multitudes of Country People, who would own the King no other way but in a Constancy with the Word of God and Covenants. Thus a Blot and Stain is put on what was, and will still be the Glory of these Lands, that they were devoted to the Lord, and Religion and Reformation, and our valuable civil Liberties solemnly engaged into. When a Papist was near to mount the Throne, it was high Time to put the greatest Contempt upon those great Bulwarks against Popery.

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Another Report is made at the same Diet of Council, as to the State of the Prisoners, in the *Canongate* and *Edinburgh* Tolbooths, by a Committee formerly appointed for this end. It seems, either the Solicitor's Report did not satisfy, or new Prisoners were come in since, and indeed they were sent in in Crowds every Week; and the Council approve the Report, that about Twenty of the Prisoners (mean Country People, from *Glasgow* and *Ayrshire*) be set at Liberty upon their enacting themselves to keep their Parish-kirk under Five hundred Merks Penalty, and to live regularly; that *Robert Tam* in *Carmonnock*, *William Campbell* at *Muirkirk*, *Gabriel Thomson* in *Carmonnock*, *John Ure* Maltman in *Glasgow*, *John Mclevey* Shoe-maker in *Kilmarnock*, *James Niccol* in *Peebles*, *William Young* Taylor in *Evandale*, be proceeded and indicted before the Justices, that they may be proceeded against according to Law. We shall meet with a good many of them afterwards, when I come to give the Proceedings of the Justiciary this Year. And ordain *John Campbell* Tenant in *Muirkirk*, *John Campbell* Son to *William Campbell* of *Over-wetwood*, (a worthy Gentleman yet alive, whom we shall meet with upon the next Session) to be proceeded before the Council, in order to their Banishment, for refusing the Oath of Allegiance; and that *James Niccol* be proceeded against for his disowning the King.

Report from the Committee appointed to examine Prisoners, approved.

The Prosecution of some of those and some others at this Time, was happily prevented by the breaking of the *Canongate* Prison, and Escape of a good many, of which I shall afterwards give some Account. Here I only notice, August 22. The Magistrates of *Edinburgh* being called to the Bar of the Council, for the Escape of the Prisoners out of the *Canongate* Tolbooth last Night, it is recommended to the said Magistrates, that when any Persons are indicted by the Justices, or under the Sentence of Death for treasonable Crimes, they cause them immediately to be put into the Irons, and secure them; and they are assured that the Council hereafter will not question the Keepers of the Tolbooth, but them, for the Escape of Prisoners, they being answerable for the Keepers.

Prisoners escape from the *Canongate* Tolbooth. Aug 22.

In September new Justiciary Courts are appointed, with a particular Eye to the Gentlemen who were to be fined to the Value of their Estates; but I leave them to a Session by it self.

September 10. the Lords of Council, understanding there are several publick Papers and Writs in the Hands of the Earl of *Aberdeen* late Lord Chancellor, do appoint the Earl of *Kintore* to call for the said Earl of *Aberdeen*, and examine him upon Oath on what Papers he hath not hitherto delivered up, particularly anent some Papers given in by the Earl of *Balcarras*, taken from a Man in *Fife*, relative to the Plot and Conspiracy, before the same was discovered, and to receive them and transmit them to the Clerks.

Earl of *Aberdeen* late Chancellor, to be examined upon Oath what publick Papers are in his Hands.

A very remarkable Act follows, September 16. The Lords of his Majesty's Privy Council empower the Committee for publick Affairs, to call and convene before them, at the Instance of his Majesty's Advocate, such of the Prisoners as are guilty of such Disorders and Convictions, and refuse to take the Oath of Allegiance, and to pronounce Sentence of Banishment against them. And if any of these Prisoners shall refuse to own the King as their lawful Sovereign, or will not call the Rising at *Bothwell-bridge*, a Rebellion, or the Archbishop's Murder, a Murder, or does own the Covenant, or that 'tis lawful in defence thereof to rise against the King, or seem to hesitate, the Council authorizes the said Committee to remit them to the Justices, to be tried criminally.

Act of Council Sept. 16. ordering such who own not *Bothwell Rising* to be Rebellion, the Archbishop's Death Murder, or own the Covenant, or hesitate upon these, to be prosecuted criminally.

This Act I take to have been the Pattern of the Soldiers Catechism after this, and their Queries they proposed to People they met with in Searches, or in the open Fields, many of whom they murdered in cold Blood. No doubt they varied, and sometimes intermixed other Things with these, but most Part of their Interrogatories run upon these Points, and so good a Pattern as that of the Privy Council, ordering a criminal Process to be pursued for the Pannel's Life, in case of not answering satisfiingly those Queries, or any of them, yea, their hesitating upon any of them, would be followed by the Soldiers, when they had a Council and Justiciary Power lodged in them, as we shall hear they had in the Close of this Year. For many Years we have seen these were the chief of the Queries put to Sufferers in their Examinations, and Multitudes, we have seen, were executed upon their refusing to give Satisfaction in those Points; and now they are by this Act turned to a Foundation, whereupon the Justiciary are to condemn poor People. I do not enter upon the Illegality and Unreasonableness of taking poor Country Peoples Lives upon such Heads as many of these are, only in fact, tho' the King's Authority were owned, yet if the Bishop's Death was not per- notorily declared Murder, if the Covenants were not disowned, and Self-defence, as the Question was ordinarily proposed, was not disowned, or defensive Arms, or the Defence of

This is the Pattern of the Soldiers Catechism in their Searches, Examinations, and Murders in cold Blood.



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the Covenants, and *Pentland* and *Bothwell* were not expressly condemned, then there was no Mercy for the Person. Thus Hundreds of religious and conscientious People were hurried into Eternity, without Libel, Witnesses, or Process, merely because they hesitated, or would not declare their Sentiments upon those Points.

Persons given  
in private Lists,  
ordered to be  
seized.

During the Months of *September* and *October* there is little in the Council Registers, save what relates to the Justiciary Courts, which will come in best upon the Narrative of those.

*October* 31. Captain *Graham* is required immediately to seize some Persons living in and about *Edinburgh*, given him in a private List. Whether this was some pretended Conspiracy, or what was the Occasion, I know not; but no Body was secure from Trouble, when those private Lists formed from the Stories Informers trumped up, were made Rules of by the Managers.

The Months of *November* and *December* open a new and blacker Scene of Persecution than yet we have met with. Without any Provocation given, we find the Managers were ready enough to go great lengths against the suffering Wanderers up and down the Country; but at this Time it must be owned they had a greater Handle given them than ever, and I shall endeavour to give plain Matter of Fact from the publick Records, and other Papers come to my Hand, in a *Section* by it self, wherein I shall give the Declaration of War, as it was ordinarily termed, by the Society People, upon Provocations in their own Nature tempting to such Extremities, the Persecution of some for putting it on Church-doors, the *Swine-abbay* Murder, with the rigorous Proceedings on the back of it, the Orders for killing in the Fields, and the many Commissions granted on this Declaration in *December*.

Some prosecuted  
for making  
Coffins to the  
Persons execut-  
ed, Nov. 24.

*November* 24. 'The Council being informed, that this Day three Coffins were carried down the Street for the Persons who were this Day ordered to be executed for treasonable Practices, and owning the late treasonable Declaration, the Council recommend it to Sir *William Paterson*, to enquire into the Maker and Painter of them.' So very low did their Zeal against the Sufferers creep.

Instructions  
for a Search,  
Nov. 28.

*November* 28. the Lords of Council order a strict Search to be made in the Town of *Edinburgh*, and Suburbs thereof, and *Leith*, to Morrow, according to the following Instructions.

'The Bailies of the Suburbs to attend at Four in the Morning at *Holy-rood-house*, to know the Council's Pleasure.'

'The Constables of the Town at the same Time to attend my Lord Provost, that he may send the Key to the *Nether-bow*, and the Keys are to ly in the Provost's Hands this Night.'

'At the opening of the Ports the Town-council are to attend the Magistrates, who are to appoint Sixteen of their Number to attend the Officers who make the Search.'

'The Ports being opened, a Bank is to be beat through the Town with all the Drummers can be had, and in all the Lanes of the City, discharging all Persons to quit their Houses upon their Peril.'

'The Council in the mean time are to attend near the Cross, to give Orders.'

'That Captain *Graham* with his Company, post themselves at *Haddocks-hole* to guard the Prisoners.'

'The Counsellors who attend the Searchers, to have Power to break open the Doors of such Houses as are pretended to be waste, if their Landlords presently bring not the Keys.'

Council's  
Thanks to  
Judge *Jeffreys*.

I shall shut up my Accounts of this Year in this *Section*, by noticing the close Correspondence 'twixt our Managers at *Edinburgh*, and bloody *Jeffreys* in *England*. Birds of a Feather flock together. Only *Jeffreys* was tied down by the *English* Laws, far less sanguinary than ours at this Time. However, he went as far as he could to stretch the Laws, and some farther, and offers his Service to our People at *Edinburgh*. Accordingly, *December* 3. 'the Advocate representing how ready Judge *Jeffreys* was to joyn with the Council for Support of the Government, it is recommended to him to signify to the Judge, the great Resentments the Council had of his Kindness towards this Kingdom, in giving his Concurrence against such pernicious Rogues and Villains who disturb the publick Peace; and desiring he may cause apprehend the Persons of hiding and fugitive *Scotsmen*, and deliver them securely on the *Scots* Border, to such as shall be appointed to receive them.' It is now high Time to come to more particular Prosecutions.



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## S E C T. II.

*Of the Sufferings of particular Persons, Noblemen, Gentlemen, Ministers and others, not to Death, this Year 1684.*

**L**AST Year we heard of the begun Prosecution of the indulged Ministers, and it is carried on in the Beginning of this, against the most of them now remaining, and toward the End of it they are all turned out. It may not be improper to give here as much of the Council's Procedure against them as I can gather. Council's Procedure against the indulged Ministers.

By the Justiciary Records, I find, *January 7.* Mr. *Anthony Schaw* Minister at *Newmills*, a Person of great Piety and Learning, appears, and his Indictment is read, charging him with 'holding a Field-conventicle to Two thousand Persons and upwards, in the Church-yard of *Colmonel*, and with preaching, praying, and baptizing there, contrary to *Act 5. Seff. 2. Parl. 2. Char. II.*' The Lords continue this Process till the Council's Mind be known about it. Mr. Anthony Schaw, Jan. 7.

The Case seems to have been this. Mr. *Schaw* at a Communion, where the Church of the indulged Minister would not hold the People who came, as was very ordinary then and yet, preached at a Tent in the Church-yard. This was indeed a Breach of his Confinement, but all of them were guilty this way; but according to the Letter of the Law, it is made a Field-conventicle, which was Death to the Preacher. And tho' he gave in a very moving Petition, and was singularly moderate, yet such a Man as he, after all his yielding, behoved to be processed for his Life. 'January 8. the Justices, with Consent of the Advocate, as Pursuer, desert the Diet against him, and ordain him to find Caution to appear before the Council, *January 10.*'

*January 10.* Mr. *Anthony Schaw* being called, compeared, and the Lords, upon his Dismission, declare the Indulgence granted him to preach, to be void and at an End, and declare the Kirk vacant; and ordain him to find Caution not to preach, or exercise the Function of the Ministry within this Kingdom hereafter, under the Pain of Five thousand Merks, or otherwise to remove off the Kingdom, within the Space of a Month after the Date hereof, and not return without Licence, under the Pain foresaid.

When the Sentence was intimated, Mr. *Schaw* refused to find Caution to desist from preaching hereafter; this was another great Hardship put upon Presbyterian Ministers at this Time, that with their own Hand they must unminister themselves; upon which the Council order him to Prison, till he find Caution to remove forth of the Kingdom, and not return, as aforesaid.

In Prison he continues till *January 22.* where I find 'the Lords of Council liberate Mr. *Anthony Schaw*, being old and infirm, Caution being found, that he shall keep no Conventicle in House or Field, or baptize and marry, but demean himself peaceably, and frequent Ordinances where he lives, under the Penalty of Five thousand Merks.' To this Trouble was this good Man brought, and the Attack was almost general upon all the Indulged.

Mr. *John Campbell* indulged Minister at *Sorn*, and Mr. *James Veitch* at *Mauchlin*, appear before the Council, *January 3.* and are charged with the Breach of their Confinement, and the Probation remitted to their Oath. They confessed they had broke their Confinement, prayed and exercised in private Families, that they did not read the Proclamation for the Thanksgiving. The Council declare their Licence void, and order them either to find Caution to go forth of the Kingdom against *March 1.* next, or not to preach or exercise their Ministry, under Five thousand Merks, and to keep Ordinances, and appoint them to go to Prison if they find not Caution. Mrs. John Campbell and James Veitch.

Mr. *James Veitch* at this Time went to *Holland*, where he continued under some Trouble from *Robert Hamilton* and his Party, but increasing in Learning and Grace till the Toleration, he returned to his Charge at *Mauchlin*. Mr. Veitch goes to Holland.

Amidst those Severities against indulged Ministers, the Council shew some Kindness to the Relict of one of them, and *January 22.* gave to Mrs. *Wedderburn*, whose Husband died 1678. and hath a numerous Family, the Stipend of *Duntop Parish*. Whether Mr. *Gabriel Cunningham* was preaching there or not, I know not; it was well the Stipend went to no worse Use.

*January 30.* Mr. *William Eccles* indulged at *Paisly*, compears, and confesseth Breach of Confinement, and that he did not preach *May 29.* every Year. The Council declare his Li- Mr. William Eccles.



1684. cence void, and ordain him to find Caution, either not to preach, or remove off the Kingdom.

Mr. Robert Eliot  
and Mr. Thomas  
Black.  
Mr. John Baird.

That same Day Mr. Robert Eliot indulged at *Lintoun*, is dealt with in the same way; and Mr. Thomas Black at *New-tyle*, being cited and not compearing, is denounced.

March 6. Mr. John Baird at *Paisly*, of whom before, had been cited against that Day. A Testimonial of his Sickness is produced, and he is continued until April. Whether this Sickness carried him to Heaven at this Time, I know not, but I find no more about him in the Registers. He was a Minister of great Learning and Piety, and singular Skill in Medicine.

Mr. William  
Erskine Seven  
Year close  
Prisoner.

April 8. Mr. William Erskine presents a Petition to the Council, shewing, 'That he had been now Seven Years close Prisoner in *Blackness* Castle, and other Places, and that merely for preaching the Gospel as he had received Power from Christ, and that he was now turned valetudinary, therefore craving the Council's Compassion.' All they do is to allow him to walk about the Castle, and take the Air with a Keeper. And upon what Reasons I know not, Mr. John Hutchison is allowed to return from *Ireland*, whither the Council had banished him in the Year 1682. for his Breach of his Confinement. This Liberty is granted April 1.

The last of this Month, Mr. John Sinclair, who had been Minister at *Ormistoun*, was represented as having preached Sedition abroad; and we shall find him this Year processed criminally.

Mr. William  
Wysheart Student,  
in Prison.

May 5. Mr. William Wysheart Student in Divinity, since the Revolution Minister at *Leith* and *Edinburgh*, and when I write this, the reverend Principal of the College there, presents a Petition to the Council, bearing, 'That having left his Studies at *Utrecht*, to come home and visit his aged and dying Parents, upon some Mistake he was put in Prison, as being one of those who deny his Majesty's Authority, whereas he disowns these Principles, and nothing is laid to his Charge, craving that he may be liberate.' The Council order his Liberation as soon as the Advocate is satisfied as to his Principles, upon Caution to compear when called. The Advocate for some time neglected to report, and so he continued a considerable Time in the Iron-house, in no small Trouble.

Mr. John Rae  
sent to the  
Bass.

About the same Time the Advocate is ordered to insist in a Process before the Justices, against Mr. John Rae, for preaching at Field-conventicles some Four or Five Years ago. September 15. I find him sent to the *Bass*. He was a zealous successful Gospel Minister. We shall just now meet with Mr. William Violant, upon another Head attacked and laid aside. And August 17. the Advocate is ordered to raise a criminal Process against Mr. Alexander Ross, a worthy Minister in the North, for Conventicles; they could only be Conventicles kept in Houses with People at the Doors, for there were no real Field-conventicles in that Country.

Mr. Alexander  
Ross.

Mr. John Knox.

September 16. Mr. John Knox, indulged at *West-calder*, appears before the Council, and is imprisoned, where he continued till the King's Death. Having some attested Accounts of this worthy Minister, and the Ingratitude exercised towards him, I cannot but take some Notice of them.

Mr. Knox was Son to Mr. John Knox Minister at *Bowden* in *Teviotdale*. The Person I am now accounting for, was ordained Minister at *North Leith*. When a Probationer, he was in the Army, and Chaplain to Sir John Brown's Regiment of Horse, and was engaged among the Royalists in the Battle at *Inverkeithing*. He was Chaplain in the Castle of *Tintallan*, when the *English* besieged it; and after he had safely conveyed my Lord Angus and some Ladies, to their Boat for *North-berwick*, he was deserted by the Lieutenant and most Part of the Soldiers; yet he capitulated with the *English*, and got very good Conditions. He had an elder Brother, Mr. Henry Knox, a Youth of very bright Parts, who waited upon the King in the Time of his Exile, and was more than once employed by the King, and sent over to *Scotland*, to negotiate his Affairs. Mr. John was one Person to whom the King's Letters to his Friends in *Scotland* were directed; and I have seen a Letter writ by the King himself to him, yet in his Son's Hand, a Copy whereof the curious Reader will desire to see, and it follows.

St. Germans, August 3. 1652.

King's Letter  
to him, Aug. 3.  
1652.

I Am promised this Letter shall come safe to your Hands, and therefore I am willing, that you should know from my self, that I am still alive, and the same Man I was when I was amongst you. I am very much troubled for what you suffer, and am using all the Endeavours I can to free you, and before many Months I hope you will see I am not idle: In the mean time, I cannot but let you know, that I am in greater Straits and Necessities than you can easily apprehend, and am thereby compelled to leave many Things undone which would be of Advantage to me and you. I could heartily wish therefore, that by your Interest and Negotiation with these you dare trust, and who you know with me



‘ me well, some Way might be thought of to assist me with Money, which would be a very seasonable Obligation, and could never be forgotten by me. I need say no more to you, but that I shall be glad to receive any Advice or Advertisement from you that you think necessary for me, and shall always remain,’ 1684.

Tour very loving Friend,

CHARLES R.

Notwithstanding of all these Services done for the King in his Straits, Mr. Knox was turned out of his Church in *North Leith*, at the Restoration, because in Conscience he could not subject to Prelacy. Indeed he got the Benefit of being connived at in *West Calder* for some Years, till now he was summoned in before the Council, and was charged with breaking his Confinement, which every Body knew none of the Indulged kept, with not keeping the 29 of *May*, and baptizing Children of other Parishes; and tho’ he gave satisfying Answers to all, and took the Liberty to signify the peculiar Services he had Occasion to be employed in for the King, and the Letters he had under his Hand, which he offered to produce; yet no Favour could be done him, unless he would give Bond never to preach or exercise any Part of the ministerial Function in *Scotland*. To which he answered. ‘He looked on himself as a Minister of Christ, and would never tie up himself from preaching his Gospel.’ Whereupon he was immediately ordered to Prison, and lay there from *September* to *February* next, when the King died.

The Design was now formed to turn out all the indulged Ministers, and either to make Presbyterian Ministers promise not to preach, or engage to go off the Kingdom. Accordingly, we shall afterward find it an Instruction to the Circuits in *October*, to examine all the indulged Ministers, and lay them aside who had broken their Instructions; and such as would not find Caution not to preach, or remove off the Kingdom, were to be sent in Prisoners to *Edinburgh*. The Managers now resolved to rid the Prelates of all Presbyterian Ministers by whole Sale, and at this Time they came to no small Hardships. They had carried most peaceably and loyally, to that Degree, that the Society People censured and reproached them, and no Reason could be given for such Hardships upon so many pious and godly Men, but the Malice of the Prelates, to whom they had been Eye-fores, and the Prevalency of Popish Designs which were ripening very fast under the Duke of *York*’s Influence.

A Design against the Indulged, and all other Presbyterian Ministers.

Accordingly, *October* 13. I find Mr. *Anthony Murray* in Prison, because he will not engage to quit his Ministry; and the Council allow him Liberty to visit his dying Brother the Laird of *Glendoick*, upon Bond to re-enter Prison against the 20 of *November*, under the Penalty of Five thousand Merks. And, *October* 30. Mr. *James Curry* is liberated from Prison, upon condition he preach none, otherwise to forfeit his Bond of Five thousand Merks.

Mr. Anthony Murray.

Mr. James Curry.

By an original Letter of the Reverend Mr. *John Carstairs*, to the Secretary of State, dated *November* 3. it appears, that he looked upon it as a Thing projected, that all Presbyterian Ministers should be silenced or banished. I shall insert Part of his Letter relative to this, which likewise gives the present Circumstances of this worthy and eminent Minister of Christ.

Mr. John Carstairs’s Letter to the Secretary, Nov. 3. 1684. the State of Presbyterian Ministers.

Right honourable, and my very noble Lord,

‘ I Presume, Necessity constraining me, upon the Acquaintance I have the Honour of with your Lordship, humbly to kiss your Hands with this Line, and to beseech your Lordship, that seeing, as it would seem, it is resolved, that all Presbyterian nonconform Ministers shall be either perpetually imprisoned, or exiled his Majesty’s Dominions, to grant me your Lordship’s Pass to go out of my native Country, (where I thought I would have been permitted to die, being an aged Man, entering, if I live so long, the Sixth of *January* next, into my great Climaterick, and being so very infirm, that I have not but twice, and that not without some Difficulty, walked between the Cross and Trone, these Two and thirty Months, nor so much as croiled the narrowest Street or Lane in *Edinburgh* these Twelve Months bygone) unclogged with any gravaminous Condition, as of not exercising my Ministry, (to which, whatever may be my Practice, which I hope shall be without Offence, I dare not engage, come of me what will) or of not returning, since that is on the Matter a Sentence of Banishment, and consuetable withal, as the Grant of my own Desire. I can ingenuously declare to your Lordship, I have no Thought, let be fixed Resolution, of returning, having some Design to remove to such a Distance, that it is more probable I shall die by the Way than go the Length, let be return; and if ever I shall have

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‘ Thoughts



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'Thoughts of returning, which is not probable, I shall not do it without acquainting your Lordship first. If your Lordship think fit to grant me a Pass (which my Lord Secretary no doubt may, of and by himself, do to any Subject under no Sentence, Censure, Suspicion or Citation,) to be gone in the Spring, if I be in Capacity, (having been, in the Beginning of this Year, Four whole Months unable to take so much as one Turn in my Chamber, and a considerable Part of that Time in Bed, under great Agony,) with some Protection for my poor disconsolate Family, to whom, at least the very short while I am to be with them, your Lordship will allow me to be a Minister, it will be a singular Obligation.' The rest of the Letter goes on with a particular Deduction of Mr. *Carstairs* his very considerable Appearances for the King, when in a low Condition, and his untainted Loyalty to him, in the Instances already noticed, after the Restoration. He further appeals to his Declaration before the Council, Four Years ago, which hath likewise been considered, and concludes with a confident Hope, that his Lordship's Generosity at least will secure him from being in worse Case by this Address to him.

What the Reception or Consequent of this Address to the Secretary was, I know not, but I think, this singular and eminent Servant of Christ died not long after this, and got beyond their Reach; yet still the Ingratitude and Severity of this Period toward this worthy Minister and others, was not the less, and many were brought to hard Circumstances.

All the indulged Ministers ordered to be turned out, Nov. 27.

By the Registers I find, November 27. that the Council order 'all the indulged Ministers to be outed, because they kept not their Instructions, and some of them did not keep the Thanksgiving in September last Year.' And by the Instructions given to the Commissioners in different Shires, December 2. 'the indulged Ministers are to be obliged to give Bond not to exercise any Part of their Ministry in Scotland,' of which in its own Room.

Many of them imprisoned.

And December 11. Mr. *Ralph Rogers*, Mr. *William Tullidaff*, and Mr. *Robert Boyd*, refusing to give Bond not to exercise their Ministry while they remain in the Kingdom, are ordered to Prison. January 8. 1685. Mr. *Robert Boyd* is liberate from Prison, and confined to a House in *Edinburgh*. December 22. Mr. *John Macmichan*, Mr. *Cant*, Mr. *Archibald Macgachan*, are indicted before the Justiciary, for Refet of Rebels; they appear and offer to abide Trial. The Diet is deserted *simpliciter*, and the last enacts himself, under Five thousand Merks, to appear when called. And January 17. Mr. *Macmichan* and Mr. *Cant* are brought before the Council, and their Bond taken to live peaceably, and that they shall not preach. That same Day, Mr. *Robert Bell*, indulged at *Dalry*, his Licence is made void. And January 22. Mr. *John Oliphant*, who had been formerly confined to his Chamber, his Confinement is renewed for a Month. And February 3. Mr. *Robert Duncanson*, and Mr. *Duncan Campbell*, indulged Ministers in *Argyle*, are sent to Prison, upon their Refusal to engage not to exercise any Part of their ministerial Work. Some more Hints about them will come in next Year.

Other Accounts of their Trouble.

By other Accounts, I find, that several Ministers and others, in the Year 1684. were made Prisoners, as Mr. *George Meldrum*, Mr. *James Urquhart*, Mr. *John Stuart*, Mr. *Alexander Dunbar*; and all the indulged Ministers in the western Shires and elsewhere, were summarily laid aside, and those of them who would not oblige themselves not to preach, were imprisoned, first in the Tolbooth of *Edinburgh*, and then in *Blackness* or the *Bass*, as Mr. *Ralph Rogers*, Mr. *William Tullidaff*, Mr. *Anthony Murray*, Mr. *John Greg*, Mr. *James Hutchison*, Mr. *Andrew Miller*, Mr. *Peter Kid*, Mr. *John Knox*, Mr. *Walter Mowat*, Mr. *James Curry*, &c. This is all I can give relating to those worthy and useful Ministers of Christ, now laid aside, and I have chosen to put it all together in this Place. I come now forward to take Notice of the Hardships Gentlemen and others were brought to this Year.

Miller of Water-shaugh liberate under a Bond of 4000 Lib. Sterl.

January 3. *John Miller* of *Water-shaugh* petitions the Council, that he hath been in Prison these Nine Months, for alledged Correspondence with Rebels at *Bothwell*, and no Proof brought against him, craving to be liberate. The Council order him to be liberate from the *Canongate* Tolbooth, upon his giving Bond and Caution, under the Penalty of Five thousand Pounds *Sterling*, that he shall answer to any Crime laid to his Charge, upon six Days Citation, at his House; and that in the mean time he shall live orderly, and frequent Ordinances at his own Parish-church. I have no more concerning this Gentleman; but Five thousand Pounds *Sterling* was a most exorbitant Sum, upon mere Suspicion of Correspondence.

Sir William Scot of Harden his exorbitant Fine for his Lady's Nonconformity.

We heard of Sir *William Scot* of *Harden* his Case last Year; and that upon his exorbitant Fine of 46000 Pounds, for his Lady's Nonconformity, the Council had applied to the King, for Power to remit Fines, where Husbands were loyal. January 22. he presents his Petition for his Enlargement. In this extraordinary Case, I shall set down what I meet with in the Registers.

'January 22. there being a Petition presented by Sir *William Scot* of *Harden*, desiring some Enlargement in his Prison in *Edinburgh*, where he continues for his Fine imposed on him by the Council; upon Debates and Consideration had of that Affair, it was proposed that the State of the Affair might be remitted to the King's Majesty for his Ap- probation, and to know his further Pleasure as to their Procedure for the future, in the Case of Husbands being made liable for their Wives withdrawing from publick Worship: Resolved



Resolved, that a Letter be sent with Instructions, by the Earl of *Perth*, and that the Lords of the Clergy, such Members as are Lawiers, with Duke *Hamilton*, meet to Morrow, and draw them. We have seen this was done, and sent up, and what Answer was returned. However, they resolved to abate nothing to Sir *William* of the 1500 Pounds *Sterling* they had modified his Fine to.

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The same Day, anent a Petition presented by *James Scot* of *Brissol*, shewing, That Sir *William Scot* of *Harden* being decerned by the Laird of *Meldrum*, in the Sum of Forty six thousand Pounds *Scots*, as the Fines of Conventicles, and withdrawing from Ordinances, he obtained from the Council a Suspension, wherein the Petitioner became Caution for him, which being called before the Council, they turned the Decreet to a Libel, in respect that Sir *William Scot*'s Lady hath not deponed as to her withdrawing. And the Council having thereafter taken her Oath, they found the Letters orderly proceeded in, ay and while Sir *William Scot* made Payment of Fifteen hundred Pounds *Sterling*; and therefore humbly supplicating the Council to compassionate the Petitioner's Family, and sist Execution. The Council sists Execution till the First of *April*.

Sir *William* was long in Prison, and 'tis but a few more Hints I can give of him. May 5. he is sent to the Tolbooth of *Jedburgh*. Upon his Petition, July 24. he is brought back again to *Edinburgh* Prison. August 19. the Council having given some Hope of Sir *William Scot*'s Liberation, Sir *Patrick Scot* of *Ancrum* gives Caution to present Sir *William* Tuesday next, under the Penalty of Fifteen hundred Pounds *Sterling*; and August 26. Sir *Patrick* and Sir *William Scot* being called, and not compearing, the Bond is declared forfeited, and Letters of Horning direct for Fifteen hundred Pounds *Sterling*.

The next Gentleman I meet with before the Council, is Mr. *Thomas Hamilton* of *Raith*. His Process last Year was very ill grounded and iniquous, and the Council are so sensible of this, that they interpose for a Remission. February 21. the Council write the following Letter, and send his Petition inclosed to the Secretary.

Mr. Thomas Hamilton of Raith.

Right Honourable,

THE inclosed Petition from Mr. *Thomas Hamilton*, forfeited by the Sentence of the Justice-court, for his Accession to the late Rebellion, being addressed to his Majesty's Privy Council, they, in Consideration of several favourable Circumstances in his Case, and of his Loyalty, have thought fit to recommend him to his Majesty, for a Pardon as to his Life only, and that to be expedie the several Offices gratis, because of his great Poverty.

Aberdeen Cancel.

The humble Petition of Mr. *Thomas Hamilton* Prisoner, Second lawful Son to Mr. *John Hamilton* of *Raith*, Advocate.

Sheweth,

THAT whereas your Petitioner, by Sentence of the Lords of his Majesty's Justiciary, in Justice-air holden at *Glasgow* June last, was forfeited in Life and Fortune, for his being alledged present at the Rebellion 1679. and for being Art and Part thereof, and for Reset and Converse with those Rebels: And true it is, that the Petitioner's Mother's Dwelling-place and Residence, when he was attending her in her old Age, is nearly sited unto *Boothwell-bridge*; and that the said Rebels did ligger and camp in and about the said House, during the Time they continued in Arms; and that your Petitioner was never seen actually in Arms, as is evident by the Probation adduced against him, and that his being present with them, harbouring and resetting them, did rather proceed out of the Vicinity of his Mother's Residence to their Camp and Ligger, and out of youthful Unexperience, Ignorance, Mistake, and Error, than out of any Disloyalty, Disaffection, or evil Principles towards his Majesty's Person and Government, which he ever accounted his Duty to maintain; and for his saying he was forced, and his owning the King in some of the Rebels hearing, he was in Hazard of being murdered by some of them, as was certified by the Minister of the Parish to his Majesty's Advocate: And that your Petitioner is sensible of, and most sorry for his said Guilt, Ignorance, or Error, and Mistake; and as heretofore he never carried Arms against his Majesty or his Authority, so he is willing to engage for the future, that he shall never take up or bear Arms against his Majesty, or his Heirs, or lawful Successors; as also it is known, that the constant Duty, Sufferings, Loyalty, and Affection of the said umquhile *John Hamilton*, Advocate, Father to your Petitioner, in the late rebellious Times, towards his Majesty, and his dearest Father of blessed Memory, and

His Petitioner



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‘ toward their Government and Service, were very great : May it therefore please your Lordships, to take your Petitioner’s Case to your Consideration, and recommend him to his sacred Majesty, for a Remission as to his Life, and your Lordships Petitioner shall ever pray, &c.’

Tho. Hamilton.

This good Man got a Remission, but when his Father had been a Sufferer for the King and his Father, and himself evidently loyal, as the Council themselves bear witness, and was not in Arms, but only with the West Country Army when encamped about his Mother’s House, it was a new Instance of the unparalleled Severity of this Period, that his Estate and Moveables were forfeited.

Gentlemen in  
Renfrew Shire  
fined.

March 13. The Case of some Gentlemen of *Renfrew* Shire, who had been most iniquously fined for Irregularities, and not keeping their Parish-church, by the Sheriff-depute there, came to be considered by the Council, when enquiring into the Fines, as we heard upon the former *Session*, and I shall give a Hint at their Process, that the Iniquity of this Period may further appear.

James Pollock of  
Balgray.

*James Pollock* of *Balgray*, a religious and sensible Gentleman in the Parish of *Merns*, had a Decreet palled against him for a prodigious Sum. When he came before the Council, nothing was found proven against him, except one Conventicle, which he confessed. The Council reduce the Decreet, and fine him in Fifty eight Pounds *Scots* for that one Conventicle, at which he had been many Years ago. A neighbouring Gentleman in the same Parish, *James Hamilton* of *Langtoun*, was in the same Circumstances, and was, for one Conventicle, fined likewise in the fourth Part of his yearly valued Rent. We shall afterwards meet with *Balgray* this Year.

James Hamilton  
of Langtoun.

Matthew Stuart  
and John Pollock  
of Lawside.

At the same Diet, two other Heritors in the same Parish are before them, *Matthew Stuart* Portioner of *Newtoun*, a knowing and religious Gentleman, and *John Pollock* of *Lawside*, not far from him in the same Place. I am in case to give some fuller Account of this iniquitous Process, from the original Suspension of their Charge before me. Both of them are charged to pay to *Hugh Wauace* his Majesty’s Cath-keeper, the just fourth Part of their yearly valued Rent, and for each Time of One hundred and fifty six Times, they are alledged to have been present at House and Field-conventicles, for the Space of three Years preceeding the Date of the Letters of Horning, and the eighth Part of their said yearly Rent, for their alledged withdrawing from their Parish-kirk the former Number of Times, during the said Space, and the fourth Part of their yearly valued Rent, for their having a Child irregularly baptized every one of these three Years, ilk of them *toties quoties*; and that conform to a Decreet pronounced against them by *Andrew Atchison* sometime Sheriff-depute of *Renfrew*, in which he decerns the yearly Rent of the said *Matthew Stuart* to be One hundred and seven Pounds *Scots*, and that of *John Pollock* to be Sixty three Pounds *Scots*.

This was the Case of those two Gentlemen, and the ordinary Method now taken with all Heritors of the Presbyterian Persuasion : And from this we may easily guess the terrible Nature of the Fines now imposed, and observe how they are accumulated, and the very Letter of the present Law is stretched, and Fines counted up above the real Value of their Estates for mere Nonconformity during three Years. Those accumulate Sums, indeed ordinarily ended in Composition ; but then such DECREETS were a terrible Handle for exorbitant Oppression in those Compositions.

However in this Case the Council were so just, as to grant Letters of Suspension to this Charge, upon Reasons I shall insert here as further Documents of the Iniquity of this Period. The Council find the said Decreet was pronounced for null Defence and Noncompearance without any lawful Citation, as appears from the Decreet it self, where the Council finds the Citation only to have been at the Parish-church of the *Merns*, whereas it ought to have been at their Dwelling-house, or the Market-cross of the Head-burgh of the Shire. Again the said Decreet was pronounced partially, unjustly, and plainly out of Pique at the Laird of *Blackball* Superior to those Lands ; that Gentleman being one of the five commissioned by the Council, by whose Advice the Sheriff-depute was ordered to proceed. And because *Blackball* would not give Way to the Sheriff’s Extravagancy, and allow him to exact upon People at his Pleasure, the Sheriff pickt out those two Vassals of his from among some Hundreds of Fears through the Shire, in the very same Circumstances with them, but Vassals to other Gentlemen and Noblemen, and denounced them ; yea, those Two were never at any Field conventicles since the Indemnity, nor had they any Children born to them in the Space libelled ; and when there was a Minister in the Church of *Merns*, they kept the Church in Terms of Law.

Thus we see Justice done them, but every one had not so good Assistance to get the iniquitous DECREETS of inferior Courts rescinded, as those two Gentlemen had, tho’ under the same Oppression. I formerly notice that this was a general Case. Heritors upon their Noncompearance (and all Methods were taken when the Sheriffs had a mind to decern them,



to prevent their Compearing) were found guilty in all Points of their Libel, and the Fine they were decerned in was summed up from the whole.

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‘*Lastly.* It might have been noticed, that the Sheriff had most extravagantly reckoned their valued Rent, Mr. *Stuart's* Rent in that Place, being but Forty Pounds, and *John Pollock's* only Twenty five Pounds.’ This Instance may give us a View of the Methods now commonly used. Upon all these Reasons the Council suspend the Charge, and yet obliged the two Heritors to give Bond and Caution for the whole Sum charged, till the Business was discussed, altho’ the Matter was so obviously illegal. And when the Decreet was discussed, I am informed the Complainers were liberate, and the Decreet found iniquous.

April 11. I find a long Decreet in the Council Books, against some of the Magistrates of *Air*, Provost *Brisbane* and others, with their counter Complaints. It consists of a great many Sheets of Paper. I shall give a short Abstract of it, as containing some Hints, relative to this Time, I have not met with elsewhere.

Decreet against  
Magistrates of  
*Air*, Provost  
*Brisbane* and  
others

‘Anent our Sovereign Lord’s Letters, at the Instance of Sir *George Mackenzie*, &c. his Majesty’s Advocate, and *Robert Hunter* late Bailie in *Air* Informer, it is of Verity, that *William Brisbane* late Provost of *Air*, in the Year 1682. to the Contempt of his Majesty, and the Encouragement of the fanatical Interest in the Town of *Air*, where the Growth of Fanaticism is much to be feared, did officiate as Gild-brother of the said Burgh, and the Year thereafter as Dean of Gild, with a Company of other Fanaticks as Gild-brethren, without taking the Test; and that in the Year 1680. he did go to *Mauchlin*, where there was a pretended Presbytery of irregular and indulged Ministers, and procured Three or four unlicensed Ministers, to preach, pray and catechize in the Town of *Air*, who accordingly came; which, if it had not been narrowly looked unto, had been the utter Ruin of the Church in that Place, the People being more inclined to follow Presbyterian Ministers, than to wait upon the Ordinances of orthodox Ministers.

‘And the said *William* always encouraging the Presbyterian Party, being a present Magistrate named by his Majesty’s Privy Council, in August or September, 1682. did invite and persuade Mr. *James Lawrie* a Presbyterian deposed Minister, and Mr. *Matthew Baird* an unlicensed fanatical Preacher, to wait on, preach, and pray to a Malefactor condemned in the Burgh of *Air*, wherethrough the Malefactor on the Scaffold did express her self in a most disrespectful Manner of the orthodox Ministers.

‘And the said *William* did fine exorbitantly several of his Majesty’s Subjects, who had committed Irregularities, out of Curiosity, and exemed many notoriously guilty, and committed many Irregularities in the Election of the Magistrates of the said Burgh, in a violent and seditious Way, 1682. and made an Election, without any Regard to the Orders of his Majesty’s Privy Council, and chose several English Fanaticks, who had served under the Usurper; and he suffered *Thomas* and *John Bowies*, declared fugitive for the horrid Crime of Rebellion, to live in the said Burgh, and hath overthrown the Set of the Burgh.

An additional Libel was likewise produced by the said *Robert Hunter*, ‘bearing, The said *William Brisbane* Provost of the said Burgh, and *Robert Dalrymple* Bailie, have suffered several disorderly Persons to go unpunished, tho’ their Children were six or eight Months unbaptized; that 1680. he perswaded Mr. *James Rowat* a fanatical and Field-preacher, to preach in the Church of the said Burgh, then plenished with orthodox Ministers; and they suffered the Inhabitants to withdraw from the Church.

A counter Libel is given in by Provost *Brisbane* against *Robert Hunter*, ‘that he and *William Cunningham* late Provost did, 1680. dispense with several of the Members of the Town-council their not taking the Declaration, as had been their Practice for some Years; and at *Michaelmas* 1680. did lay it aside, and neither took it themselves, nor offered it to the Council; that the said *William* did give Billets to the Rebels before *Bothwell*, signed with his own Hand, and called one Mr. *James Brown*, a Conventicle Preacher, who was in the Rebellion, and had been declared Fugitive, to preach in the Kirk of *Air*; and that he did entertain one *James Paterson* a Rebel, now declared Fugitive, after he had let him out of Prison; that at *Michaelmas* 1681. he himself refused the Test, and prevailed with the Council to desert the Magistracy, and refuse it. And the Privy Council by their Act, December 1681. having named Magistrates, the said *William* made it his Work to weaken their Hands, and raise Faction and Division.

‘And when the Council, by their Act January 1683. appointed the Trades in *Air* to take the Test, he dissuaded them from it, and promoted a mutinous factious Paper in name of the Trades, protesting against the Council’s Act, and gave false Representations to his Majesty’s Council thereanent.’ This Libel and Counter-libel was the effect of Party and Heat in the Place, and, as I take it, most Part of the Articles on both Hands were Fact, and both Parties in their Turns had favoured the suffering Presbyterians. However, the Council exculpate the first, and find, ‘the first and additional Libels against *William Brisbane* not proven, and absolve him; and for the stopping of all Heats in that Burgh, declare at *Michaelmas* next they themselves will make Election of Magistrates and Counsellors for next Year, and discharge the present Magistrates to make any Election at that Time. And they delay

to



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to determine anent *Robert Hunter* at this Time, but find the said *William Cunningham* guilty of several Disorders, and the Occasion of much Disturbance in the said Burgh, and declare him incapable of publick Trust therein, during Pleasure; and ordain him to pay the said *William Brisbane* Five hundred Merks for the Expences of this Plea, and the Charges of Witnesses, and that the said *William* ly in Prison till he pay it.

By the following Petition given in to the Council *April 22.* we may see upon what Grounds People were forfeited in Life and Fortune. And when the Injustice is fully discovered, Remissions as to Life are only granted. *Henry Boswel* in *Dunfrystoun* represents, 'that where- as on the Third of *March* last, he was found guilty by an Assize of being among the Rebels, the Truth of the Matter was, he was only seeking his Horses which they had violently taken from him, *June 2. 1679.* and that he recovered them, and returned to his own House that Day, and that he hath taken the Test at *Glasgow.* The Council recommend him for a Remission, as to his Life, gratis.' Many Instances of this Nature might be given.

*James Hasty in Harelaw.*

By an original Bond before me, dated *June 13.* this Year, I find *James Hasty* in *Harelaw*, in the Parish of *Carstairs*, paid Two hundred Merks to *Meldrum*, for his Nonconformity, and his alleged being at *Bothwell*, tho' he was not there. *Meldrum* came and drave his Goods, and they were not restored till this Bond in common Form was given, and he was very soon forced to pay it. This Person was brought to no small Trouble, for his adhering to his Principles, before this Time and after. By original Documents in my Hand, I find he paid the second Half of the Fine imposed by *Middleton's* Parliament, without any Reason at all, being only then a Tenant in *Sandiholm* in *Dalserf* Parish. Sir *William Bruce's* Discharge before me, is dated *March 27. 1666.* and acknowledges his receiving an Hundred and fourscore Pounds Scots from him, as the last Half of his Fine, and discharges him.

Such Oppression as this, as well as Conscience, made this Person joyn in the Rising at *Pentland.* And *December 18. 1666.* *Raploch*, Sheriff-depute, goes to *Sandiholm*, and inventars *James Hasty's* Goods, and delivers them over to the Laird of *Neilsland*, as appears by a signed Inventory of them before me, to be kept for Duke *Hamilton's* Use. *June 1667.* the Duke disposes all Goods and Gear belonging to *James Hasty*, fallen into his Majesty's Hands by his being in the Rebellion in *November* last, to *Patrick Hamilton* of *Neilsland*, by his Grant signed by himself *June 3. 1667.* *June 6.* *Neilsland* gives a blank Assignment to *James Hasty's* whole Goods and Gear upon a Bond granted him for an Hundred Pounds by *Marian Clelland* Spouse to the said *James.* And indeed his whole valued Goods are not much above that Sum. He paid likewise Two hundred Merks as another Fine for Ecclesiastical Disorders, to *John Somerwel* of *Spittle*, and gets a Discharge for his not keeping the Kirk, and all other Disorders Ecclesiastical; but it mentions not the Sum paid. This is dated *Lanerke 15. 1687.* This good Man was frequently imprisoned upon those and the like Accounts, and brought to great Hardships and Loss by Quarterings; many Times he had Ten or Twelve Soldiers, with their Horses, quartered upon him. But Particulars would be endless.

*Stuarts of Allantoun and Hartwood, and Mr. William Violant.*

Upon the former Section we heard of the Trouble brought upon several Heritors in the Parish of *Cannethan* from the People's coming by them from the Conventicle at *Blackloch.* *June 19.* the Council order *Stuart* of *Allantoun*, *Stuart* of *Hartwood*, *William Cochran* younger of *Ochiltree*, *Walker* of *Hacwood-burn*, and Mr. *William Violant* indulged at *Cannethan*, to be cited against *July 1.*

Those Two excellent and religious Gentlemen, Brothers, *William Stuart* of *Allantoun*, and *James Stuart* of *Hartwood*, in the Shire of *Lanerke*, were most iniquously fined, the First in 3000 Merks, and the other in 1000 Pounds. These Gentlemen never gave any Disturbance to the Government; they were chargeable with the Breach of none of the Laws. Indeed they still owned themselves Presbyterians, and were eminent for Piety, and conscientious Nonconformists from Prelacy, but had behaved themselves with that Caution and Temper, that they could not be reached, and always demeaned themselves as dutiful and loyal Subjects. It was their Happiness to live under the Ministry of the Reverend Mr. *Violant*, and so they were not chargeable with Church-irregularities.

Yet a Handle was taken hold of against them, one could scarce have expected, except in such a Time as this, when nothing almost could prevent Presbyterians sharing in the Rigour of this Period. There had been a Conventicle kept, as hath been noticed, at a considerable Distance from their Houses, and some armed Men, in their own Defence, came from that Meeting through the Parish where they lived, in their Road homeward. *Allantoun* was only accidentally looking out of a Window in his own House, on the Evening of the Lord's Day, and saw them passing by. *Hartwood* met them on the high Road, as he was coming home from hearing Sermon at the Church of *Cannethan.* This they both acknowledged, and there was no more could be laid to their Charge; it was not so much as alleged that they had conversed with any of them, or supplied them any way. And precisely, because the Gentleman did not raise the Hue and the Cry, as the Proclamation of Council formerly mentioned, required, and raised not the Country to seize them on the Lord's Day, they are arbitrarily fined; yea, this Hardship was extended to several others in that Parish.

Mr.



Mr. William Violant, indulged Minister in Camnethan, a singularly learned and worthy Person, endued with the greatest Temper and Meekness of many Men in his Age, and exceedingly useful in that Parish and the Country round, this excellent Minister did not escape the Fury of this Time. The foresaid armed Men, who kept together in their own Defence, as long as they could, happened in their Road likewise to come by Mr. Violant's House, and because he did not raise the Country on the Sabbath, the Bishops, whose great Eye-sore he was, for Learning, Moderation, and Temper, got him cited before the Council, where, after some Time's Imprisonment, he was banished for no other Fault but what is above, and he continued under this till the Liberty: Yea, such was the Rigour of this Time, that a good many of the substantial Tenants, and other Country People in this Parish, were harried upon this same score. David Russel Tenant in Stone, Archibald Prentice and John Clelland Portioners there, and John Smith in the same Parish, were apprehended and carried Prisoners into Edinburgh, and kept in Prison about Three Months, and fined in an Hundred Pounds, for no other Reason but their not raising the Hue and the Cry against their People, when they came by their Houses. But I come to give this Process from the Registers.

July 1. the Council pass a Decreet, which is very long, and narrates the Proclamation against the Hue and the Cry, July 1682. and find Hackwood-burn, Allantoun, and Hartwood, guilty, and to be fined in the Terms of that Proclamation. July 2. I find, the Council order Allantoun and Hartwood to be let out of Prison, upon their Engagement to satisfy the Cashkeeper as to their Fines. That same Day, the Council find the Libel not proven against Mr. Curry Minister at Shotts, and Mr. Peter Kid indulged at Carlouk, and absolve them.

The Sheriffs of the Places through which those People went from the Black-loch Conventicle, had been cited, and some other Heritors; and so, July 17. The Lords of his Majesty's Privy Council, having considered the Libel raised by the Advocate, against the Sheriffs of Lanerk, Stirling, and Linlithgow Shires, and the Heritors there, with the Defence propounded by the Laird of Dundas, that he knew not of the Rebels passing through his Grounds and Lands, for several Days after they passed, and that he was not on the Place for several Days after that Time; the Lords repel the Defence as conceived, and allow his Majesty's Advocate Diligence, for proving that the Rebels appeared upon, and went through some Part of his Lands, as they passed.' We shall hear just now, that in a parallel Case this very Day, they sustain the same Defence in the Earl of Tweeddale; for it was now, *Shew me the Man, and I'll shew you the Law.*

And having considered the Case of Mr. William Violant, indulged Minister at Camnethan, with his Declaration taken at Glasgow, and Deposition taken before the Committee of publick Affairs, find that he ought, upon Advertisement given him that the Rebels passed by his Kirk on Sabbath Night, of June last, to have made Trial and Enquiry after them, and thereupon given Advertisement, conform to the Council's Proclamation, and that he hath most undutifully contravened the same, and declare his Indulgence to be at an End, and void, and discharge him to preach at Camnethan hereafter; and ordain him to find Caution, against the Day of to remove off the Kingdom, and not return without Licence, or to find Caution, in case he stay, not to preach or exercise any Part of the ministerial Function, under the Penalty of Five thousand Merks; and grant Diligence against him to compear before the Council, to hear and see the said Sentence pronounced against him. And they leave James Walker of Hackwood-burn to further Consideration.

That same Day, July 17. I find another Process against the Earl of Tweeddale, Lord Torphichen, and a vast Number of others, upon whose Lands Conventicles had been kept, and through whose Lands the Rebels had past from the Conventicle at Cairnhill. The Earl of Tweeddale appears and depones upon Oath, 'that he was not in the Shire when the Conventicles were kept, and had no Knowledge of the same for some Days after; and that, to his Knowledge, his Deputies were free of the same. And the Council absolve the Earl and his Deputies.' This is perfectly the same Case, as far as I can judge, with the Laird of Dundas, and we see what a vast Difference is made. And the Council order General Dalziel to send a Party out to bring in the rest of the Heritors. But I observe no more about them in the Registers.

As to Mr. Violant, 'he appears, according to Citation, July 30. and being asked, why he did not inform against the Rebels; he answered, because he thought a Minister not instructed so to do; and that he, as a Minister, was not to inform in a sanguinary Matter. And being interrogate as to the other Part of the Libel, whether he had broke the Council's Instructions, confessed he had preached without his Parish-church, and had baptized Children belonging to other Parishes, but refused to depone thereupon. And further added, he, as a Minister, had his Instructions from his great Master Jesus Christ, and, as to those, behoved to obey him, and answer to him.' The Council repeat the former Sentence, July 17. and order him to Prison, till he find Caution as above, and to remove out of the Kingdom within a Month after his Liberation.



1684.

John Maxwell of  
Dargavel.

*John Maxwell* of *Dargavel* in the Shire of *Renfrew*, had been fined most irregularly like other Gentlemen of that Shire. In his Absence his Fine had been accumulated to a great Sum. Some Interest was made for him, and I find, *July 22.* his Fine is sifted by the Council, by reason of his exact Regularity, for some Time.

John Brisbane of  
Freeland.

Next Day comes on the Process of *John Brisbane* of *Freeland*, in the same Neighbourhood; and this Gentleman is quite ruined by this excessive Fine, near the Value of the Lands of *Freeland*. His Decreet runs in the Council-books. 'The Lords find *John Brisbane* of *Freeland*, by his own Confession upon Oath, guilty of being present at Twenty five House-conventicles, at some of which he hath deponed there were more present than the House could hold, so as some of them were without Doors, which by the Law is declared to be a Field-conventicle, and of constant withdrawing from his own Parish-kirk, since his Majesty's most gracious Indemnity in the Year 1679. and fine him in Five hundred Pounds *Sterling*, and ordain him to pay Six thousand Merks presently, and ly in Prison till it be paid, and supercede the other Three thousand Merks, till they see how his future Behaviour shall be.'

Patrick Walker  
and Arthur Tackett.

*July 22.* I find *Patrick Walker*, a Boy of Eighteen Years or under, before the Council. He confesses he was present at the Murder of *Francis Garden* one of the Earl of *Airly's* Troop, and refuses to discover his Accomplices. *Arthur Tackett* confesseth he was in the Rebellion, and lately with the Rebels in Arms in the Shire of *Lanerk*. The Council ordain them both to be questioned by Torture, to Morrow, before the Committee for publick Affairs, at Nine of the Clock. *Patrick Walker* was ordered, *July 23.* to the Plantations, probably after he had undergone Torture. The other we shall meet with at his Execution.

Lord Neil Campbell  
is confined.

*August 1.* that excellent Person *Lord Neil Campbell*, Brother to the noble Earl of *Argyle*, had been cited before the Council, for no other Cause I can hear of, but that he was the Son of the excellent Marquis, and Brother to the Earl of *Argyle*. Nothing worthy of Death or Bonds could be laid to his Charge. 'The Clerks of Council are warranted to receive Caution for him, under the Penalty of Five thousand Pounds *Sterling*, that he confine himself to *Edinburgh*, and Six Miles about, and compear before the Council in a Charge of Six Hours.'

Robert Goodwin  
banished.

*August 6.* I find *Robert Goodwin* Maltman in *Glasgow*, is before a Committee of the Council, the Justice-general, the Advocate, the Bishop of *Edinburgh*, and some others. There was no Probation against him, but what resulted from his Examination. He would not own the King's Supremacy, nor promise to attend upon Ordinances dispensed under the Bishops, nor term *Bothwel* Rebellion, and thereupon is banished to the Plantations, and remitted to Prison. This religious worthy Person had been cited to some Courts, and did not compear, that way he came to be insert in the porteous Roll, and was taken *April 6.* this Year, in a Search at *Glasgow*, with *James McIntoch*, who was banished to *Carolina*. After he had continued some time in Prison at *Glasgow*, he was brought into *Edinburgh*. He remained in Prison till next Year, with many others, he was sent to *Dunotter*, and when brought thence back to *Leith*, he found Means to escape. He was upon his hiding since the 1676. merely for Nonconformity.

Doctor James  
Welwood.

*August 25.* Mr. *James Welwood*, Doctor in Medicine, well known since to the World, by his curious *Memoirs* and other Writings, is ordered by the Council to be sent to *Cowpar*, there to satisfy the Sheriff's Sentence for his Nonconformity.

John Forbes of  
Lesly in Aberdeen  
Shire.

A new Instance of exorbitant Fining, offers from a Shire whence we have not very many Examples. *August 19.* *John Forbes* of *Lesly*, in *Aberdeen* Shire, complains of his Treatment by the Sheriff-depute, to the Council; and their Act about it follows. 'Anent the Petition presented by *John Forbes* of *Lesly*, bearing, that he is fined by the Laird of *Kinmundie* for alledged Irregularities, and particularly for his and his Lady's withdrawing from the Kirk, in the Sum of Twenty two thousand three hundred and twenty Pounds *Scots*, by a Decreet dated *February 24.* 1684. whereas the Petitioner's Practice was out of Dislike at the Minister Mr. *Alexander Mowat*, placed there contrary to his Inclination, he being Patron, and that he frequented Ordinances elsewhere.' The Petitioner depones, that his withdrawing was not from any Dislike or Disrespect to the Government in Church or State, and the Council suspend the Letters. It appears indeed Mr. *Forbes* was no Whig, Mr. *Mowat* had gone out for the Test.

Alexander Nairn  
of Sautford and  
Lady Abden.

That same Day the Council go in another Road, as to some Fines imposed in *Fife*. *Alexander Nairn* of *Sautford* in *Fife*, complains, that the Sheriff had most iniquously fined him in Three thousand three hundred Pounds for House-conventicles. The Council refuse his Petition to have it suspended, and order it to be exacted. And Dame *Jean Melvil*, Lady *Abden*, complains, she was fined in Absence by the Sheriff of *Fife*, in Two thousand Pounds, but hath no Redress.

John Campbell now  
of Overwelwood.

This same Day, ' *John Campbell*, Son to *William Campbell* of *Overwelwood*, is ordered by the Committee appointed to consider the Case of the Prisoners, to be prosecuted before the Council, in order to Banishment.' This is all I meet with about him in the Registers, and



and his Escape with that of many other good People, *August 21.* prevented further Process. But it is worth the Reader's while to take here a well vouched Account of the Treatment of this worthy Gentleman, now Captain *John Campbel* of *Over-welwood* in the Shire of *Air*, yet alive, and able to attest every Branch of this hard dealing with him and his worthy Brother. The Captain is so generally known for his Piety, good Sense, Uprightness, and Bravery, that he is far above any Character I can pretend to give him; and I know well his extreme Modesty will be grated by my saying this much of him. He gave very publick Evidences of his excellent Spirit after the Revolution, when he was deterveally made a Captain of Horse, and did good Service to his Master King *William* in many Parts of the Kingdom. And the very same Cause, and Revolution Interest being at Stake, he is just now treading the same Steps, and distinguishing himself by a most active and vigorous Appearance for our only rightful Sovereign King *George*. When I am writing this (1715) during the present unnatural and unaccountable Rebellion, I'll take Liberty here to give all his Sufferings together, tho' some of them were in the after Years.

1684.

Toward the Beginning of *August*, this young Gentleman, scarce yet eighteen Years of Age, and his elder Brother *William Campbel*, about Twenty, were living peaceably in their Father's House, an excellent Gentleman, who after all his Tollings and Troubles got safe to Heaven in a good old Age, and a full Gale of Joy, *March 5* last, 1715. They had never been engaged in the least Disturbance to the Government, and when both together in the Fields upon the *Welwood hill*, they were seized by a Party of my Lord *Ross* his Troop, and carried into the House of the *Welwood* near by, whither a good many of the said Troop were come to search for their Father.

Larger Account of his Sufferings, and those of his Brother *William Campbel*.

He was happily out of the Way at this Time. When the two Youths were brought in, the Commander of the Party, *Bonsbarw*, cursed the Soldiers because they had not shot them in the Place they had found them, though there was nothing offensive about them, except it were two Bibles found upon them, which, it seems, put him in a Passion, and was looked upon by the Soldiers as a certain Mark of Disloyalty.

There they were kept Prisoners till their Father's House was rifled, and three good riding Horses seized and taken away. And tho' nothing was, or could be laid to their Charge, and the ordinary Catechism was not so much as put to them, yet they were carried away Prisoners that Night to *Newmills*, and lodged in the Guard. Next Day they were carried to the *Dean*, a House belonging to the Earl of *Kilmarnock*, where a Garison was.

It was like a begun Hell to these religious young Gentlemen, to be among the impious and profligate Soldiers, their Ears were grated, and Souls vexed at the horrid Profanation of God's holy Name. Here they were kept till Sabbath next, the ordinary travelling Day to the Soldiers, when they were carried in to *Glasgow* Prison, and thrust into a little Room, and put into the Irons from Eight at Night, till Eight next Morning, with two Centinels upon them.

Upon *Munday* they were examined by the Lord *Ross*, and Lieutenant-colonel *Buchan*, who were civil enough to them, and afterward by Lieutenant-colonel *Windram*, upon the ordinary catechetick Questions. Captain *Campbel* remembers that the last asked him, if he would pray for the King. He answered, that he both did, and would, that the Lord would give him a godly Life here, and a Life of Glory hereafter. *Windram* said, *That is not enough, you must pray for King Charles II. as he is Supreme over all Persons and Causes, Ecclesiastick as well as civil.* The other said, *In his Opinion, that was praying for him as the Head of the Church, which belonged only to Christ, and he reckoned it Arrogance in any Creature whatsoever to claim it.*

They were kept in the Irons eight Days, with two Centinels watching them Day and Night with drawn Swords, as if there had been somewhat very extraordinary in their Case. And when at some Times they would lift up their Heads to ease themselves a little being fore crushed with the heavy Irons, the Centinels threatened to stab them. Thus they bore the Yoke in their Youth, and I am perswaded it was good for them.

After this Treatment, they were committed to Lieutenant *Murray*, Brother to the Laird of *Stanhope*, to be carried into *Edinburgh*. He was very severe and savage to them, and caused tie their Legs together very strait with Cords beneath the Horse Belly, and carried them into *Edinburgh* that Day, in this uneasy Posture, where they were put in the Long-loft, as it was called, in the *Can ngate* Tolbooth.

Several Times they were brought before Committees of Council, and examined upon the ordinary Interrogatories of the Time. The Captain remembers, among the other Questions he was posed with, after he had told his Age, a Day or two beyond Eighteen, he was asked, if he was at *Bothwel*. He answered, *No; for he went but to the Grammar School the Martinmas thereafter.* The Clerk wrote down, *As to Bothwel, the Prisoner answers, I was but young then, but had I been old enough, I would have been there.* This was horrid Injustice; and from it we may guess at the ordinary Methods used with Country People. Mean while, it may be, this was the inward Sentiments of the Prisoner, but he could not let it pass. When read to him in order to his Signing, he roundly told them, the Clerk was unjust, and wrote down a Lie,

Y y y

and



1684

and what he had not said, and appealed to the Lords present. The Matter was shuffled off, and he sent back to the *Canongate* Prison.

His Brother had dissatisfied the Committee very much in his Answers, and he was separated from the rest of the Prisoners, and sent to a little, vile, nasty Hole, where the Vermin were so thick, as they might have been swept away.

The Captain was some little Time after brought before the Council, and re-examined upon the fore said Questions. And when he gave them no great Satisfaction, the old Lord *Collington* told him bitterly, *He would face the Grass-market*. When Threats moved him very little, some others of them changed their Stile, and calmly asked him, What is the Reason you will not comply as your elder Brother hath done, and abundantly satisfied the Council. This was a flat Lie spoken in Judgment, and yet somewhat worse than the Clerk's Treatment of him. It was extremely vexing to him, however he stood his Ground.

When he was remanded to the *Canongate* Prison, his Soul was sore distressed with the Account the Counsellors had given him of his Brother's Compliance. He had no other way to disburden himself, his Brother being now in close Prison in the High-town Tolbooth, but to write an unsigned Letter to him, giving an Account of what was said of his Compliance, and signified to him in warm enough Expressions, that tho' he was his dearest Relation, yet rather than he should relinquish the Cause of *Christ*, he would chuse to see him suffer. This Letter with a Bible was sent in by a Woman to *William Campbell*, and was caught at the Door; whereupon the poor Woman and his Brother were immediately brought before the Council, and strictly questioned who was the Writer of the Letter. The poor Woman, *Margaret Aird*, who most probably did not know from whom the Letter came, was tortured in Thumb-kings, and the Boots were brought before *William*, and he threatned with them if he would not discover the Writer of the Letter; but nothing would prevail.

This Letter put them in such a Fret, and indeed it was abundantly tart, that they ordered a Committee of their Number to go upon *Saturday* and examine the Prisoners in the *Canongate* Tolbooth upon it, particularly the Captain, and his Cousin *John Campbell* Prisoner there. Somewhat or other fell in, which diverted the Counsellors from coming, only they sent an Order to remove these two from the Room they were in, to the Iron-house in the *Canongate*.

This was a strange and unexpected Step of Providence in the Captain's Eye; for just the Day before, he had fallen on Methods to convey some Instruments to the Prisoners there, for breaking Prison, without the least Prospect of having any Share himself in the designed Escape. The Orders were most welcome to them both, and to the Iron-house they came.

Upon *Saturday's* Night, they began about Eight of the Clock, and wrought close till next Morning. All their Instruments were two Gimlets and a Chisel, and a Board-iron. To Morrow they got more Time to work, than upon any other Day, and continued boring the Jests, and having Cobwebs in Plenty, they covered all when ever they heard the Jaylors coming in. Thus they continued Two Days and Nights, until they got a good large Breach made in the Flooring above them, and on the third Night they got another Passage made in the Flooring of the Loft above the Woman-house; and having got a good Quantity of small Cords, Sheets and Bed-clothes conveyed to them, Thirteen of them made a Shift to get out underneath the Palm of the *Canongate* Steeple, and got all safe to the Ground by the help of the Cords and Bed-clothes, and escaped, save *William Young*, who was retaken upon *Tuesday*, and suffered in a Day or Two, and another who was wounded by a Fall he caught.

The Two Cousins travelled till they met happily next Night at the Hill of *Tintock*, and from that got into *Airshire*, where the Captain's Father, and *William Campbell* of *Middle-welwood*, joyned them, and they spent that Winter, and Part of the next Year together in the Fields very privately, always lying in the open Air, perfectly exposed to Rain, Snow, and Cold.

In *April* 1685. they had made a little Lodge for themselves, in a very retired Place in the Middle of the Mountains. In a little Time after, the Highlanders came to that Country, and discovered their Hiding-place, and they were forced to remove, and separate one from another. In a few Days *Middle-welwood* and his Brother were taken by *Claverhouse*, and cruelly treated, and with others were sent to *Dunotter*.

When *Argyle* was coming in, the Captain fell in with that excellent Gentleman, afterwards Lieutenant-colonel *Clelland*, and passed much of the Summer 1685. with him, and *John*, afterwards Lieutenant-colonel *Fullarton*, and that great Man *Mr. Robert Langlands*, *Mr. George Barclay*, and *Mr. Alexander Pedin*, and met with many wonderful Deliverances, Preservations and Provisions.

When the noble Earl of *Argyle's* Attempt was disappointed, the Captain was almost over-wearied with his long Difficulties, and took up Resolution to go to *Virginia*, but was in a very remarkable way detained at home, God having Service for him in his native Country. At first he was put back by Stress of Weather, and when attempting a second Time, was detained by his Brother's Sicknefs, and lastly by his own.

In *April* 1686. that excellent Youth, his Brother *William Campbell*, died of a Decay, contracted

Escape of the  
Prisoners in  
the *Canongate*  
Tolbooth,  
August 21.



tracted by the terrible Severities he met with in the Prison of *Edinburgh*. He fell asleep in *Jefus*, in much Peace and Joy. And tho' there was as great Endearment 'twixt them, as perhaps ever was 'twixt two Brothers, yet the Captain durst not appear at his Burial. Thus he continued wandring up and down under no small Hardships till the Revolution, when he ventured out and levied a Troop of Dragoons, Man and Horse, without any Charges to the Government, and mustered the same in the excellent Lord *Gardroft's* Regiment, where he was very useful.

1684

To return to the Register, *August 26.* the Council order a Party to bring in the under-written Persons Prisoners to *Edinburgh*, who were present lately at a Field-conventicle kept within Half a Mile of *Greenock*, by Mr. *James Renwick*, where there was a Child baptized. *Patrick Lang* Maltman in *Greenock*, *James Holm*, *William Baird*, *William Andrew*, *James Warden*, *William Scot*, *Marian Muir* there *Linning* who lived at *Pohnadie* or little *Go-*  
*van*, *George Muir* in *Rugland* *Tom* in *Pohnadie*, and some others.

Decree against  
22 Persons in  
Calder.

I find a Petition given in to the Council, containing a most unaccountable Oppression committed in the Parish of *Calder*, by *Thomas Kennoway* Depute to *Meldrum*; which, with other Facts of this Kind, we may afterwards hear of, provoked some Persons to bring him to an untimely End, *November* this Year. I have no more about it but what is in the Registers.

Anent the Petition presented by *Robert Aitkin*, and about Two and twenty Men and Women, (whose Names I insert not) in the Barony of *Calder*, among whom are Two Minors and a Cripple, bearing, that they are charged with Letters of Horning, at the Instance of the Fiscal to the Laird of *Meldrum*, and *Thomas Kennoway* his Depute, for alledged not keeping the Kirk, and not deponing for themselves, Wives, Children, and Cottars, being fined in a Hundred Pounds per Piece, whereas, generally speaking, they pay but Six Pounds for their House, according to their respective Charges, by a Decree *April 6.* last, of which they complain as most wrongous. *1mo.* Because they were summoned only against the 23. as the Summons produced bear, and yet the Decree passed in Absence upon the Sixth Day. *2do.* All of them who got Advertisement of that Day, at their Appearance declared they were ready to bring Testimonials of their Behaviour, under the Minister's Hand, which were absolutely refused, and each of them were required to depone for themselves, Family, and Cottars, and because they would only depone for themselves, they were decreed. *3tio.* If the Council would please to call for and see the said Decree, the said Fiscal and Depute would be holden ridiculous for acting the Petitioners in such extravagant Fines, although they had been guilty, as they are not, they being yet still willing to bring to their Lordships Testificates under the Hand of their Minister, for their orderly Living. *4to.* *Michael Graham*, who lived not in *Calder* these Seven Years, is fined for not keeping *Calder* Kirk. *5to.* The Laird of *Meldrum*, by a special Act under his own Hand, acknowledged, that his Fiscal and Depute had committed several Abuses among the Petitioners, and stopt Diligence till he heard them, which is not yet done.' Upon the whole, they crave the Fiscal and *Kennoway* may be called before the Council, and examined, and they discharged. The Council ordain the Laird of *Meldrum* to take the Petitioners Oaths, as to their keeping the Kirk, being at Conventicles, and their Wives orderly Carriage, and sist Execution till Report be made.

Almost at every Sederunt of the Council, new Complaints are given in of exorbitant Fines by Sheriffs, and such as had a Council Power. *August 26.* *Robert Alexander* of *Corfclays*, complains that he was fined by *Ardmillan* upon the 7 of *February* last, in 2803 Pounds, for withdrawing from Ordinances, by a Decree passed in his Absence when sick. The Council reponne him to his Oath. And by another Complaint, I find *Thomas Kennedy* of *Grange*, by a Decree fined in Twelve thousand Pounds, he is reponed *ut supra*.

Alexander of  
Corfclays, and  
Kennedy of  
Grange.

*September 4.* the Laird of *Ferviswood* is fined, for alledged Reset and Converse, in Six thousand Pounds *Sterling*, as we shall hear, when I come to his Case in particular. And *September 10.* I find the Committee for publick Affairs make their Report to the Council concerning Fines, 'That the Lady *Graden* is fined by the Sheriff of *Teviotdale*, in Twenty six thousand and odd Pounds, the Lady *Greenhead* in Sixteen thousand and odd Pounds. The Committee find Reason to sist Execution as to her, and the Council approve. And *John Watson* of *Dunikeir* in *Fife*, and his Spouse, fined in 1050 Pounds for Irregularities, and the Committee order Execution.' This is all I meet with in the Council-registers; but I have before me an Extract of the Fines imposed upon the Heritors of the Shire of *Roxburgh*, for not keeping of the Church, and exacted, taken from the Letters of Horning, as the Extract bears, dated *August 11. 1684.* I have not taken that particular Notice of the exorbitant Fines in each Shire and Parish, my Materials lead me to, designing, if I can bring it to any bearing, to give a general Estimate in the different Parishes I have Accounts from; but this is such a prodigious Sum from one Shire, that I thought it deserved a Room here, and give it as I find it in Two different Copies of an Extract of the Decree foresaid.

Ferviswood fi-  
ned in 6000  
Lbs. Sterling.Fines in the  
Merse.



1684.

In Roxburgh.

	L.	sh.	d.
The Laird of Riddel	52050	--	--
The Laird of Bonjedburgh	40500	--	--
Lady Chesters	14780	--	--
Lady Timpindean	1405	--	--
Lady Mangertoun	8974	--	--
Lady Castles	13500	--	--
Lady Hassendean			
Scot of Altoun	2146	--	--
Lady Fotherly	540	--	--
March Cleugh	1896	--	--
Laird of Greenhead	16875	--	--
Laird of Massendean	2285	--	--
James Scot of Thirlstone	9369	--	--
Laird of Cherry-trees	10650	--	--
Laird of Ednam	19657	--	--
Lady Cranstoun	19657	--	--
Lady Know			
Elizabeth Meikle and her Husband	5700	--	--
Lady Garinberry	31344	--	--
Laird of Chatto	1500	--	--
Laird Bonjedburgh for himself and Lady	500	--	--
Lady Mangertoun a second Time	247	--	--
Lady Craigend a second Time	1412	--	--
Lord Cranstoun with his Lady	1750	--	--
Laird of Bonjedburgh a third Time	18000	--	--
Sir William Scot of Martin			
<i>Summa totalis</i>	274737	--	--

Those Fines imposed by inferior Courts are not indeed to be compared with those imposed by the Council, toward the End of the Year, from which there was no Appeal. I have formerly pointed at the Methods by which Fines for Irregularities were screwed up to this prodigious Sum. In some the whole was exacted, especially in meaner Persons, who had less Ability to debate with the Sheriff in his Oppression; all by the Decreet were made liable in Law, and Execution followed, unless a Sift were got; but, generally speaking, Compositions were made, and those were severely uplifted.

By those the Reader may guess what an incredible Sum an exact Account of the Fines imposed upon Heritors in each Shire of the West and South would come to; and if we add to those the prodigious Sums most arbitrarily levied from Tenants, Cottars, and Tradesmen, for mere Nonconformity, of which it is scarce possible to recover any tolerable Accounts, since they were all pocketed, and no Account was to be given of them, we may form some Notion of the dreadful Oppression at this Time.

Hay of Park,  
Alexander Monro,  
and the  
Laird of Arkin-  
glass, sent to  
Blackness.

George Brown in  
Edinburgh.

September 16. The Council order Hay of Park, Alexander Monro, and Campbel of Arkin-glass, to be sent to Blackness Castle, and kept close Prisoners. The Occasion is not insert in the Registers. The last worthy Gentleman was a Campbel, and probably laid up upon Suspicion of the Earl of Argyle's Designs of making some Attempt which was now talked of.

September 25. The Committee for publick Affairs, having considered the Examination of John Brown Taylor Journeyman in Edinburgh, who declares he lived in Edinburgh those Six Years, was taken lately in Libbertoun's Wynd, will not acknowledge the King's Authority without his own Limitations, will not pray for the King since it ought to be done in a devout Manner and Place for Prayer. Declares he thinks it lawful to take up Arms against the King in Defence of the Covenant, and that the Covenant will be yet owned. Refuses to answer as to the Archbishop of St Andrews, and whether it be lawful to hear the present Clergy. Thinks Bothwell-bridge lawful, because those who were there were in self-defence, and refuses to subscribe. The Committee order him to ly in the Irons till further Order. It is a Wonder he was not straight sent to the Julticiary, and the Gallows; perhaps there was not a Quorum of the Justices in Town.

James Hamilton,  
of Aikenhead.

William Niven  
and John Hodge.

October 9. The Council allow Physicians to visit James Hamilton of Aikenhead in Prison. This Gentleman was only confined for Nonconformity, and it was hard enough after all he had endured, that when standing in need of Phycians he should not have been let out, at least on Caution. The same Day William Niven in Pollock-shares, whom we shall afterward meet with, and John Hodge, are ordered to be sent to the Plantations, because they would not take the Oath of Allegiance, or engage to Regularity, or own Bothwell-bridge to be Rebellion.

Gentlemen in  
Roxburgh Shire  
Sued.

November 7. The Council have before them a Petition from several Gendemen in Roxburgh.



burgh Shire, who had been exorbitantly fined. I give it as it stands, as a further Evidence of what is above. It is but some of them who apply, who were in the Decreet, and Persons are here named who were not in the Extract. And this Application is only from such as were fined for their Ladies Nonconformity.

1684.

The following Persons being fined, for their Wives alledged withdrawing from their Parish Kirks, and other Irregularities, by the Sheriff of Roxburgh, in the following Sums, Samuel Morison of Massindieu in 2285 Pounds, Christopher Ker Spouse to William Turnbull of Sharplaw, and the said William in Nine Hundred and Fifty Pounds, Eupham Turnbull Spouse to John Douglas of Tinpandean, and the said John in 1288 Pounds, Lord Cranstoun for his Lady in William Ker of Chatto in 31000 and odd Pounds, Sir William Ker of Greenhead in 16000 and odd Pounds, Walter Scot of Colstoun in 5000 Pounds, Adam Scot of Haysenden in Andrew Edmiston of Ednam in and being charged, and having represented they were not legally cited, and divers other Reasons, desiring they might be reprieved. The Council sit Execution, and delay the further Consideration till the first Thursday of December.

That same Day John Scot of Wall petitions the Council, but met with less Favour, ' that whereas in March 1683. he was fined by Meldrum, and in October last, by the Lords of Justice, for his Wife's withdrawing from the Church, which she did, not knowing the Consequences of it, and that he himself hath lived most regularly, and is a zealous Keeper of the Church, and, with the rest of the Heritors of Teviotdale, has lately given a Proof of Loyalty received by the said Lords, craving that Execution may be stopped. ' The Council repel his Alledgances, and ordain the Letters to be put in Execution.

John Scot of Wall.

The Partiality of the Managers in this Matter of Fines, appears at every Turn; for notwithstanding of this Refusal to the Laird of Wall, the Council, December 4. act quite otherwise in the Case of the Laird of Balcanquhal in Fife. ' Anent the Petition of David Balcanquhal of that Ilk, whereas the Petitioner is required by the Sheriff of Fife, to pay the Sum of 15000 Pounds, upon the account of his Wife her not keeping the Church, being Three Years valued Rent; and seeing his Loyalty and Regularity is notourly known, and may be attested; and seeing it was never his Majesty's Intention, that his dutiful and well-affected Subjects should be ruined by the mad and wilful Opinion of their fanatick Wives, without any Fault of their own; humbly supplicating the Council, to take the same under their Consideration, and discharge any further Diligence against him, for the foresaid Fine, seeing it is not in his Power to perswade his Wife to go to Church, notwithstanding all the Endeavours, for that effect, he has used with her, and he is willing to deliver her up to the Council, to be disposed of at their Pleasure. ' The Council having heard and considered the Petition, discharged, and hereby discharge the within written Fine, and grant Order to relax him; the Petitioner nevertheless being always obliged to deliver up his Wife to Justice, when required by the Ordinary, to answer for Church-irregularities.

Balcanquhal of that Ilk.

December 24. ' the Council order the Lady Cavers to be liberate, upon her Bond to leave the Kingdom, and her Payment of 500 Pounds Sterling, formerly imposed by the Council. ' This is all I find in the Records. But, as I promised before, I shall now give some further Hints of this excellent Lady's Case, from other Papers, and likewise of a Process against her Tenants, which was indeed most unaccountable, and both of them from authentick Papers.

Lady Cavers

We have before heard of her heavy Trouble and Imprisonment, November 1682. in Stirling Castle, where she continued till the Close of this Year, excepting a few Weeks now and then she was liberate for her Health; and such was the Rigour of our Scots Managers, that had not her Son, this Year as he came Home from his Travels, prevailed with some about Court for this Favour, and the Liberation come that way, she had continued longer in Prison.

Larger Account of her Trouble, and that of her Tenants.

Her Case was indeed very hard, to say nothing of her shining Virtue and singular Piety, and her being chargeable with nothing but simple Nonconformity with Prelacy, and no ways concerned in any Thing against the Government, nor could once be supposed to be. She was only a Liferentrix, imprisoned now more than Two Years for an exorbitant Fine of 500 Pounds Sterling, a Sum exceeding Three Years Rent of her Estate, without allowing any Part of her said Liferent, for her own Maintenance, or that of her Children. The Diligence used against her Tenants bound them up from paying her Money, and her rigorous and close Imprisonment deprived her of the Use of any Means for her Livelihood and Subsistence.

This brings me to the Case of her Tenants, which deserves a Room here, as it was a Proof of the Injustice of the ordinary Magistrates, and the palliating of it by those in higher Stations, and was indeed a very general Case to all the Tenants who favoured suffering Heritors. February 1683. an Arrestment was used in the Tenants Hands, and January this Year, a Decreet was pronounced against them by the Sheriff of the Shire, not only



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for what was due by them, in the Time of the Arrestment, but also for the full current Year's Rent.

The Tenants urged for themselves, very reasonably, that the Arrestment was used in February, and they took not their Land till Two Months thereafter, it could not be supposed that at the Time of the Arrestment, they were Debtors for that Year's Rent, when then they had not taken the Land; and no other Diligence had intervened till Martinmas, which was the first Term of Payment; they had then paid to the Lady near the Half of their Year's Rent, from which at least they craved to be absolved, in regard that from the Time they took the Land to the said Term of Payment, there had been no Diligence used by Arrestment or otherwise, to put them in *mala fide* to pay the same. Meldrum's Power with the Sheriff prevailed, contrary to Law and Reason, to repel this just Defence, and the Decreet was extracted for the haill, and Letters of Horning raised.

By a Paper of the Tenants presented to the Council, dated April 1. this Year, I find William Douglas, James Harkness, James Turnbull in Kirkcoun, William and Jean Stewarts, James Lyden, and James Laing in Earlsfide, Tenants to the Lady Cavers, informing the Council, that an Arrestment had been used in their Hand, February 1683. at the Instance of Hugh Wallace the King's Cash-keeper, sequestrating all then resting by them to the Lady, till her Fine of Nine thousand Merks was paid; that they were moveable Tenants, and renewed their Tack for the next Year in April thereafter, and had no new Arrestment laid on after the first, and therefore thought themselves safe to pay Eleven hundred Pounds of that new Rent, at her Call next Term, for which they had Discharges; that upon the 8 of January last, they were summoned before the Sheriff of Roxburgh, and compearing, deponed on what was resting in their Hand in Time of the Arrestment; and further gave Account of what they had paid since, and urged according to the very Nature of all Arrestments, that it could reach no further than what was in their Hand, and could never look forward to a new Tack; that the Sheriff delayed to pronounce his Interlocutor upon that Head, till he had advised the Case: However a Decreet was passed in their Absence, without ever receiving Summons to hear and see Sentence pronounced, and upon a Friday, which was never the ordinary Court Day, and they have Ground to doubt whether the Decreet was pronounced in the ordinary Place of Judgment; and upon this pretended Decreet without Citation, they have now received a Charge to make full Payment of the whole Year's Rent, upon the 21 Instant, while the Term of Payment of the last Half is not due till Whitsunday, and the Petitioners are like to be distressed before the legal Term of Payment.

I need scarce remark, that such Stretches as these were very frequently made now before the most Part of the ordinary Courts, in Cases wherein any of the persecuted Party were concerned; and this confirms the general Remark which occurs frequently, that Oppression upon civil Liberties still goes along with Oppression in Matters of Conscience.

Together with the foresaid Information, the Lady Cavers Tenants petition the Council, That since they had done nothing in this Matter, but what they thought was the Part of dutiful Tenants, and if they were forced to pay the Half Year's Rent over again, it would ruine them and their Families, that the Decreet might be discharged, at least till they should be fully heard before their Lordships. This Petition was rejected, tho' indeed very reasonable.

About the Middle of May, the Tenants were by virtue of a Caption apprehended by a Messenger, and by a Party of Meldrum's Troop brought down to Jedburgh Tolbooth. They were afterwards allowed some few Days to go home, in order to make up their Money; and I find they were all so discouraged by the Finings and Harassings they were put to, that had not the Laird of Cavers returned that Year, and got the Prosecution stopt, they had all left the Ground.

I have no further anent this excellent Lady, save her Petition and her Son's given in to the Council this Year, the particular Date is not added, but probably the Act of Council liberating her followed upon them. They deserve a Room in this Place, as containing a further Account of the State of this worthy Person's Case.

Her Petition  
to the Council.

The Lady Cavers's Petition bears, 'That whereas by their Lordships Sentence upon the Day of November 1682. she was fined in Five hundred Pounds Sterling, and committed Prisoner to the Castle of Stirling, until the same were paid, precisely upon her refusing to give her Oath upon the Points of her Libel, which did not proceed from any Contumacy, but out of a Tendernefs she hath ever had to give her Oath, in any Case almost, but will not decline the most exact and strict Trial in the Matters whereof she is accused; and is so conscious of her own Innocency, that she doubts not it will be evident to the Council, she was misrepresented to them by Misinformations, proceeding either from Malice or Mistake, to which she is the more exposed, being a Person who lives abstract from all Company, imploying her Time in the Education of her numerous fatherless Children.'

She begs, 'that the Lords may consider the Meanness and Smalness of her Estate, a Jointure not



not exceeding an Hundred and Fifty Pounds *Sterling* a Year; that she is in Debt, and bound to aliment her younger Children, Five in Number; and pleads, that unless the Council relieve her from the Fine, she and her small Children, the Issue of a Family, who for many Years have served their King and Country faithfully and honourably, will not only be reduced to Ruin, but Starving.

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That by her long and tedious Imprisonment, her Health and Estate are impaired exceedingly. She adds, that in Time coming she resolves to live inoffensively to the whole World, educating her Children, and enjoying her self in her reclus and desolate Condition, without meddling with any Persons or Affairs in the World. Upon the whole she craves, that their Lordships may, in Compassion to the Widow and the Fatherless, remit her and them the said Fine; and if they think it necessary, favourably to represent her Cause to his Majesty, who, she submitively hopes, will grant her humble Desire; and in the mean Time, that they will permit her to intromit with her Jointure, for alimenter Five poor fatherless Children, which she thinks it will scarce be able to do, in respect of the Meanness of it, and the Debts wherewith it is already burdened.

By any Thing appears to me, this reasonable Petition, very pathetically drawn, had no Weight with the Council, till her Son Sir *William Douglas* of *Cavers*, now come home, presents another Petition to the Council, representing, 'That his Mother being several Years in Prison for Nonconformity, and not keeping the Church, he, though desirous of her reclaiming, yet out of Respect to the King's Laws and Government, will propose nothing that may be of evil Example to others; and therefore only begs she may be allowed to come to her Friends and Relations, and that he may be received Cautioner for her, that she shall live regularly, or, within Three Months after the Date of her Liberation remove forth of the Kingdom, and not return without special Allowance; by which, adds he, the Country will be freed from any alledged Prejudice she may do in case of Noncompliance, and the Law be salved, and sufficient Terror given to others. And he urges, that the Justices or untruly allow this even to such as are denounced Fugitives; and the Council hath already granted it to the Lady *Longformacus*, Lady *Morissoun*, and others. And concludes, with representing that this will be a far more effectual Remedy than Imprisonment, which being within one's native Country, becomes familiar and easy in a short Time.'

Her Son's Petition.

The former Sentence of the Council is all I know of in answer to this Representation, and we see the Managers have no Mind to part with the Lady's unaccountable Fine, after so long Imprisonment, and she is obliged to take on a voluntary Banishment from her native Country and small Family. No further Accounts have come to my Hand of this worthy Person's Sufferings; but sure Matters were at a miserable Pass, when a Son was necessitate in such Terms, to petition for so good a Mother and so honourable a Family; and many others were treated much the same way, merely for Nonconformity, and not counteracting the Light of their own Conscience.

*John Linning* Dyster in *Glasgow*, was this Year imprisoned Fourteen Weeks, merely for alleged favouring of the Sufferers. The Case of this good Man was singular, and aggravated the severity used towards him. He had lost his Sight intirely, and had been frequently incarcerated and threatened with Imprisonment, but because of his Blindness, was soon let out; this Year he was kept close Prisoner near Four Months. And to such a Pitch did the Inhumanity of his period run, that when a Child of his came to be very near Death, and frequently and passionately cried for her Father, he made earnest Application to the Magistrates of *Glasgow*, for Liberty to converse with his dying and affectionate Child, were it but for an Hour or Two: But so reasonable a Favour could not be granted, though he offered Bond and Caution under what Penalty they pleased, to return to Prison at whatever Hour they should appoint. The Child died without the Satisfaction of seeing her Parent, neither was he allowed to come forth to her Burial, tho' he repeated his Offer of Bond and Caution to them; all this was the more unaccountable that he was blind, and consequently out of Case to flee from their Rage. He is yet alive, vouching every Part of what I have set down.

John Linning  
Dyster in Glasgow.

A great deal more might be added in this Section, as to the particular Treatment of Gentlemen and others, were it not that I have left the Prosecutions with relation to the last Year's Plot, and those fined to the Value of their Estates, in the Close of this Year, to Sections by themselves. I shall only add, that at the same Diet of Council, the Laird of *Pitlochrie* is let out of the *Bass*, upon Promise to go to the Plantations. In his Petition to the Council he promises to take Mr. *Archibald Riddel* with him, and offers to be Caution for him in Five thousand Merks. We shall meet with him again next Year.

Pitlochrie liberated  
from the Bass.

And that same Day, Dame *Margaret Weems* Lady *Colvil*, petitions the Council for a better Room than she hath in *Edinburgh* Prison; which is granted her. I have been told, she met with very unworthy Treatment for a Person of her Quality, when imprisoned upon her Refusal to pay a Fine, which was extravagant, for her Nonconformity; but having no distinct Accounts of her, I end this Section.

Lady Colvil.



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## S E C T. III.

*Of the Proceedings of the Criminal Court, Forfeitures, and publick Executions this Year 1684.*

**I**T is Time now to come forward to the Sufferings of a considerable Number of good Men unto Death this Year, and the Forfeiture of others, some absent, and others of them in Heaven before this Time, and the publick Executions. The Procedure of the Justice Court against those alledged to be concerned in the Plot, I shall give altogether next Section, and that will considerably shorten this.

Gentlemen before the Justice Court,

To give the Reader an Account of all that were relaxed, deserted and continued before the Justice Court, for the three or four last Months of the last Year, and a good part of this Year, for alledged Refet and Converse, and State Crimes, would be almost to copy the whole Criminal Books. Indeed for many Months, I meet with no other Business before them, save two or three Deforcements of Messengers. I shall only notice some of the more remarkable Processes.

Auchinleck, Riddel, Stevenson,

January 18. the Laird of Auchinleck, Sir John Riddel, the Laird of Stevenson, Hartwood, Aikenhead, Dunlop, and a good many other Gentlemen, who had been remitted by the Circuits to the Criminal Court at Edinburgh last Year, and continued till now, are delayed till March and April. We shall hear more of some of them afterwards.

George Martin

February 18. I find three Persons before the Justice Court, and all of them condemned to die. The first is George Martin, sometimes Notar, and Reader at Daltay in the Shire of Air; by other Accounts, I find this Person had endured most patiently, a very long Tract of Sufferings. He was taken towards the End of the 1679. and perhaps was at that Rising, though my Accounts are not positive in this; and for four Years, and some Months, he continued under very great Severities; for much of that Time he was in the Irons Night and Day, and mostly without Fire and other Necessaries, in the hardest Seasons. The Grounds of his Sentence, which he speaks of in his Speech at his Death, are much the same I find in his Trial, 'his not allowing the King's Authority as now established, that is, the Supremacy, 'his refusing to pray for the King in a superstitious Manner, as his Words are, his refusing 'to declare his Opinion about King Charles's Death, which, he said, he would not meddle with, 'his saying Bishop Sharp's Death was a just Judgment of God upon him, whatever the Actors were, and his refusing to call Bothwel, Rebellion, and to renounce the Covenants.'

His Indictment

But to come to his Trial as it stands in the Justiciary Books, he is indicted for Treason, the Probation adduced is his own Confession when examined. 'February 11. being interrogate if 'if he owns the King to be lawful King, and will pray for him: Declares, he will not say he 'disowns him, but owns all lawful Authority according to the Word of God. He will not 'answer whether Bothwel-bridge be Rebellion; he will not judge of other Folks Actings, he 'owns the Obligation of the Covenant, and will adhere to it while he lives. He will not call 'Bothwel-bridge, Rebellion, but says, if it was a Rebellion against God, it was Rebellion, if 'not, it was not Rebellion. He will not subscribe. Being interrogate if the late King's Death 'was Murder, declares, they that did it had more Skill than he, refuses to call it Murder, 'and says, he does not think it pertinent to give a Declaration anent it.

John Ker in Hownam.

With him was in the Pannel John Ker Wright in the Parish of Hownam, in Roxburgh. His Examination and Answers are likewise all the Proof brought against him. 'John Ker refuses 'to own the King's Authority. He says, the King lays Things on his Subjects contrary 'to the Word of God, and so he cannot own his Authority; that Bothwel-bridge was lawful, as a Defence of the Truth. As to the Bishop's Murder he says, it is not his Part to judge. 'As to the late King's Murder, he refuses to answer. He owns the Covenant, and adheres to 'the Ends of it. Refuses to sign.'

James Muir.

The third Person before them that same Day, was James Muir at Cessford-boat. The Proof is the same as to him. 'He refuses to own the King's Authority, but owns all lawful Authority, but says his is not lawful. He refuses to call Bothwel-bridge, Rebellion, and refuses 'to call the Bishop's Death, Murder, but says he was not there.

Their Sentence.

All those Confessions are judicially owned before the Lords, and George Martin adds, If 'the King would invade him, he would defend himself by Arms. The Assize bring them in guilty of treasonable Positions, Expressions, and Opinions, conform to their Confessions. And the Lords sentence them to be hanged at the Grass-market upon Friday the 22.

Nothing appears to me, but all the Three were accordingly executed at that Time, though the Cloud of Witnesses speaks only of George Martin and another, of whom just now. George Martin's Speech is set down in that Collection, and he delivers himself in a great many good Directi-



Directions, and ende vours to guard his Hearers against needless and uselefs Disputations, and preſſes them to ſtudy the Spirit of Meekneſs, and to exa mine their own ſelves more. He declares he owns Magiſtracy and lawful Authority, agreeable to the Will and Command of God, the one Lawgiver, as much as any in Scotland. He dies, forgiving all Perſons all the Wrongs done to him, and wiſhing them Forgiveness, as he himſelf deſires to be forgiven of God, and enters Eternity in much Peace and Joy.

The *Cloud of Witneſſes* ſays, *John Gilry*, Wright in the Pariſh of *Hownam* in *Teviotdale*, was executed with *George Martin*. This Perſon muſt be the ſame, by ſome Miſtake or other, with *John* mentioned in the Registers. I have before me two original Letters ſigned *John Gilry*, from the Iron-houſe, December 27. 1683. which ſavour much of Humility, Self-diffidence, and Meekneſs; wherein he offers many ſolid Grounds of Support to Sufferers, and preſſes them to obſerve Providences, and believe well of God. I doubt not but it is the ſame Perſon here mentioned, and know no more about him, but what the foreſaid Collection gives, that the Grounds of his Sentence were much the ſame with *George Martin*; and that he died in much Serenity and Peace, adoring free Grace, and adhering to the Truths of *Chriſt*, and firmly truſting in him for Salvation.

It is probable *James Muir* likewise ſuffered with them. I ſhall only notice further here, that it muſt remain an indelible Stain upon this Period, that ſo many good Men, whom the Lord owned ſo much at their Death, were butchered, and led to the Slaughter for their Principles, and Conſcience ſake, and merely becauſe they are not able, without going over the Belly of their own Light, to expreſs their Loyalty and Approbation of Magiſtracy, in the large and ſometimes ſinful Terms now required.

In the Beginning of *March*, that excellent Man Mr. *John Dick*, before ſentenced to die, and having made his Eſcape, is now appointed to be hanged at the *Grass-market*, *March* 5. This is all about him in the Records this Year. Let me give ſome larger Account of him, from the Criminal Records, the laſt Year when he was condemned, and other Papers.

Mr. John Dick  
his Proceſs

There is a printed Account, called the Teſtimony of Mr. *John Dick*, published ſome Years ago, in every Body's Hands; but the Errors and Blunders in the Papers of this pious and zealous Sufferer there printed, are ſo many, that had not the Papers left by him been very large, I would inclined to have inſert here a correct Copy of them from a Copy in my Hands, taken from the Original in his Siſter the Lady *Greenhill* her Hand; but theſe being prolix, and the *Appendix* ſwelling very much, I ſhall give but a ſhort Abſtract of them, and intermix what I meet with in the Registers about him.

Printed Account of him  
incorrect

Before I come to this, I cannot but obſerve, that the Publiſhers of the *Cloud of Witneſſes*, after a Commendation of this excellent Perſon, diſmiſs him, not without an *innuendo* as not coming up fully their length; and leave this Blot, as they take it to be, upon him, that he owned the *Hamiltoun* Declaration, and the King's Authority, in a reſtricted Senſe. Which one would think they might have ſpared, conſidering his Freedom and Faithfulneſs.

Innuendo upon  
this excellent  
Perſon in  
the *Cloud of  
Witneſſes*.

Mr. *Dick* was taken at *Edinburgh*, upon the Information of a poor Woman, being bribed, who after his Execution fell in Diſtraction. His Father was a Writer there, and Mr. *Dick* after his taking his Univerſity Degrees, was proſecuting the Study of Divinity. Upon the 29 of *Auguſt* 1683. I find him examined by the Committee of publick Affairs. His Examination is printed very incorrectly, and, in his Answers, Mr. *Dick* hath the better in point of Reaſoning with the Biſhop. Upon the laſt of *Auguſt*, he was brought before the Council, who, after the Clerk had read the Subſtance of his Examination to him, and he had made many Reflexions upon it, at length he ſigned it in *preſentia*. When they had got this Evidence againſt him, they failed not to improve it. And,

His Examination  
before the  
Council

*September* 4. he is brought before the Criminal Court, and with *George Lapsley*, as we heard, indicted for Treason. In as far as he had been at *Bothwel* in Arms, and owned it as lawful, before the Council, and reaſonably aſſerted before them, that Episcopacy was unlawful, and the Laws eſtabliſhing the ſame; that ſince the Reſtoration, there hath been no free Parliament; that Episcopacy and *Erastianism* ſince eſtabliſhed, are contrary to the Word of God; that the Supremacy, as eſtabliſhed, is moſt horrid Blaſphemy; that Perſons aſſaulted at Conventicles may defend themſelves; that Field-conventicles are lawful, and turning out Presbyterian Miniſters, unlawful; that the Covenants are binding, and the Teſt is an unlawful Oath. Wherethrough he is guilty of high Treason.

His Indictment  
*September* 4.

For Probation the Advocate adduceth his own ſigned Confeſſion, which was read, and is inſerted in the Juſticiary Books; though it be printed, yet giving a ſhort State of his Caſe, I inſert it here.

Mr. *John Dick*, Son to *David Dick* Writer in *Edinburgh*, being called and examined, declares, he owns the Work of Reformation, as the ſame is contained in the *Confeſſion of Faith* and *Catechiſms*, conform to the Covenant againſt Popery, Prelacy, *Erastianism*, &c. and is reſolved by the Lord's Strength to abide by the ſame.

His Confeſſion

Declares as to Episcopacy and the Laws eſtabliſhing the ſame, he cannot underſtand it to be lawful, becauſe ſince the King's Reſtoration, there hath been no free or lawful Parliament, as he thinks, by reaſon, that alſo the Members thereof were elected in the ordina-



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ry Way, yet when they met, there were unlawful Oaths imposed upon them, whereupon several of them left the Parliament, and so he understands that it is not a free and lawful Parliament. He thinks that Episcopacy and *Erastianism* established in that and subsequent Parliaments, were contrary to the Word of God, and that the Supremacy therein established, is most horrid Blasphemy. He observes in his own written Account, that he added, directing himself to the Chancellor, that he hoped his Lordship would not take this ill, seeing he had sworn the same in the *Test*. He pressed this might be added to what he was to sign, but it was not allowed.

Being interrogate, if he owns *Hamiltoun* and *Sanquhar* Declarations, he declares, he does not own the *Sanquhar* Declaration, as containing somewhat contrary to his Principles, such as *the cutting off of the Wicked*.

As to *Hamiltoun* Declaration, having himself read it, declares he owns it; and when they were invaded and assailed in the Exercise of the reformed Religion, by any whomsoever, that they were obliged to stand to their own Defence, and owns the Lawfulness of Field-conventicles, and their being in Arms to defend themselves in case of being molested; and that he himself was always ready to own and defend his Brethren in Arms, when invaded for Religion; and declares, that the Invasion made against them at *Pentland* and *Bothwell*, they being in the Exercise of their Religion, was Service done to the Devil, and the Resistance made by them in their own Self-defence, was Service done to God.

Confesses, before *Bothwell* he hath ridden in Arms with Mr. *John Welsh* through the Country, and blesses God for it. Confesseth, he was at a Meeting at *Leshmabago* before *Bothwell*, where Lieutenant *Dalziel* came with a Party upon them, and was one of those who engaged against the Party. Denies he was at *Drumclog*, but confesseth he was at *Bothwell*, and thinks Mr. *John Welsh* stayed about Half a Year in the Country thereafter, that he was only about Eight Days in Company with him after *Bothwell*, in this Kingdom.

Confesseth, the King is lawful born King, and came lawfully to the Crown of these Kingdoms, and owns the King's Authority conform to the Word of God, that is to say, that he is in Power to govern for the Glory of God and the Good of his People, and to be a Terror to evil Doers, and Encourager of those that do well.

He declares, the Act of Supremacy, as explained by the Parliament, and the turning out of the Presbyterian Ministers, and overturning of the Work of Reformation, most unlawful Acts, and being expressly contrary to the Word of God, cannot be binding upon the Declarant.

That the Covenants are binding to the Nations, and shall be so while Sun and Moon endure; and that that Oath called the *Test*, is a most horrid and unlawful Oath, and that he is not obliged to take the same.

He declares, as to the killing of the Archbishop, he cannot give Judgment anent it, it not being an Act of his own, but some of those who were called the Actors, whom he knew were godly and just Men.

John Dick.

When this was read to him before the Justiciary, he judicially owned it, and being asked if he had any Thing to add; he answered, 'he had only one Clause to add to his Declaration, now turned to his Libel, and that was, that he was of Opinion, all the Blood of Presbyterians shed those Years bygone, merely for their Principles, was Murder.' This he pressed might be added to his Confession, and held as a Part of it.

The Assize inclosed, and brought him in guilty by his own Confession, and the Lords ordain him to be hanged at the Grass-market, September 28. His Father and Friends procured the Delay of the Day longer, than was at first designed. The printed Narrative will let the Reader into a fuller View of Mr. *Dick's* Carriage before the Justices, and theirs toward him; and particularly that the Lords would not hear his Defences, but caused the Assize to inclose, who soon brought him in guilty, and then called him in, and intimated the Sentence to him. When he heard it, he told them, 'That to pass such a Sentence upon him, without hearing him in his own Defence, was a Practice never paralleled among Heathens.' And going on, he was interrupted and ordered off.

We heard last Year how he and a great many others escaped, very remarkably, out of Prison, upon the 16 of September. In his printed Case, or Testimony, there follows a very long Paper, containing a large Account of his Case, and Reflections upon the present Persecutors; which by written Copies before me bears the Date of October 1. 1683. and probably it hath been written after his Escape, and for his own private Use, and not with any Design to have it published to the World.

Mr. *Dick* was taken again in the Beginning of March this Year, and when brought before the Council, he declined to give Account how he got out of Prison, adhered to his former Declaration, and was remitted to the Justiciary, who, March 4. ordered him to be executed to Morrow. His Carriage before the Council and Justiciary, and in the laigh Council-house before he came to the Scaffold, and his last Words there and upon the Ladder, are all printed

His Sentence  
1683.

He escaped  
out of Prison.

He is retaken  
March 1684.  
and sentenced  
to die March 5.



ed in the above specified Paper. This excellent and zealous Man, tho' frequently interrupted by the beating of the Drums, hath many excellent Things in his last Discourse, and died in perfect Serenity and great Allurance. 1684.

There are several pious and pleasant Letters of his, writ before his Execution to his Friends, before me, which indeed deserved a Room in the printed Account. I shall only insert here his Letter to his Father the Morning before he suffered, as I take it, for it is not dated, being but short, and breathing out much of his pious and fervent Temper.

Dear Sir,

His hath been one of the pleasantest Nights I have had in my Lifetime, the Competition is only betwixt it and that I got Eleven Years ago, at *Nioftal* in *Northumberland*, where and when in a Barley Ridge upon the *Saturday's* Night and *Sabbath* Morning, before the last Communion I did partake of in *Furd* Church, the Lord firmly laid the Foundation Stone of Grace in my Heart, by making me with my whole Soul close with him upon his own Terms, *that is*, to take him to be my King, Priest, and Prophet, yea, to be my All in all, to renounce my own Righteousness, which at the best is but as rotten Rags, and to rest upon his Righteousness alone for Salvation: As also to give my self intirely without Reserve, in Soul, Body, Heart, Affections, and the whole Faculties of my Soul, and Powers of my Body, to be by him disposed at his Pleasure, for the Advancement of his Glory, and the upbuilding of my own Soul, and the Souls of others; inserting this Clause (being conscious to my self of great Intirmity) that the Fountain of free Grace and Love should stand open for me, so long and so oft as my Case should call for it.

This my Transaction with my whole Soul, without the least Ground of Suspicion of the Want of Sincerity, which I found had been a missing in Endeavours of that Nature formerly, now my blessed Lord helped me to, or rather made in me, and solemnized that Night and Morning ere I came off that Ridge. I confirmed it no less than Ten or Twelve Times, and the oftner I reiterated, the Gale continued so fresh and vigorous, that I was forced to cry, Hold, Lord, for the Sherd is like to burst; so that I hope my dearest Lord is now a coming, and that the Hands of *Zerubbabel*, who hath laid this Foundation, is now about to finish it; and indeed he is now building very fast, for which my Soul blelleth him, desiring you may joyn with me in so necessary a Work. I hope ere long the Copstone shall be put on, the Result of all which shall be Praises and shouting to him that sits upon the Throne, and to the Lamb throughout all the Ages of Eternity, of long lasting Eternity. This, with my earnest Prayers while in the Body, that the Lord would help you to mind his Glory, and your own Soul's eternal Welfare, is all the Legacy you can expect from him, who is both

Your affectionate Son, and  
Christ's Prisoner,

John Dick.

P. S. I hope, ere I go home, to get another Sight of you. Let none see this till I be in my Grave. The Lord gave me to you freely, so I intreat you be frank in giving me to him again, and the more free this be, the less Cause you shall have to repent.

This dying Martyr's Words upon the Scaffold, and when he was upon the Ladder, are printed at large. I shall only add his last Words from the Manuscript before me. They seem to be enlarged upon in the printed Copy. His last Words upon the Scaffold.

I am come here this Day, and would not change my Lot with the greatest in the World. I lay down my Life willingly and cheerfully for Christ and his Cause, and I heartily forgive all mine Enemies. I forgive all them who gave me my Sentence, and them who were the chief Cause of my taking; and I forgive him who is behind me (*i. e.* the Executioner.) I advise you who are the Lord's People, to be sincere in the Way of Godliness; and you who know little or nothing of the Power thereof, to come to him, and trust God, he will not disappoint you; I say, trust in the Lord, and he will support or strengthen whatever Trouble or Affliction you may meet with. I remember, when *Abraham* was about to sacrifice his Son, *Isaac* said, Here is the Wood and the Fire, but where is the Sacrifice? Now blessed be the Lord, here is the Sacrifice and free-will Offering. Adieu, farewell all Friends.

To return to the Justiciary-records, *March 5.* the Court have before them the Process relating to *Henry Hall* of *Haugh-head* deceased, *Mr. John Menzies* of *Wintercleugh* or *Hangingshaw*, younger of *Windycage*, *Henry Boswel* Portioner of *Dunsfstown*, *Robert Steel* Portioner of *Stain*, *John Mack* Portioner of *Hanselwood*. They are all of them indicted, and found guilty (in Absence) by an Attize, of being



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being in Arms with the Rebels, at *Bothwel* 1679. and are adjudged, except *Haugh-head*, to be executed and demeaned as Traitors, when apprehended, and are forfeited. Perhaps it is peculiar to this Period, that Persons, a good many Years after their Death, should be proceſſed, Witneſſes led againſt them, and forfeited; and yet there are ſeveral Inſtances of this now.

Thomas Bogle  
of Bogles-hole,  
and Wetherſpoon  
of Heathbryknow.

We heard before of that good Man *Henry Hall*. His Eſtate was about Six hundred Merks yearly, and the Laird of *Meldrum* poſſeſſed it many Years, while his Wife and Children were caſt out and reduced to Straits. I find, by atteſted Accounts before me, that *Thomas Bogle* of *Bogles-hole*, and *Gavin Wetherſpoon* of *Heathbryknow*, were forfeited for being at *Bothwel*. Whether it was this Year or formerly, I cannot ſay; if their Names were in the Registers, I have overlooked them.

Diet deſerted  
againſt Car-  
ſairs, Dalſwinton  
and others.

*March 11.* the Juſtices and Advocate are in a good Mood. Anent the criminal Proceſs in Dependence, againſt Sir *William Lockhart* of *Carſairs*, Mr. *Hugh Maxwell* of *Dalſwinton*, (who, towards the End of this Year, got not ſo well off) *John Campbell* of *Horſecleugh*, *James Campbell* of *Greenock-mains*, and about Eighty Country People, who are preſent, the Advocate declares his Maſteſty hath ordered the Diet to be deſerted againſt them; and the Lords deſert it *ſimpliciter*.

Upon the 17 of *March*, the famous Trial of *Ceſnock* comes on, which I leave to the next Section. The laſt of *March*, about Thirty ſix, moſtly Tradeſmen, are deſerted; and that ſame Day, *James Spreul* Apothecary in *Paiſly*, now proſecuted for being in the late Rebellion, was declared Fugitive, becauſe he does not compear.

But let us take Notice of what is doing at *Glaſgow*, by thoſe Perſons, we heard, were clothed with a Juſticiary Power. There are no Records of the Proceedings of theſe Commiſſioners, either at *Glaſgow* or *Dumfries*, that I have ſeen; and I ſhall give ſome Account of them from other Papers and Narratives come to my Hand.

Five condemned  
and executed  
at Glaſgow,  
March 19.

*March 19.* Five worthy and good Men were executed at the Croſs of *Glaſgow*, upon a slender a Probation as ever was ſuſtained in any Caſe, far leſs in a criminal Proceſs for Perſons Lives, *John Richmond*, *James Winning*, *Archibald Stuart*, *James Johnſtoun*, and *John Main*.

John Richmond.

We have, upon the laſt Year, heard how ſome of them were ſeized. *John Richmond* was pretended to have been at *Airs-moſs*, but no Probation was ever brought. He was taken in *Glaſgow* as he was walking in the Street, giving no Provocation, by Major *Balfour*. When he offered to ſeize him, *John* endeavoured to eſcape, but was ſoon apprehended, and moſt cruelly uſed, tho' they knew not as yet who he was, and had nothing to lay to his Charge, ſave his fleeing when they offered to apprehend him. He was thence carried to the Guard, and moſt unmercifully bound, his Heels and his Neck together, and left lying on the Ground bleeding of his Wounds and Bruiſes. In this Poſture he lay a good many Hours, and declared afterward, he never enjoyed a ſweeter Time, and felt no Pain. Next Day he was put in Priſon, where he continued till he got his Indictment with the reſt.

James Winning.

*James Winning* Taylor in *Glaſgow*, February this Year, upon ſome Information or other, was called out of his own Houſe, to compear before one of the Bailies, by a Town-officer; and being interrogate anent *Bothwel*, and the Biſhop's Death, and not giving ſatisfying Answers, he was ſtraight ſent to Priſon, and indicted with the reſt. *Archibald Stuart* was a Country Man in the Pariſh of *Leſmahago*, *James Johnſtoun* lived in the Pariſh of *Calder*, near *Glaſgow*, and *John Main* belonged to the Pariſh of *Old-monkland*.

Archibald Stuart,  
James Johnſtoun,  
John Main.

Their Proceſs.

Upon the 17 of *March*, theſe Five were tried for their Lives by the ſpecial Commiſſion given, above narrated. The Perſons preſent were Lieutenant-colonel *Windram* Preſes, Sir *William Fleming*, Sir *James Turner*, Lieutenant-colonel *Buchan*, *John Somerwel* of *Spittle* Sheriff-depute of *Lanerk*, and *William Stirling* before deſigned; and *John Jones* Writer in *Glaſgow* was Procurator Fiſcal. I ſhall give their Trial as I have it from a mournful Spectator, now a reverend Miniſter.

Their Indictment ran upon their being at *Bothwel*, and their being acceſſory to other Inſurrections, and Reſet and Converſe. A great many Witneſſes were adduced, but nothing deponed which could militate againſt their Life, even by the preſent Laws, the Reader may judge by a Taſte of the Depoſitions. One Witneſs deponed, that he ſaw *John Richmond* at *Airs-moſs* in Arms: The Preſes asked him, how far diſtant he was from the Pannel. He answered, about Half a Mile; yet this was ſuſtained, and indeed the only Proof they had againſt him. Another Witneſs, adduced againſt *John Main*, being interrogate, if he ſaw *John* among the Rebels with Arms, answered, he ſaw him coming from the Eaſtward, and going Weſtward. The Clerk was ordered to mark that Depoſition, which the Preſes ſaid was material, and commanded him to write, *Depones, he ſaw John Main coming to the Rebels, and going from them in Arms*. Whereas the Deponent ſaid no ſuch Thing.

When *James Winning* was interrogate, if he had any thing to object againſt the Witneſſes, he answered, he had no Objection; but ſolemnly profeſſed, as he was to answer to God at the laſt Day, he never carried Arms in his Life, for or againſt any Man. *Windram* answered



ivered him, it was enough if he was in Company with the Rebels, tho' he had but his Needle with him. In short, my Informer assures me, he could not observe the least Shadow of a Proof against any of them.

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*John Main*, in his printed Testimony, makes it appear, that none of the Articles of his Indictment were capital, and gives this Account of his Trial. As to his escaping out of Prison, it was not to be charged upon him, but his Keeper; that he was at *Bothwell*, but only as an Onlooker; that he had conversed with one *Gavin Wotherpoon*, who was asserted to be a Rebel, but not proven one; that indeed he had not termed *Bothwell* a Rebellion, neither would he renounce the *Covenants*; that his Silence as to the King's Authority could never in Law be made Treason; that as to King *Charles I.* his Death, he knew nothing about it; and as to the Archbishop's, he would not judge of that Action.

The Articles insisted upon in their Examination against the rest, were much the same with those, and it was chiefly upon their Silence as to the Three last, they were put to Death: All of them died in much Comfort, Peace, and the utmost Cheerfulness. The Christian Magnanimity and Delight under which *Archibald Stuart*, a Youth scarce Nineteen Years, died, was observed by many. Amongst other moving Expressions at his Execution, he had this. *I die not by Constraint, but willingly, and this I can say, I am more willing to die for my lovely Lord Christ, and his Work and Truths, than ever I was to live.* In short, all of them died in a forgiving Temper, praying earnestly for Pardon to their Persecutors, and yet warned them of their Hazard, if they continued in these Courses without Repentance. These Five good Men ly buried, with other Sufferers, in the high Church-yard of *Glasgow*.

Their Sentence and Execution

At their Execution, *Gavin Black* in *Monkland* was seized by the Soldiers, upon mere Suspicion, and some Tokens of Sorrow appearing in him, and put in Prison; and when upon Examination, he did not satisfy their Queries, he was in a few Weeks with many others banished to *Carolina*.

Gavin Black

And at their Burial, *James Nisbet*, a Relation of one of them who were executed, was taken by one of the Soldiers of his Name. We shall just now meet with him in *June*, dying a publick Death. The Persecutors and Soldiers were very narrow in their Observations at such publick Executions, and, as if they resolved to counter the known Truth, *Sanguis martyrum semen Ecclesie*, when People appeared affected at them, or the Burials of such as were allowed publick Burial, they picked them up to fill the next Stage with Blood.

James Nisbet

I return again to the Criminal Court at *Edinburgh*. And *April 1.* I find Mr. *John Banantyne* of *Corehouse*, formerly mentioned, *George Ramsay* of *Idlington*, *Sir Patrick Hepburn* of *Blackcastle*, *Alexander Hume* of *Abbey of St. Bathans*, *George Houstoun* of *Johnstoun*, *Archibald Crawford* of *Auchmains*, *Sir John Rid-el* of that Ilk, *Sir John Maxwell* of *Nether-pollock*, *John Chiegly* of *Carfswel*, *James Dunlop* of *Houshill*, indicted of Refet and Converse, and doing Favours to Rebels, as mentioned in their Dittays in the porteous Rolls. All of them offer to abide a legal Trial, and their Diet is deserted *simpliciter*.

Diet deserted against many Gentlemen, and yet afterwards they are attacked.

*April 2.* we have another Set of Gentlemen indicted as the former were; *Alexander Dunlop* of that Ilk, *Alexander Hamilton* of *Kinkel*, *James Hamilton* of *Aikenhead*, *Fergus McCubbin* of *Knockdallien*, *John Bog* of *Dornel*, *Hugh Dunbar* of *Knockshinnoch*, *Francis Gladstones* of *Whitelaw*, *Gideon Scot* of *Atterside*, *Robert Johnstoun* of *Craigie-land*, *Robert Gourlay* of *Kepdarroch*, Mr. *William Fullarton* of that Ilk, *George Fullarton* of *Dreghorn*, *George Muirhead* of *Lauchop*, *James Stuart* of *Hartwood*, *James Gordon* Merchant in *Dumfries*, *John Forrester* of *Thirty-acres*, *William Cunningham* of *Buquhan*, *Sir William Scot* of *Harden* elder. They offer to abide their Trial, and the Diet is deserted *simpliciter*. I need not remark, that those Gentlemen and many others were put to vast Charges and Trouble in waiting on since *August* last, besides the Money a good many of them had to give to the Clerks and others before their Diets were deserted, and they had Extracts. And many of them had been all this Time confined to *Edinburgh*, and some of them imprisoned, and yet at the next Circuits most part of them were of new attacked.

*April 5.* I find the Lords of the Judiciary desert the Diet against about Sixteen Feuars and Tradesmen, whose Names I insert not. And that same Day *Andrew Gibson* Merchant in *Glasgow*, *John Balmeno* there, *John Maxwell* of *Gribroun*, and about Twenty others, are deserted. And *April 7.* Mr. *Andrew Hay* of *Craignethan*, *John Hamilton* of *Halraig*, *Thomas Ker* of *Grange*, and the Laird of *Mauldsley*, are deserted. Upon the Eighth and Ninth the Process against the Earl of *Lowdon*, and some others comes in, which I leave to the next Session.

*April 10.* *James Howison*, Maltman in *Lanerk*, is indicted for being at *Bothwell*. The Witnesses prove he was in Company with some of the West-country Army without Arms; and the Aize bring him in as guilty of being with the Rebels, but without Arms. The Case was this; he lived at *Lanerk*, and when a Party of the West-country Army came there he, as all who were in the Place, was obliged either to retire or converse with them; and this is all the Witnesses prove. Yet the Lords sentence him to be hanged at the *Grass-market*, November 12. and forfeit his Lands and Goods to his Majesty.

James Howison in Lanerk sentenced.

*April 16.* the Trial of that gallant and good Man *John Paton* of *Medow-head*, in the Pa-

John Paton of Medow-head.



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His Indictment.

Sentence.

Executed May 9.

James Nisbet executed in June.

rith of *Finwick* comes on. He was commonly called Captain *Paton*, and had some Command at *Bothwell*, if not at *Pentland* also. 'April last, I find the Council order a Reward of Twenty Pounds *Stirling* to Cornet *Lewis Lawder*, for apprehending *John Paton*, a notorious Rebel these eighteen Years.' And 'tis probable he was taken some Time this Month, since ordinarily the Trial of Persons in his Circumstances was not long delayed.

When before the Justiciary he is indicted for being with the Rebels, both at *Glasgow* and *Bothwell*, as a Captain. The Advocate *ex superabundanti* passes his being at *Pentland*, and indicts upon his being at *Bothwell*. The Lords find the Libel relevant; and for Probation he adduced his own Confession before the Council. 'John Paton in *Meadow-head*, in *Finwick* Parish, confesses, he was taken lately in the Parish of *Merns*, in the House of *Robert Howie* in *Floak*; that he haunted ordinarily in the Fields and Muirs. Confesses, he was invited by the Country People to go out in the Year 1666. and commanded a Party at *Pentland*. Confesses, he joyned the Rebels at *Glasgow* about eight Days before the Engagement, and was with them that Morning before the Engagement.' Refuses to sign.

The Affize had no more to cognosce upon but his Confession, and bring him in guilty, and the Lords sentence him to be hanged at the *Grass-market*, *Wednesday* the 23 of *April*. By other Papers I find he was charged, when before the Council, with his being at *Mauchlin-muir*, and being a Rebel since the Year 1640. and a great Opposer of *Montrose*. It is probable he was there, but there was no Probation, and this was not insisted upon. He was interrogate, if he acknowledged Authority; he answered, he owned all Authority allowed by the Word of God. But the precise Point upon which he died, was his being at *Bothwell*.

He was prevailed upon to supplicate the Council, and there were several there who inclined to favour him; but he remarks in his Speech, that the Prelates effectually stopped that. However I find *April* 17. the Council, upon his Petition, continue his Execution to *Wednesday* the 30 instant. In the Narrative they say, he is condemned for his Accession to *Pentland*, *Bothwell*, and other Crimes. And the Council Records *April* 30. bear, 'John Paton in *Meadow-head* sentenced to die for Rebellion, and thereafter remaining in Mollies and Muirs, to the high Contempt of Authority, for which he hath given all Satisfaction that Law requires, reprieved till *Friday* come Sennight, and to have a Room by himself, that he may prepare more conveniently for Death.'

This is so favourable a Record for him, that I apprehend the Bishops have not been present: And indeed it looks as if some Favour had been designed; but it took no Effect, for *Friday* the 9 of *May* he was executed, when he died most cheerfully, forgiving all his Persecutors, Instigators, Reproachers, Soldiers, Apprehenders, Privy Council and Justiciary, in whatever they had done to him. But as to what they had done in Despite to the Image of God, and against his Work, he declared it was not in his Power to forgive, but heartily wished they might seek Forgiveness of him who had it to give, and that they would do no more Wickedness.

Now Executions turn pretty throng; and *James Nisbet*, in the Parish of *Lowdon*, was hanged at the *Howgate-head* near *Glasgow*, in *June*. I have seen nothing of his Trial, and I take it to have been before the Commissioners for Justiciary there. It hath been already observed, that this zealous good Man was taken at the Burial of *John Richmond*, and those who were executed with him in *March*. He was acquaint with most part, and had been intimate with some of them, and came into *Glasgow* to pay his last Respects to them at their Burial, and there being known, he was apprehended by Lieutenant *Nisbet* a Cousin German of his own; so much does a bitter persecuting Spirit break all the Bonds of Nature it self, and get over the nearest Blood Relations.

He was straight carried to the Guard, where he was soon entangled with their captious Questions, the Catechism of this Period, and sent to Prison. His Sentence ran upon the common Crimes, now made mortal Sins, which I need scarce resume. He owned *Drumclog* and *Bothwell* lawful, in as far as they were Acts of Self-defence, and Appearances for the Gospel. He refused to renounce the Covenants, and to own the King's Authority, as he expressed, in so far as he had made the Work of Reformation and Covenants, Treason. After he was condemned, he was offered his Life, if he would acknowledge the King's Headship and Supremacy over the Church, which they well knew he would never do. He was hardly enough used, and so closely watched, as he could scarce get any Thing writ to his Friends in Prison; yet he got a Testimony writ, in which he complains he got only Liberty to write incoherently. He begins with this Expression, 'I am come here to lay down my Life for the Testimony of *Jesus*, for asserting him to be King and Head of his own House, and for no Matter of Fact they have against me.'

And it will be a lasting Blot upon this Time, that so many good Men, against whom they had nothing but Matter of Sentiment and Opinion, and who had never been in any Rising against the Government, were thus from Time to Time cut off. He died in much Peace, and full Assurance. And they saw good to execute him a little out of the Town, and not at the Cross, which very little diminished the Confluence.

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To return again to *Edinburgh*: In *May* and *June*, I observe many have their Diets deserted, because the Lords find they have lien long in Prison, and no Probation offers against them. And *July* 3. about Thirty common People and Tradesmen are deserted. And through several Diets this Month, near Three hundred Tradesmen and common People, have their Diets deserted. It would be endless to go through them all. And *July* 6. the Lairds of *Kirkcaldy*, *Newtown* and *Ochiltree*, are continued till *November*.

*July* 24. *Arthur Tacket* in *Hamiltoun*, is condemned upon his former Sentence. We heard of him before, and how hardly he escaped at *Bothwell*. He was a Taylor in *Hamiltoun*, and taken as coming from a Sermon, either that at *Blacklock*, or some other, at which Mr. *Renwick* preached. By the Council Registers *July* 1. I find, 'Duke *Hamilton* informs the Council, that *Arthur Tacket*, now a Prisoner, is an Heritor, and forfeited for the Rebellion. The Lords leave to the Justices, to proceed against him according to their Sentence of Forfeiture.' And *July* 22. *Arthur Tacket* confesseth before the Council, that he was in the Rebellion at *Bothwell*, and lately with the Rebels who were in Arms in the Shire of *Lancark*.

*Arthur Tacket*,

The Lords ordain him to be questioned by Torture, to Morrow at Nine of the Clock, before the Committee for publick Affairs. The Occasion of this Severity was, that the Youth peremptorily refused to tell who preached, and whom he had seen at the foresaid Sermon. Torture, even for Discovery of Treason, is hard enough, but Torture for a bare Discovery of a Minister who preached, and such as heard at a Field-conventicle, when the first was Death, was yet severer.

Put to the Torture.

When brought before the Council, or their Committee, in order to Torture, the Advocate declared to him, and offered to give it under the Hands of all present, that if he would be ingenuous and free upon all that was to be asked, what he said should never militate against himself, or any other Man. *Arthur* answered, he could not credit them, since they had broken their Promises, Oaths and Subscriptions to God and Man, and he could not think they would press him so much to declare who preached, if they were to make no Use of what he said. Whereupon the Hangman was commanded to open the Boot, and he laid his Leg in it. When he was going on, the Chirurgeon present desired he might desist a little, and taking the Advocate aside, told him, that *Arthur* was very young, and his Leg so small, that a few Strokes would crush it to Pieces, and seeing they were determined to take his Life, and it was probable nothing could be extorted, he moved they would forbear. Upon this the Advocate ordered the Thumbkins to be brought, which he endured without making any Discovery.

Circumstances of his Torture.

The Lords of the Justiciary, upon the foresaid Day, find, 'that *Arthur Tacket* being upon the 21 of *March* 1681. found guilty, by an Assize, of being in the Rebellion 1679. and adjudged to be demeaned and executed as a Traitor when apprehended, he being now apprehended, the Lords appoint him to be hanged at the *Grass-market*, *Wednesday July* 30. 'twixt Two and four in the Afternoon.' He had been forfeited in Absence, and now, tho' they had his Confession, yet they only adhere to their former Sentence. We heard he was at *Bothwell*, when he was scarce 17 Years of Age. Accordingly he was executed, and died most Christianly, forgiving his Enemies, and owning all Magistrates superior and inferior, in as far as they are conform to the Word of God, the Covenants, and are a Terror to them that do evil, and a Praise to them that do well. I very much doubt if History can produce Instances of so many prosecuted to the Death for such a Rising as that at *Bothwell*, so long after, and in so vast Numbers.

Sentence and Execution.

Towards the End of this Month, and the Beginning of *August*, I find, at different Diets of the Justiciary, near Two hundred deserted, mostly Country People who had been put in the piteous Rolls for Refet and Converse. Probably the Managers had the new Circuits by this Time in View, where many of them were again attacked.

*August* 5. I find three Men before the Justiciary, other Papers make it the 15. but I have kept by the Date of the Registers, *Thomas Harkness* in *Lockerbane*, *Andrew Clerk* in *Leadhills* in *Crawford*, and *Samuel McEuen* in *Glencairn*. There was one *Thomas Wood* in *Kirkmichael*, who was taken with them, but I do not find him indicted at this Time. In *December* we shall meet with one of the same Name, and, for what I know, the same Person.

*Thomas Harkness*  
*Andrew Clerk*  
and *Samuel McEuen*.

I have a particular Account of the Circumstances of taking these Four Men, as follows. Some Days after the Rescue of the Prisoners at *Enterkin-path*, which we shall meet with in the last Section, *Claverhouse* and a Party of his Men were searching the Parishes about in great Fury; and in the Parish of *Closburn* or *Dalgerno*, they came upon these Four Men in the Fields: Some Accounts before me, say, they were sleeping till awakned by the Soldiers, and at the Sight of them they offered to flee; whereupon the Soldiers pursued, shot at them, and wounded them.

The Soldiers were extremely enraged at this Time, by the Baffle given to the Party at *Enterkin-path*; and this is the only Excuse can be given for the Fury that now appeared in them, tho' indeed there was too much of this in their ordinary Carriage. All the Houses near to the Place where the Men were found, were presently plundered, the Party presuming, what



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they were willing to have, that the Neighbourhood was guilty of Resetting them, and few Houses escaped an Hundred Merks, or an Hundred Pounds Loss.

Great were the Severities used upon the Prisoners; they had been wounded when taken, and the Soldiers would not suffer their Wounds to be washed, nor Linens to be applied to them. A poor Woman, who came and offered some Help to them in dressing their Wounds, was seized and carried Prisoner a Part of the Way. They were brought first to *Lanerk*, and then to *Edinburgh*. Upon the Road they came to a narrow Pass, where *Claverhouse* expected to be attacked, and he gave Orders to the Soldiers, as soon as any Man appeared, to kill the Prisoners, tho' they had confessed nothing, and nothing was proven against them. When brought before the Council, Three of the Soldiers deposed, that those Men were at *Enterkin-path*; and as some of their Papers before me bear, that the Prisoners there received the Wounds they at present had: The Men constantly asserted they were not at *Enterkin*. *Thomas Wood* was reserved till afterwards, and the rest that same Day were remitted to the Justiciary, and condemned and executed that very Day, such a Rage were the Persecutors in.

Their Process.

I come now to their Process, as it stands in the Criminal Books. *Thomas Harkness* and the other Two, were indicted of high Treason, 'in as far as in this Month of *August* they had engaged with a Party of the King's Soldiers; that they did not own the King's Authority, or denied it; that they refused to call *Bothwell*, Rebellion; that they had conversed with Persons put to the Horn, and that they had conversed one of them with another being Rebels.' Three Soldiers depone they snapped Guns at them. This is all the Probation I observe adduced. Throughout this Process there are plain Evidences of Hatte and Thirst after Blood. 'The Assize find them guilty of being in Arms, and that one of them presented a Gun to the King's Forces, that they had Ball upon them, that they had conversed with Rebels, denied Authority, and fled from his Majesty's Forces.' Whereupon they are sentenced to be hanged at the *Grass-market*.

And Sentence.

They were brought into *Edinburgh*, about one of the Clock, and that same Day they are sentenced, and executed about Five of the Clock. Those plain honest Country People, so quickly hurried into Eternity, drew up a joynt Paper, and left behind them; which breathes so much plain honest Simplicity, and is so short and serious, that the Reader will be pleased to have a Copy of it here. It runs not in the Strain of those contained in the *Cloud of Witnesses*, and therefore is omitted by them; but in my Opinion it deserves a Room here.

The joynt Testimony of *Thomas Harkness*, *Andrew Clerk* and *Samuel Mc'euen*, from the Tolbooth of *Edinburgh*, *August 5*.

Their Testimony.

Dear Friends and Relations whatsoever, We think it fit to acquaint you, that we bless the Lord, that ever we were ordained to give such a publick Testimony, who are so great Sinners. Blessed be he that ever we were born to bear Witness for him; and blessed be the Lord *Jesus Christ*, that ordained the Gospel and the Truths of it, which he sealed with his own Blood, and many a worthy Christian gone before us hath sealed them. We were questioned for not owning the King's Authority. We answered, that we owned all Authority that is allowed by the written Word of God, sealed by *Christ's* Blood. Now, our dear Friends, we intreat you to stand to the Truth, and especially all ye that are our own Relations, and all that love and wait for the Coming of *Christ*. He will come, and not tarry, and reward every one according to their Deeds in the Body. We bless the Lord we are not a whit discouraged, but content to lay down our Life with Cheerfulness, and Boldness, and Courage; and if we had a Hundred Lives, we would willingly quit with them all for the Truth of *Christ*. Good News! *Christ* is no worse than he promised. Now we take our Leave of all Friends and Acquaintances, and declare we are heartily content with our Lot, and that he hath brought us hither to witness for him and his Truth. We leave our Testimony against Popery, and all other false Doctrine, that is not according to the Scriptures of the Old and New Testaments, which is the only Word of God. Dear Friends, be valiant for God, for he is as good as his Promise. *Him that overcometh he will make a Pillar in his Temple*. Our Time is short, and we have little to spare, having got our Sentence at One of the Clock this Afternoon, and are to die at Five this Day. And so we will say no more, but farewell all Friends and Relations, and welcomie Heaven and *Christ*, and the Cross for *Christ's* sake.

*Thomas Harkness,*  
*Andrew Clerk.*  
*Samuel Mc'euen.*

*Samuel Mc'euen's*  
Letter  
to a Friend.

If the Reader take as much Pleasure in reading this plain and natural Testimony, as I have done in transcribing it, he will not grudge to have *Samuel Mc'euen's* Letter he wrote to a Friend after his Sentence was pronounced, since it favours of the same undisguised, cheerful and



and pious Spirit, and in its pure and natural Shape, and, I am perswaded, intirely from him- self. 1684.

My dear Friend,

I Am this Day to lay down my Life for adhering to the Truth of God ; and I bless his holy Name, that ever he honoured me, a poor Country Lad, having neither Father or Mother alive, to witness for him. And now I can set to my Seal to all the Truths in the Bible, *Confession of Faith*, Catechisms larger and shorter, National and Solemn League and Covenant, and to all the Protestations and Declarations given by the poor Remnant, agreeable to the same Word of God.

Tho in much Weakness, yet I love all that is for his Glory, and desire to hate all that he hates, with a perfect Hatred. I desire you not to be discouraged, for, I bless the Lord, I am heartily content with my Lot. It was my Desire, tho' most unworthy, to die a Martyr, and I bless the Lord who has granted me my Desire. Now this is the most joyful Day ever I saw with mine Eyes. Farewel all earthly Enjoyments and Friends, in our sweet Lord Jesus Christ ; and farewel *Glencairn* my native Parish. Welcome my sweet Saviour, into thy Hands I commit my Spirit, for thou art he, O Jehovah God of Truth, who hast redeemed me.

Samuel M'euen.

When I read such plain, and yet patheticall Productions from Country People, I cannot but be confirmed in the Reality of Religion, and reckon these plain Country Men heavy Witnesses against those who delighted thus in Blood.

The Justiciary are now fallen into the Method of dispatching the Persons before them, and condemning and executing poor People on the same Day, which we shall scarce meet with but in Scotland at this Season. Accordingly August 27. I find other Two sentenced, and dying the same Day, *James Nicol* and *William Young*, who, if I mistake it not, is the very same who when essaying to break Prison in the *Canongate*, was lamed by a Fall, and retaken. The *Cloud of Witnesses*, nor any other Paper I have seen, take notice of *William Young*, but the Registers putting him and *James Nicol* together, I see no Ground to doubt that they underwent the same Fate.

*James Nicol*, Merchant Burghess in *Peebles*, was a bold zealous Man: Hitherto he escaped, and was at *Edinburgh* at the Trial of the last named Three, which affected him very much. He was a mournful Onlooker upon their Process before the Justiciary ; and his Spirit being stirred within him with what he had seen, he was taking his Horse in the *Grass-market* to go out of the Town, after he had been some time there about Business ; at this Nick of Time the Guard came down with the three Persons last named, to their Execution. This stopped him, and he went in among the Crowd, and stayed till they were executed.

When coming away, in the Bitterness of his Spirit, he said in the Hearing of a good many, *These Kine of Bashan have pushed these Three good Men to Death at one Push, contrary to their own base Laws, in a most inhumane Manner*. Whereupon he was straight seized, and carried to Prison. In a Day or Two he was brought before the Committee for publick Affairs, and after that before the Council, where he was very bold and plain in his Answers, and was upon the 27 brought before the Justiciary.

By the Registers I find he is indicted for Treason. The Probation was his own Confession, that he was at *Bothwell* with Arms, that he owns *Sanquhar Declaration*, and the Paper published at *Rutherglen*. His Process

At the same Time, *William Young* in *Evandale*, is indicted the same way, and his Confession adduced for Evidence: 'That the King is King, or not King, as he keeps the *Covenants*; that he cannot say he is now King ; confelleth that he heard Mr. *Donald Cargil* at Field-conventicles since *Bothwell* ; that he thinks those who were at *Bothwell* were at their Duty ; that he was present with *James Dykes* a forfeited Person, at the Attack upon *Evandale* Castle, to rescue his Brother ; that if he had been old enough, he would have been at *Bothwell* ; that he would disown the King or any Body else, before he would disown the *Covenants*.' And that of William Young.

The Assize bring them in both guilty of Treason, by their own Confession, and the Lords sentence them both to be taken to the *Grass-market*, this present *Wednesday, August 27*. betwixt Two and Four, and hanged. Accordingly they were executed. Their Sentence and Execution.

The Circumstances of *William Young* in *Evandale* were very singular, and I shall add a Hint at them from a good Information before me. He was brought in Prisoner from *Evandale* to *Hamiltoun*, and met with great Severity, when carried from thence to *Edinburgh*, from the Soldiers, who took from him his Wig, and he rode most of the Way with his bare-shaven Head, and his Feet tied beneath the Horse's Belly. This good Man was distempered, and much crazed in his Judgment, for Five Years before he was taken, through a sharp and severe Exercise of Spirit he had been under. However, when upon any serious Conversation, or at Rea-

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Reading or Prayer, his Distemper was scarce any way observable; but when out of these Exercises, he was perfectly restless, wrote Letters and threw them out at the Windows, and call them to the Keepers; so that all in the Prison observed it: His Fellow-prisoners cautioned him, as much as possibly they could, when he was called before the Council. When there, his Answers were not out of the Road; and when he came back from the Council and Justiciary, he was very sensible of the Lord's Goodness to him, and said to his Fellows, It had been given him in that Hour, who was a poor foolish Creature, who had much lost the Use of his Reason. He was one of them who escaped out of the *Canongate Tolbooth*, and would not have been known, if he had not himself told to the Soldiers who were ranging up and down, that he had broken the Tolbooth. He was most barbarously used when sent back to Prison, and his Arms were tied, and his whole Body miserably racked: This he bore with great Patience. He said, that extreme Pain would be intolerable, if eternal, but he was now near the Crown, and rejoiced in the full Assurance of it. Next Day, he was carried before the Justiciary, and sentenced, and straight executed with *James Nicol*. I have been the larger on this Man's Circumstances, because much of the Power of God, and Rage of Man, must be observed about him.

Mr. John Sinclair  
forfeited in  
Absence.

September 9. I find Mr. *John Sinclair* his Process of Forfeiture before the Justiciary. This learned and singularly religious Minister had been a good many Years at *Ormiston*; and now when it was determined to force all Presbyterian Ministers, either to comply or leave the Country, he choosed to retire out of Harm's Way. I find, April 30. 'The Council being informed, that Mr. *John Sinclair*, late Minister at *Ormiston*, hath gone over to *Holland*, and preached several seditious Sermons, and is about to be settled as a Minister in that Place, remit to the King's Advocate to enquire into his Behaviour whilst here, and, if he find Ground, to process him according to Law.'

This was severe enough Dealing, that when Ministers were retired, to avoid their ensnaring Examinations, in Absence Processes should be raised against them, when settling elsewhere, out of the King's Dominions. What Scandal the Advocate gathered up, I know only by his Indictment, which I am persuaded was false in every Article of it. All who knew this worthy and excellent Person, knew he was far from expressing himself at the Rate here libelled. However, he was cited in the Form that People out of the Country are summoned.

And at the above Diet, this reverend Person is indicted, and pursued for Treason. 'Mr. *John Sinclair* Minister at *Ormiston*, now at *Delft* in *Holland*, is indicted for preaching treasonable Doctrine and Positions, and his pretting the renewing of the Covenants, and People's taking up Arms against the King; that he declaimed against the King, and called his Royal Brother a rebellious Enemy to God, and the Lords of his Majesty's Privy Council, Rogues; and prayed that God would open his Majesty's Eyes, to see the Evil of his Ways, and turn him from it, [ a Prayer he certainly very much needed ] otherwise that he would take him away from being a Scourge and a Curse to God's People.' And being cited at the Shore and Pier of *Leith*, and not compearing, the Lords forfeit him, and appoint him to be declared Fugitive and Outlaw, and to be put to the Horn. There is not a Shadow of Proof brought against him for these alledged Expressions; and indeed no Proof of them could be brought.

Act of Council  
about Citation  
of Vagrant  
Preachers, and  
Mr. James  
Renwick.

They had far more Reason, according to their Laws now in Force, to proceed to the Forfeiture of Mr. *James Renwick*, whom we shall meet with afterwards, as the last who was publicly executed in this Period. August 19. the Council form an Act for the Citation of such as they call vagrant Preachers. 'The Lords of his Majesty's Privy Council appoint Mr. *James Renwick* and other vagrant Preachers, to be summoned by way of Dispensation, at the Cross of *Edinburgh*, and Pier and Shore of *Leith*; and those Summons are declared to be as sufficient as if they were personally cited; and, September 16. they order Mr. *Renwick* to be intercommuned.

Who is indi-  
cated and put  
to the Horn.

And September 19. Mr. *James Renwick* is indicted before the Lords of Justiciary, for being at *Bothwell-bridge*, and preaching at *Field-conventicles*, at *Blackloch*, *Welshole*, *Craig*, *Spittal-hole*, *Greenock*, and other Places, and teaching, *the King was no King but a Tyrant*. Being cited, and not compearing, they decern him Outlaw and Fugitive, and order him to be put to the Horn.

John Hutchison  
sentenced.

November 11. *John Hutchison*, Portioner in *Newbottle*, is processed in Absence. One of the Witnesses declares he saw him with Arms in the Engagement at *Bothwell-bridge*; another, that he saw him with the Rebels some time before; another, that he saw him in Company with the Rebels at *Pentland*; and another, that he saw him near *Edinburgh* about that Time in Arms. The Assize bring him in guilty of being in Arms at *Bothwell-bridge* and *Pentland*. The Lords sentence him to be executed, and demeaned as a Traitor, when apprehended, the Time and Place to be named by the Council, and in the mean Time forfeit him.

November 13. and at some following Diets, several Persons were processed, and condemned for the Declaration of War, posted upon the Church-doors, whom I shall leave to a  
Section



Section by themselves. That worthy Gentleman, the Laird of *Douchal*, was likewise condemned to die towards the End of this Month, as shall be narrated in the *Section* allotted for the Account of his and his neighbouring Gentlemens Fines; and towards the Close of *December*, that excellent Gentleman *Jerviswood* was cut off, who will come in upon the following *Section*.

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## SECT. IV.

*Of the Council and Criminal Processes against the Laird of Cefnock, the Earl of Lowdon, Mr. Spence, the Reverend Mr. William Carstairs, the Laird of Jerviswood, and others alledged to be concerned in the Plot this Year.*

OF Design I have left to this Place, the Procedure of the Council and Lords of Justiciary last Year and this, against the noble and excellent Patriots alledged to be concerned in the *Rye-house* Plot, and I shall give most of what I say about them, from the Records and original Papers, just in the Order of Time they were prosecuted, and take in all that refers to each of them together. I spoke of the Plot in the general last Year, and say no more of that.

August 16. last Year, I find the Council ' appoint the King's Advocate to raise a Process of Treason against the Earl of *Lowdon*, Lord *Melvil*, Sir *John Cochran* of *Ochiltree*, *John Cochran* his Son, Sir *Hugh Campbel* of *Cefnock* elder, Campbel of *Cefnock* younger, er, the Laird of *Rowallan* elder and younger, Montgomery of *Langshaw*, Fairly of *Brunsfeld*, Bailly of *Jerviswood*, Crawford younger of *Crawfordland*, Stuart of *Cultness*, and Denholm of *Westshiels*, who being cited before the late Justice-air, upon several Points of Treason, it was made appear to them, that at the Time of their Citation they were out of the Kingdom.'

Process raised Aug. 16. 1683 against the Earl of Lowdon, and others upon the Plot.

November 3. the Procedure of the Scots Council at *London* in this Matter, is read at *Edinburgh*, and insert in the Registers. ' At *Whitehall* October 22. 1683. present the King's Majesty, his Royal Highness the Duke of *Tork*, the Earls of *Murray*, *Middleton*, *Sunderland*, *Mar*, *Airly*, *Ancrum*, *Broadalbin*, the Treasurer-depute, Justice-clerk, Advocate, and *John Wedderburn* of *Gosford*; His Majesty, with Advice of his Privy Council, orders the Laird of *Cefnock* and his Son, *Rowallan* elder and younger, *Crawfordland*, *Brunsfeld*, *Alexander Monro* of *Beaucrofts*, *Jerviswood*, Mr. *William Carstairs*, *Hepburn* Son to Major *Hepburn*, Spence Servant to the late Earl of *Argyle*, Prisoners at *London*, suspect of high Treason, and some of them accused, to be sent Prisoners to *Edinburgh*, to be tried according to Law, being Scotsmen.'

Procedure of the Scots Council at London, Nov. 3. 1683.

The *English* Law could not answer the View they had against them, and our Scots Law is far more arbitrary, at least the Procedure used at this Time would not have gone down in *England*. Accordingly, those named were sent down, several of them I meet with no more in the Registers, and can say no further of them; but these who were chiefly levelled at we shall meet with in their Order. By a Letter from the King, the Advocate is ordered to prosecute the above named Persons for Treason.

Prisoners sent down to be tried at Edinburgh.

December 10. 1683. ' the Council remit it to the Bishop of *Edinburgh*, Treasurer-depute, Advocate, and Colonel *Graham* of *Claverhouse*, to consider the several Papers sent down from *London*, and to put together what they find concerning every Prisoner, and to begin with what concerns *Spence*, and to endeavour to decypher the Letters'

February 21. by the Council-registers I find, that *Rowallan* younger, upon a Certificate of his Indisposition, hath his Liberty, to abide in his Chamber at *Edinburgh*, continued till March 21. next, with Caution. We shall afterward find him and others enlarged, but *Cefnock's* Process now falls in.

The Advocate reports to the Council, that he hath found Matter, as he conceived, to insist against Sir *Hugh Campbel* of *Cefnock* for Treason. The Council, February 12. ordain him to insist, and appoint Sir *George Lockhart* to concur in the said Process with the King's Advocate. The Design of this was plain enough, to hinder that able Lawier, who had vexed them so much in the Earl of *Argyle's* Process, to be employed by *Cefnock*. Accordingly, upon *Cefnock's* Petition February 21. ' he is allowed to employ any Advocates he pleases, and they are warranted to plead, still excepting Sir *George Lockhart*, he being already ordered to assist the King's Advocate.' However, we shall find *Cefnock* is not prosecuted upon the Plot,

Cefnock ordered to be prosecuted.



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Plot, but upon his Accession to *Bothwell*, and that the Witnesses who had informed against him retracted when in Judgment.

I come now from the Records, and some original Letters writ by a Gentleman present at the Trial, to give a short and distinct Account of the Process against that worthy Gentleman Sir *Hugh Campbell* elder of *Cesnock*, a very ancient and honourable Family; and because this Trial was plainly invidious, and every Thing stretched to the utmost Height, I shall give the larger View of it.

Proceedings  
against him  
March 17.

Indictment  
March 24.  
App. No. 96.  
A.

His Speech  
March 24.

Sir *Hugh* was indicted March 17. and with him *John Weir* of *Newtown*, who is continued till April, and the Advocate insists against *Cesnock*, according to an Act of Council, dated February 16. by which Sir *George Lockhart* is appointed to concur with the Advocate in this Process. That Day the Process is delayed till March 24. when *Cesnock's* Indictment was read, and I have inserted it App. No. 96. A.

After his Indictment is read at the Bar, *Cesnock* himself opened his Case in a long and pathetic Speech, wherein he insisted mostly upon those Points. 'That tho' several Field-conventicles had been kept in the Country where he lived, yet he had permitted none to be upon his Ground; that neither himself, Children, or Servants, had been present at any of them; that as he kept his own Parish Church regularly, so missing Two of his Servants there one Lord's Day, he caused them to be kept out of his Gates till the Sabbath was over, and next Morning called for them, paid them their Wages, and dismissed them; that during the Time of the libelled Rebellion, he was so far from encouraging it, that he retired to *Gilchrist*, (perhaps writ for *Gücherscroft*) a strong House, and abode there till it was over; that he had put off his Ground all his Tenants who were said to be at *Bothwell*, as soon as they were convicted; that if he was found guilty in that Matter, he was most willing to underly the Law, but he knew he was innocent; that one of the Witnesses added against him he never saw before, as far as he knew, but could prove he had declared in several Places, that he would do *Cesnock* an ill Turn, because he had informed about a Murder he (the Witness) had committed. In short, as to other Defences, he remitted himself to his Advocates.'

Advocates for  
the Pannel.

The Advocates for the Pannel were Sir *John Lawder*, Sir *Patrick Hume*, Mr. *Walter Pringle*, Mr. *William Fletcher*, Mr. *John Kincaid*, Mr. *Colin Mackenzie*, Mr. *Robert Main*, Mr. *William Baily*, Mr. *James Balfour*. After reading the Indictment, the King's Advocate moved that the Justices might examine the Witnesses previously before any Trial, this being a Case of Treason, and alledged a Letter from his Majesty to this effect. Mr. *Pringle* answered, that a previous Warrant ought first to be given by the Council, in Terms of the King's Letter, which was not produced. The Advocate replied, his Warrant produced was as to the whole Process, and no more was needful. The Lords delayed to determine till they advised with the Privy Council.

Council's  
Warrant for  
examining  
Witnesses first.

This little Bit of Form was soon got over; a Council was immediately called, and the Advocate had a Warrant given him. 'Edinburgh March 24. the Lords of Council having considered a Representation by his Majesty's Advocate, of the Necessity of the previous Examination of Witnesses in *Cesnock's* Process, do, conform to his Majesty's Letter to the Justices, December 20. 1682. give Warrant to them to examine those Witnesses previously.'

Debates of the  
Lawyers.

When this was produced, the Lawyers entred upon the Cause. *Cesnock's* Advocates pleaded at a great Length, and with much Force of Reason, and the King's Advocate said all so ill a Cause could bear. In this extraordinary Case, of which no Account has been yet published, the curious Reader will incline to have the Debates as they stand in the Registers. Accordingly, I have added the Defences of *Cesnock's* Advocates, App. No. 96. B. the King's Advocate's Answers, App. No. 96. C. After hearing of those the Court adjourned till to Morrow, when the Pannel's Advocates made their Duplies, they are inserted App. No. 96. D. and Sir *George Lockhart* made his to them, App. No. 96. E. To those *Cesnock's* Lawyers gave their Quadruplies, App. No. 96. F. When these are over, the Court adjourned till next Day the 26 of March.

App. No. 96.  
B.  
App. No. 96.  
C.  
App. No. 96.  
D.  
App. No. 96.  
E.  
App. No. 96.  
F.

Part of the Libel  
inserted on.

That Day in the Entry the King's Advocate declared, he passes from the second and last Indictments, *pro loco & tempore*. The Part of the Libel he and Sir *George Lockhart* insisted upon was, 'That the said *Campbell* meeting with the Witnesses coming from the Rebellion, enquired whence, and being answered, from the Westland Army, desired them to return, for they would not want Assistance, adding, He did not like Runaways.'

The Lords debated very long among themselves as to the Relevancy, Replies and Duplies, and at length came to give this Interlocutor.

Lords Interlocutor.

'The Lord Justice-general, Justice-clerk, and other Commissioners of the Justiciary, find that Article, as it is libelled in the last Indictment, That the Pannel having met with the Persons mentioned coming from the Rebels in Arms, June 1679. and having asked them where they had been, and when they had told him they had come from the Westland Army, he said, he had seen more going to them than coming from them, and he having asked them if they were to return, and they answered they knew not, said to them, he liked not Runaways, and that they should get Help if they bide by it; or Words to that Purpose, as they are declared by his Majesty.'



‘ Majesty’s Advocate, viz. That they should have Officers and Help, or some Expressions of Help, relevant to inter the Pain of Treason; and repel the Defence founded upon the Indemnity, and the Defence of *alibi* as propounded, and all other Defences.’ They find the Libel relevant, and remit it to the Knowledge of an Assize.

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I do not find the Lords were unanimous in the Interlocutor, but it carried by Plurality of Voices. Every Body was surpris’d to find that *Cesnock’s* Defence of proving himself *alibi* that Day condescended on in the Libel, when he should have uttered the Expressions above set down, to find this most valid Defence, I say, repelled by the Lords; and this was a Presage of what the Issue would have been, had not Probation failed. With this Interlocutor the Court adjourned to the 27.

Upon Thursday the 27. the Assizers were called and sworn, no Objection being made. Their Names are, Sir Robert Dalziel of Glenca, John Boyle of Kelburn, Bannantyne of Kellie, Sir Patrick Maxwell of Springkel, John Veitch of Darwick, James Nasmyth of Tesso, John Skene of Halyards, George Drummond Merchant, Sir James Fleming of Rathohyris, Sir John Dalmahoy of that Ilk, Andrew Frazer of Kilmundie, Alexander Nisbet of Craigen-inny, James Somerwel of Drum, James Boyd Merchant in Edinburgh, James Lock of Drylie. For Probation the Advocate produceth Thomas Ingham and David Craze-ford.

Assizers called  
and sworn,  
with their  
Names.

Sir Patrick Hume objected for the Pannel, that they could not be admitted, ‘ because *prodiderunt testimonium*, and revealed what they would say to his Majesty’s Advocate and others; and also, that his Majesty’s Advocate had taken their Oath previous to any Warrant from his Majesty’s Privy Council, which is contrary to his Majesty’s Letter, that being only recommended to the Lords Commissioners of Juiciary, by an express Warrant from the Lords of Council; and it is a certain Rule in Law, that *testis revelans testimonium suum partibus, a testimonio repellitur*, and the Reason given by Lawyers is, *ne ex istius dicto alii testes subornentur*. *Mascard. de prob. concl.* 359. N<sup>o</sup>. 40. 2do. Because in proving the pretended Crime, they acknowledged themselves guilty of the Crime whereof the Pannel is accused, as is clear from the common Law, *Cod. de accus. § inscript.* 3tio. Because it is offered to be proven, that Ingham did prompt and sollicit others to depone in this Cause, and so has given partial Counsel. 4to. *Et separatim*, because they bear Hatred and Malice to the Defender; and it is positively offered to be proven, that since the Rebellion he promised to meet the Defender with an evil Turn if it lay in his Power by any Manner of Way out of Hell; and it is clear by our Law, *Statut. 2. Rob. I. Chap. 34.* against those that are excluded from bearing Witnesses, that *nec socii, nec participes ejusdem criminis, nec aliquis hostis seu malevolus parti, nec incarcerati, nec vinculati*, can be admitted Witnesses.’

Debates about  
the Witnesses,  
March 17.

His Majesty’s Advocate opposes to the first, the constant Practice of his Predecessors, whereby they have been always in Custom to examine Witnesses upon Oath before intenting of the Libel, which a Judge or Privy Counsellor of the Nation may do both in Scotland and England, and his Majesty’s Letter was only necessary after intenting of a Libel, for a Warrant to the Judges who were not formerly in Use to examine, tho’ they might always have done it.

To the Second his Majesty’s Advocate opposes the constant and uncontroverted Custom, nor could the Crime of Rebellion, or any other privileged Crime be otherwise proven, for who can depone but they who are *conscii*, and all *conscii* are *socii criminis*.

As to the Third, his Majesty’s Advocate alledges the same is not relevant, except the Malice could be qualified to raise an *inimicitia capitalis*, which can only repel a Witness, especially in the privileged Crime of Treason, whereof the Detection is of such Importance, that many Specialities, as to Witnesses in other Crimes, are relaxed in this, and therefore the promising of an evil Turn is not relevant, nor the Quality, tho’ they should go to Hell for it, which is a rash, foolish, and inconsiderate Expression, but they may condescend upon the Ground upon which that *inimicitia capitalis* arose, and which may very much determine the Extent of it.

2do. Adhering to the former Objection, it is added *separatim*, that the Witnesses were suborned, in so as they were prompt, solicit, and instigate to depone in this Cause against the Defender: As also, that they solicited other Persons to be likewise Witnesses against the Defender, which the Lawyers clearly make a sufficient Subornation to cast them from being Witnesses, especially when they are to depone upon premeditate and formal Words, and after so long a Time, as is clear from *Mascard. Con.* 341. and particularly, that he instigated Adam Miller to be a Witness against the Defender.

His Majesty’s Advocate answers, 1mo. That tampering and soliciting *non relevant*, unless it take Effect, and the Witnesses succumb to the Temptation. 2do. It is not relevant, except the Money or good Deed were condescended upon, that it may be known if it be a sufficient Temptation, and upon what Account it was given. 3tio. The Subornation or Corruption must be by the Pursuer, or some having Warrant from him, for else even the Friends of the Pannel may take Pains and corrupt, and a Witness being desirous to come off may comply with it, all which should much hold in Witnesses called for the King, which are presumed to be from Calumny, and where no Advantage can arise to any private Party.

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1864.

As to the speaking to *Adam Miller*, *Can thou not say, or knows thou not that Cefnock spake such Words.* It is answered, *It is lawful for Contestes to ask at one another.*

*Sir George Lockhart* answered, That the Objection anent corrupting the Witnesses is not relevant, unless the Quantity of the Money were condescended on, and that it were expressly alledged that Money were given upon the account of deponing against the Pannel in the Terms libelled, otherwise the simple giving of Money is not relevant. 2do. The Time must also be condescended upon, whether it was before or after the Citation as a Witness, or at least after the raising of the criminal Letters, for if it was before, it is not relevant, unless it were positively offered to be proven, that it was given upon Treaty and Agreement, that the Witness should depone in the Terms libelled against the Defender, and adheres to the former Answer, that the Pursuer nor none for him did use any Attempts of Corruption.

*Mr. William Fletcher* duplies, That Subornation and Corruption being latent Acts which cannot be proven by any other Probation than Conjectures and *indicia*, all Lawyers have sustained such Probation which doth arise from violent Suspicions, and it is sufficient for the Defender to condescend in general that Witnesses were suborned, instructed, and solicited, and what Money was given, or good Deed promised, will arise from the Probation; and it is absolutely impossible, that in any such Case, the Party who objects against the Witness can be special as to the Quantity of the Money; and it imports not, tho' the Witness had been practised before the Accusation, seeing it is positively offered to be proven, that they were suborned and corrupted in relation to the Pannel, and that they might depone against him.

This is what I find in the Registers as to the Lawyers Debates upon the Witnesses. By other Papers I find that *Sir Hugh* was asked, if he had any Thing to say as to *Ingrham* in particular. He answered, with the strongest Assurances, that he was most certain he had never seen him in the Face, and as to other Objections he left them to his Lawyers.

His Advocates urged very forcibly, that *Ingrham* could not be admitted, because he just now took upon him to prove, that the said *Thomas* had several Times said, that if there was a Way out of Hell how to be avenged upon the Pannel for delating him as a Murderer, he would be revenged, and straight offered Witnesses to prove, that in many Companies, he (the Witness) had most seriously exprest himself in these Words, and urged, that *Ingrham* could not be admitted to *Cefnock's* Prejudice, and cited many famous Lawyers to prove this.

The King's Advocate replied, That giving, but not granting, that the said *Ingrham* had thus exprest himself in a Passion, it could not rationally be thought, that now in cold Blood he would so desperately and wilfully damn his own Soul by Perjury, to take away the Life of an innocent Gentleman, especially considering he could propose no other Reward to himself than Damnation. He added further, 'to make it evident to the World, that the Witnesses have no Design to swear falsely, I am free to declare, that when they were brought in to me, I examined if they could say any Thing anent the late Rebellion, and *Cefnock's* Accession thereunto. They answered, they could say nothing; but when once I had made them swear as to what I should interrogate them, they deposed in the same express Words contained in the Indictment, which, added he, clearly evinceth that they had, and yet have the Impression upon their Consciences of that dreadful Majesty of God, who is Judge to this and all their Actions: And the Advocate goes on, had this Man come in voluntarily and offered to depone against *Cefnock*, it would have said much; but seeing he was brought in by Force, and without his own Inclination, the Objection made against him can be of no Force.' This Discourse was abundantly well calculate, for keeping *Ingrham* firm to the Deposition he had emitted in the Precognition, which was all the Advocate wanted.

*Cefnock's* Advocate was in no Difficulty to answer all the Advocate advanced. It was the easiest Thing in the World to put Matters in this Chancel to serve a Turn; and People of no Conscience, or under the Power of Revenge, have no great Impressions of Damnation, or of God and his awful Majesty: And if any who adduced these Considerations were privy to any Concert and Collusion in this Matter, they have had as little Impression of those tremendous Truths.

But further, the Advocate for the Defender offered to prove that this Witness was suborned to swear against *Cefnock*, and had got largely both of Money and Victual for his Reward, and had not only sold himself to this abominable Perjury, but had inticed and induced others to the same Course.

Upon this Allegation the Justice-general desired, that Particulars might be condescended upon. And *Sir Hugh* declared, that he was well informed, and would instantly prove it, that this Fellow (*Ingrham*) was hired by *Hugh Wallace*, sometime Factor to the deceased Lord *Craigie*.

When this Condescension was made, the Court could not but admit *Cefnock's* Witnesses for the Proof of what was advanced. Accordingly, Two Witnesses were adduced who deposed that *Thomas Ingrham* had sworn in their Hearing and Presence a great Oath, That he would be avenged upon *Cefnock* if there was a Way out of Hell to do it. Great Pains was taken to



to cross-question the Witnesses, and the Interrogatories were put to them severally in the others Absence, yet they exactly agreed in every Word as to this Matter: But then in another Query, viz. *When spake you of this Matter together?* The one answered, *He does not remember that ever they spake of it together, unless it was yesternight;* and the other declared, *He did not remember they communed at all upon it.* This inconsiderable Variation not affecting the Matter of the Cause, was Handle enough to such who were seeking an Occasion to cast every Thing proposed in *Cesnock's* Defence.

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Next, Two other Witnesses were adduced, viz. *Ingrham's* Father and Mother, who deposed they had seen *Wallace* give to *Ingrham* several Pieces of Money, but of what Value they could not tell; whereupon *Ingrham* himself was interrogate, and declared he had got from *Wallace* Half a Crown at one Time, and Ten Shillings at another, but he knew not upon what Design. The King's Advocate said, it might be *Wallace* had given *Ingrham* that Money for some Services he had imployed him in; and that he himself used to imploy the said *Wallace* as being a sharp Man, and very active for his Majesty's Interest.

After the Lords had heard these Debates upon the Witnesses, they reasoned at a considerable length upon them before they came to an Interlocutor. That eminent Lawier, my Lord *Pitmedden*, debated much whether Witnesses could be examined upon Oath in a Precognition, and brought such Arguments against this as could not be answered, save by the King's Letter allowing it, impetrate with an Eye to this and such like Processes. My Lord himself was pleased to inform me, ' That he moved to the Lords, at least that this might be done; since by the King's Letter the Witnesses Oaths had been taken, that before they were readmitted to swear in the same Affair, their former Depositions might be torn. But this, for as highly reasonable as it must appear, was peremptorily refused. However (added he) the Witnesses in presence of the Assize, deposed in favours of the Pannel contrary to the Tenor of their first Depositions, which they were said to have given in the first Precognition. ' At length the Lords came to this Interlocutor. ' The Lords having considered the Objections against the Witnesses, and the Debate thereanent, they, in respect of the Answers, repel the Objection anent *proditio testimonii*, and repel the second Defence as to *socii criminis*. And the Lords having considered the other Objections, and heard the Witnesses adduced by the Pannel for proving the same, ordain *Thomas Ingrham* and the rest of the Witnesses adduced by his Majesty's Advocate, to be received.

When *Ingrham* was brought in, and holding up his Hand to swear, Sir *Hugh* directed himself to him, and said, ' Take heed now what you are about to do, and damn not your own Soul by Perjury, for as I shall answer to God, and upon the Peril of mine own Soul, I am here ready to declare I never saw you in the Face before this Process, nor spake to you. '

Then *Ingrham* was solemnly sworn, and interrogate upon the whole Articles of the Libel. Several Things fell in this Witness his Examination, which we cannot expect to meet with in the Registers. And therefore I shall give the Deposition of both the Witnesses as they are recorded, and then a larger Account of the Circumstances from good Vouchers before me.

' *Thomas Ingrham* in *Borlands*, aged Thirty Two Years, deposes, That having met the Laird of *Cesnock*, at *Daniel Crawford's* House in *Galstoun*, in the Time libelled, he heard *Cesnock* ask from whence they came, and *Daniel* answered, from the West-land Party; and that he asked, who commanded them, *Crawford* said, One *Hamilton*. And the Deponent being interrogate upon the rest of the Libel, deposes he knows nothing of it. And this is the Truth, as he shall answer; and cannot write. '

Depositions of the Witnesses.

*Daniel Crawford* deposes negatively to the whole Libel. And this is the Truth, &c.

*Daniel Crawford.*

' The Assize, with one Voice, finds the Libel not proven. '

Libel found not proven.

*Jo. Dalmahoy.*

Thus the Process stands in the Records, and more we could not look for. But it is worth the Reader's while to have the Detail of the Circumstances of this remarkable Examination from the Papers above mentioned. And they inform me, that *Ingrham* deposed, that being in the House of *Crawford*, *Cesnock* came to the Door, and having called upon the said *Crawford*, he asked, what Men those were who were in his House; *Crawford* answered, they were Men lately come from the West-land Army. Then *Cesnock* asked, Who commands there. *Crawford* answered, One *Robert Hamilton*. As *Ingrham* was going on in his Deposition, one of *Cesnock's* Lawyers asked him, Whether he had communicated this to any others, to seduce them thus to depone, and told him, he was now under a deep Oath, and nothing less than his Soul at Stake. *Ingrham* answered, I believe I have spoken of it to severals. Then the Justice-general asked, if *Cesnock* spake any other Words to *Crawford*; *Ingrham* answered, My Lord, I am now upon my great Oath, and I declare I do not remember he spake any more at all.



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Upon this there was a great Shout, and Clapping of Hands in the Court ; at which the King's Advocate said in a great Passion, that he believed that *Cesnock* had hired his Friends to make this Acclamation, in order to confound the King's Evidence, and he never heard of such a Protestant Rore, except in the Trial of *Shaftsbury* ; that he had always a Kindness for that Perswasion till now ; that he was convinced in his Conscience, it hugs the most damnable Trinket in Nature.

After Silence, the Justice-general interrogates *Ingrham* again ; who answered, He had said as much as he could say upon Oath. And the Justice-general offering a third Time to interrogate *Ingrham*, *Nisbet* of *Craigentinny*, one of the Affizers, rose up and said, ' My Lord Justice-general, I have been an Affizer in this Court above Twenty Times, and never heard a Witness interrogate upon the same Thing more than twice ; and let *Cesnock's* Perswasion be what it will, we who are Affizers and are to cognosce upon the Probation upon the Peril of our Souls, will take notice only to *Ingrham's* first Deposition, though your Lordship should interrogate him Twenty Times. ' The Justice-general answered him with Warmth, *Sir, you are not Judges in this Case.* The Laird of *Drum*, another of the Affizers, presently replied, *Yes, my Lord, we are only competent Judges as to the Probation, tho' not of its Relevancy.* Whereupon the whole Affizers rose up and assented to what those said. The Justice-general in a great Heat said, ' I never saw such an Uprore in this Court, nor, I believe, any of my Predecessors before me, and it is not us you condemn, but his Majesty's Authority. '

Silence being commanded, *Craveford* the other Witness was called in, who being deeply sworn, and no Objection being made against him, he deponed negative, ' That he did not see *Cesnock* for a considerable Time either before or after *Bothwell-bridge* ; that he does not remember that *Cesnock* spake any Thing to him, either about the *Well-land* Army, or who commanded them. '

Whereupon there was another great Cry made, and Clapping of Hands, which put the Justice-general and Advocate into a great Rage, as what they reckoned an irreverent Insulting of the Court. Then *Cesnock's* Advocates craved the Probation might be remitted to the Knowledge of the Affize, which could not be refused. And after a short Speech made to them by *Cesnock's* Lawyers, they inclosed themselves, and very soon returned their Verdict, not guilty.

The Court  
refuse to  
liberate *Cesnock*.

Upon which *Cesnock* took Instruments, and his Advocate craved he might be liberate, in respect nothing was proven against him. The Justice-general answered, that seeing he was the King's Prisoner, they must have his Majesty's Mind before he be liberate. *Cesnock* replied, that he was content, for he was abundantly certain, the Guilt charged upon him could never be proven. The Court sat late, or rather early, it being about Two of the Clock on *Friday* Morning before they rose, and *Cesnock* was returned to Prison.

Reflections  
upon this  
Process.

It is very evident upon the whole, there was a Design formed to bring this worthy Gentleman under a Sentence of Death, and at least to take his Estate from him, tho' there were few Gentlemen less obnoxious to the Laws than he. We see that now no Methods were boggled at, tho' never so vile, to accomplish wicked Designs. Suborning of Witnesses is very palpable in this Case ; who were guilty is not my Province to determine : And the King must be drawn into this Affair, by procuring a Letter, which we have seen above, ordering Precognitions to be taken upon Oath by the Justiciary ; and yet we find in this Case they were taken by the Advocate alone.

It may be proper further to remark, in order to the Reader's having some Idea of this Government, that the Justice Court, which ought to be most just and fair, and give all Allowances in Cases relating to Mens Lives that Law and Equity suggest, were in this Case evidently partial in refusing the relevant Exculpation of *alibi*, at the Time libelled, in calling *Cesnock's* Witnesses for Exculpation, and repelling the most relevant Defence propounded upon a trifling Circumstance ; and in their unaccountable Carriage to *Ingrham* when upon Oath, and their open Endeavours to push him to Perjury, so plain, as the Affizers, none of them Presbyterians nor Favourers of the Sufferers, could not bear them ; and in their hectoring and abusing these Gentlemen, for acting as conscientious Persons would do.

And if those were their Methods with Gentlemen and before Lawyers, we may easily guess, how little Justice or Equity poor simple Country People, who could not bell the Cat with them, had to look for. And what sad Work would we meet with, if we had full Accounts of their Procedure from one who knew Forms and Law, and had been a Witness to their Procedure !

Persons  
persecuted for  
the Acclamations  
at *Cesnock's*  
Trial.

I cannot pass this Process without remarking, that several of the Affizers, and other Gentlemen in the House, were brought to no small Trouble for the Noise in the Court, at *Ingrham's* declaring he could say no more, which the Advocate was pleased to call a Protestant Rore. And indeed so he might, for it was an Evidence of the Satisfaction of the Spectators, at the misgiving of the Design of the Managers now giving into a Popish Successor, and tyrannical and arbitrary Measures. Several were brought before the Council, and by them remitted to crave Pardon of the Justiciary. I give it as it stands in the Criminal Books, April 24. Appear.



• Appeared Sir Patrick Maxwell of Springkel, Alexander Nisbet of Craigentenny, James Lindsay of Drumbuig, being pursued before the Council, for making a Noise in the Time of Cefnock's Trial when the Witnesses were examined, and were ordained to appear before this Court, and make Acknowledgment and Apology therefore, which this Day they did.

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We shall just now hear, that April 17. Cefnock was allowed free Prison. And June 19. I find by the Registers that the Witnesses against Cefnock are still in Prison, but that Day the Council allow them free Prison; and, for any Thing I know, they continued a considerable Time in Prison: For September 16. the Council ordain Ingham and Crawford, Witnesses against Cefnock, to be examined by the Committee for publick Affairs. The Day before, September 15. they send Cefnock and Mr. John Rae to the Bass. October 13. I find the Council order the Witnesses against Cefnock to be continued still in Prison, and they are allowed Six Pence a Day. What they expected from these Witnesses, or for what ends they were so long detained I cannot say: Only we shall find that Cefnock was afterward forfeited, and his Estate given to Mel-ford. In all this Matter this Gentleman hath nothing relative to the Plot laid to his Charge, tho' that was the alleged Cause of his Imprisonment.

Witnesses continued long in Prison, and Cefnock sent to the Bass.

I return now to the rest of his Fellow-prisoners, as far as I have Materials. April 1. I find a Petition presented from the Earl of Lowdon, who was delated with the Prisoners formerly named, bearing, 'that he being cited to compare before the Lords of the Justiciary the Eighth of April instant, to answer for alledged Crimes contained in his Dittay, but being forth of the Kingdom at the Time of the Dittay, and yet is, and in a very sickly and distressed Condition, craving that his Diet may be deferred, or a competent Time, wherein he may appear, granted, as they think fit.' And April 8. George Lord Melvil petitions much in the same Strain. The Deliverance of the Council as to both, is, 'The Lords Lowdon and Melvil being forth of the Kingdom, upon their Petition it is recommended to the Lords of Justiciary to prorogate the Day, that they may be in Case to find Caution, or appear.'

Procedure against the Earl of Lowdon, and Lord Melvil.

That same Day I find from the Justiciary Records, April 8. Criminal Letters against James Earl of Lowdon, George Lord Melvil, Sir John Cochran of Ochiltree, and John Cochran of Waterside his Son, were read, as duly executed. I observe very little in them as to the English Plot, and when that failed, our Managers trump up Processes, near five Years after the pretended Facts, upon the Head of Bothwell.

Criminal Letters against them, Ochiltree and Waterside.

The Criminal Letters are too long to be insert. In short, they alledge that the Earl of Lowdon met with some disaffected Gentlemen and Preachers at Temple-holm near Galsfoun in June 1679. and treated anent the said Rebellion, and afterward corresponded with Rebels.

As to the Lord Melvil, 'tis alledged, that tho' he was with his Majesty's Army, June 1679. yet he sent John Miller of Waterhaugh from his Majesty's Camp, to Mr. John Welsh, and other Ringleaders of the Rebels, with Letters, Commissions, or verbal Orders, giving an Account of the Strength of his Majesty's Army, and their Numbers, and received Returns from them who were concerned in the Rebellion.

That Sir John Cochran conversed with Mr. William Gilchrist Preacher, who was in the Rebellion, heard him preach after Bothwell, with Mr. Robert Miller, at Ochiltree, that he carried the said Gilchrist to England with him, that he harboured and reset Mr. James Brown, a notorious Rebel, actually in the said Rebellion. And,

John Cochran of Waterside is charged, that he did associate himself on the Day of June 1679. to the Laird of Barscobe with a Party of Rebels of five or six Hundred, mounted his Horse, and rode with them, and supplied them with Wine and other Provisions. This is the Substance of the Criminal Letters.

The Lords being informed that the Earl of Lowdon is sick and out of the Country, and the Lord Melvil likewise abroad, and having a Recommendation in their Favours, continue the Process till November. And November 10. I find by their Books, the Earl of Lowdon and Lord Melvil indicted for contriving the Death of his Majesty, and his Royal Brother, and for a Design to subvert the Government; as likewise their Accession to the Rebellion 1679. and Harbour and Reset of Rebels: And being this Day called, and not comparing, the Lords discern and adjudge them the King's Rebels and Fugitives, and to be put to the Horn. And the Lords continue the Process of Forfeiture against them till March 17. next to come. And in their Diet April 8. Sir John Cochran and his Son are ordered to be denounced Fugitives. And yet next Day they have their Process before them.

Lowdon and Melvil indicted Nov. 10. and put to the Horn.

April 9. the Lords of Justiciary continue the Process of Forfeiture against Sir John Cochran of Ochiltree till the second Monday of July next. But I have observed no more about him in the Registers this Year, and go forward to his Son.

Ochiltree delayed.

Anent the Criminal Letters, against John Cochran of Waterside, the Lords sustain that Part of the Indictment relevant, that he was with the Rebels at Cumnock at a Rendezvous when they were in Arms, to infer the Pains of Treason, and remit it to an Assize.

Waterside's Process April 9.

The Assize are, the Earls of Dumfermlin, Linlithgow, Tarras, Lord Duffus, Sinclair, Blantyre, and some Gentlemen. And the Assize protest for the Preservation of their Privileges as Peers, which is admitted. The Witnesses are adduced; and one depones he saw Waterside with the Rebels at Cumnock, at the Bar-hill when rendezvousing, but was at some Distance, and



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Sentence.

Witnesses examined against the other Gentlemen sent down from London.

and did not hear him speaking with *Earlstoun* and *Barfcoke*. Another depones, that he saw *Waterfide* walking among the Rebels, as he thought, with a small Sword. Another depones, that *Waterfide* spake for him to the Rebels, and got him Leave to go home, that he might return again to them. The Assize find him guilty of the Crime of Treason, and the Lords ordain him to be executed to Death, and demeaned as a Traitor, when apprehended.

To return again to the Gentlemen sent down Prisoners from *England*, I find *April 8*. The Lords of his Majesty's Privy Council having considered a Representation by his Majesty's Advocate, that in *August* last, they had ordered him to pursue a Process of Treason against the Earl of *Lowdon*, and the others above named, and that before his Majesty's Letter allowing Warrant for examining Witnesses previously; desiring that Warrant might now be granted to the Justices for examining Witnesses as to these forenamed Persons. The Lords grant Order and Warrant for previous Examination of Witnesses against the forementioned Persons, or such of them against whom his Majesty's Advocate is ready to insist.

They get the Liberty of their Prison.

What was found in this Examination I know not, but it would seem nothing of Consequence appeared: For *April 17*. the Council allow the Lairds of *Rowallan* elder and younger, to be liberate, upon a Bond of Two thousand Pounds *Sterling*, to appear when called; and they permit *Cesnock* elder and younger, *Brunsfeld*, *Jerviswood*, and *Crawfordland*, to have the Liberty of free Prison. Whether the Two I am to name were again made close Prisoners, I know not; but, *September 13*. upon a Petition from *William Fairly* of *Brunsfeld*, and *Crawfordland*, that they have been Fourteen Months Prisoners, and nothing proven against them, craving Liberty, the Lords allow them the Benefit of open Prison. This is all I meet with concerning these Gentlemen, except Mr. *Spence*, Mr. *Carstairs*, and *Jerviswood*, whom I come now to account for.

Mr. William Spence.

I begin with the severe Treatment of Mr. *William Spence*. He had been Secretary to the Earl of *Argyle*, and had the Testimony from him, when going to the Scaffold, That he had been a faithful Servant; he was dealt the more harshly with upon the account of his Merit. By the Council-registers, I find him in the Irons, *April 22*. this Year, and it is the first Notice taken of him. If he hath been in the Irons ever since his coming down from *England*, it was heavy enough Treatment, and I see no Ground to suppose otherwise, since that Day the Council allow Mr. *William Spence* to be taken out of the Irons, but kept close Prisoner.

Put to the Torture, July 24.

Upon the 24 of *July*, the Council make an Act for Mr. *Spence's* being examined by Torture, and agree upon Queries to be put to him in the Torture, which the Reader hath, as to the Substance, printed already with *Jerviswood's* Case, and I shall not swell this Work with them. He endured the Torture with much Patience, and made no Discovery to the Satisfaction of his Examiners. But I cannot but insert here a most barbarous and unprecedented Method taken with this good Man, next Day but one after he had endured the Torture, and it is a full Proof of the Inhumanity of the Managers, and a Step every way peculiar to this Period, not only cruel in its Nature, but illegal, since all who write upon Torture agree, That the enduring of it purges from Suspicion of all Crimes; and 'tis the last Trial ought to be made in the most extraordinary Cases, and consequently ought not to be repeated, far less changed to a more inhumane and barbarous Kind. The best Account I can give of this, is by inserting the Council's Act, for watching Mr. *William Spence*, next Day save one after his Torture.

Edinburgh, July 26.

Act July 26. for watching him.

THE Lords of his Majesty's Privy Council, being certainly informed, and, by Mistakes under the late Earl of *Argyle's* Hand, understanding, that there hath been a most treasonable Correspondence kept by the Means of Mr. *William Spence*, now Prisoner in the Tolbooth of *Edinburgh*, between the said late Earl of *Argyle*, and several Traitors in *England*, ament the carrying on of a most unnatural Rebellion in the Kingdoms of *Scotland* and *England*, and thereby to bring the same into Confusion, Blood, and Misery; and the said Mr. *William Spence* being Yesterday tried in Torture by the Boots, and having appeared altogether obstinate and disingenuous, and refused to declare thereanent upon Oath, (albeit it was declared by his Majesty's Advocate, in the Name of the King and Council, that whatever he should say or depone in the Premises, should not militate against himself.) The said Lords being resolved to use all Methods necessary to bring the said Mr. *William Spence* to a true and ingenuous Confession, and for expiscating the Truth in so important a Matter, do recommend to General *Dalziel* forthwith to call for the said Mr. *William Spence* from the Magistrates of *Edinburgh*, (who are hereby ordered to deliver him to such a Party as the General shall think fit) and to cause such of his Majesty's Forces, Officers and Soldiers, as shall be found most trusty, to watch the said Mr. *William*



William Spence by Turns, and not to suffer him to sleep by Night or by Day; and for that end, to use all effectual Means for keeping him still awake, for the effect foresaid; and ordain the Persons so to be entrusted, to take peculiar Notice in Writ, of what the said Mr. William Spence shall declare in the Premises, to be reported by the General to the Council or Committee.'

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Remarks upon this need not be made; they will endeavour first to distemper this good Man, and then, if he shall fall into Ravery and lose his Judgment, they will write down what he says: And whether this be greater Cruelty or Folly, it goes beyond my Power to determine. However, after all this barbarous Treatment of Mr. Spence, for many Days and Nights, they got nothing they could make any Thing of.

I can only add, that August 17. the Council make another, I may say a third, Act, for his Torture: It seems it was just to force him to petition, as I find he does, and promises to make a free and ingenuous Confession of what he knows in this Matter, (understanding from his Friends, that he was capable of discovering nothing but what the Government already had from other Hands) upon Security given him for his Life, and that he should be no further tortured. This they grant.

Third Act for his Torture.

And, August 19. Mr. Spence upon Oath makes a Declaration, in Substance passing what relates to the Earl of Argyle's Letters already printed, 'That he does truly believe there was an Insurrection intended within those Two Years; as to what is to come, he cannot tell what the People abroad may be doing; that he had often heard of Designs and Associations, but that they were directly intended to hinder the Duke his Succession to the Crown, he cannot say; for all that he understood was pretended for the Ground of any Designs of Arms, was the Defence of the Protestant Religion, and Liberties of the Kingdom; and if against the Duke his Succession, only in so far as that might be prejudicial to these; and that he thinks, upon the King's Death, Troubles may probably arise.'

Mr. Spence his Declaration, August 19.

August 21. After Mr. Spence's Declaration, the Council, by their Act, declare, 'That they fully exoner him of all the Premises, and declare, that none of the foresaid Letters, nor his Testimony, shall be adduced against, or prejudice any Person delated by him, nor prejudice him any Manner of Way; and thereto the Lords interpose the publick Authority of the Kingdom.'

PERTH Cancel.

No more offers from the Registers, anent this worthy Person; but that after such a Complication of unaccountable Sufferings, September 13. the Council remove Mr. William Spence and Mr. William Carstairs, to Dumbarton Castle, and allow them Liberty within the Walls. The Council adjourning till November, many of their Members being to go to the Country, and to be at Circuits, the Committee for publick Affairs manages all in the Interval.

I come now forward to give some Account of the Sufferings, Torture, and severe Treatment of that truly great and good Man, the Reverend Mr. William Carstairs, this Year. This extraordinary Person is so well known through Britain, and, I may say, all the reformed Churches, for his shining Piety, his universal and polite Learning, his Candor and Integrity, having the Character of a truly honest Man, from that great Judge of Men King William, and being in Providence but lately removed to his Master's Joy, leaving behind him a most favourable Remembrance of his constant and indefatigable Services for Christ, Souls, and the Good of the Church of Scotland, that it is needless for me to say any thing of him, to those who are now on the Stage; but I wish some fit Hand would be so kind to Posterity, as to give us a just Account of this excellent Person. The Hardships he met with will be a lasting Blot upon this Period.

Mr. William Carstairs.

That I may give as large and yet succinct Accounts of his Sufferings this Year as I can, I shall begin with a Letter he was pleased to write to the Author of this History, a very little before his Death, which he allowed him to publish, and I promise my self it will be very acceptable to many Readers; and then I shall give what I meet with anent him in the Registers, and other certain Documents. I begin with his Letter to me, which was among the last ever he wrote.

Dear Brother,

You put me upon a Business, which, tho' it be of that Nature that I ought to do something in it, yet it is uneasy to me to think upon it; but I shall give you a very brief Account of some of the chief Particulars of it, in so far as I remember. I was taken at Kenterden in Kent, the Munday immediately after the Execution of that great and honourable Patriot of his Country, my Lord Russell.'

His Letter, a very little before his Death, to the Author of this History, giving the State of his Sufferings.



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‘ The chief Thing which exposed me to Danger at that Time, was the Suspicion they had that I was Mr. *Fergusson*. I was admitted to Bail for some Days; but so soon as they had a Return from Court, I was committed Prisoner to the common Goal of the Place, no Bail being allowed to me, tho’ I was accused of nothing but of refusing the Oaths, one of which had been then expired by Law, viz. the *Oxford Oath*. ’

‘ I continued there for a Fortnight, when I was sent for by an Officer of the Guards, to be brought up to *London*, which accordingly I was, and committed for Two Days to the Hand of a Messenger. ’

‘ During which Time, Sir *Andrew Forrester* came to me, in the Name of King *Charles II.* offering me a Pardon and all Kindness, if I would tell what I knew in that Matter. He told me, that the King did not at all believe that I would be concerned in any such Practice as the Assassination of his Person, but because I might hear of it upon Occasions, he desired to know if I did; and I gave Sir *Andrew* such Answers as I thought were proper for me in the Circumstances I was in. He very earnestly, yet very civilly, besought me to make a Discovery of that Plot, as to other Things of it. ’

‘ Which shews the Falshood of what was positively asserted in an Account given in the Name of the King and Duke of *York*, as to that Matter; which is, That never any Hopes of Favour were offered to any to induce them to confess. ’

‘ I was afterward called before a Committee of the Lords of the Council, and not giving them that Satisfaction which they expected, I was sent close Prisoner to the *Gate-house*: In which Time, I was called twice out to be examined; at one of which, if not at both, was honest and worthy Major *Holms*, who was a Prisoner in the *Gate-house* too, and had been a Friend and Correspondent of the Earl of *Argyle*, to whom I was desired to give a Cypher of Names to correspond with, to which I added several with my own Hand, which was well known to the Earl of *Melford*, which afterward proved not a little prejudicial to me; for it was found among his Papers when he was seized: He also told the Lords of Council, that I had told him, that there had been some Consultations as to the lending Money to my Lord *Argyle*. ’

‘ I continued in the *Gate-house* Eleven Weeks, close Prisoner, looking upon my self as absolutely secure, under the Protection of the plain Law, of the Act of *habeas corpus*, against being sent to *Scotland*: And therefore I did, in the First of *Michaelmas* Term, petition the Court of King’s Bench, for being brought to my Trial, or admitted to Bail. But the very Day after, I was ordered to be ready for *Scotland* in Twenty four Hours, to be there tried for Crimes committed in that Kingdom, tho’ I neither was, nor could possibly be guilty of any Crimes there, not having been for several Years there, but passingly. ’

‘ Accordingly, I was sent to *Scotland* in his Majesty’s Kitchen Yaucht, with several other worthy Gentlemen of my Country, and was with them committed to the Tolbooth of *Edinburgh*, where I was close Prisoner for several Months. ’

‘ During that Time I was only once examined, as far as I remember; but some Time after, we had the Favour of open Prison, till some of our great Men, who were gone in that Interval to Court, returned to *Scotland*, and Popish Counsels then prevailing there, we were all of us shut up close Prisoners again. ’

‘ And Mr. *William Spence*, a faithful Friend and Servant of the Earl of *Argyle*’s, was pitched upon to be examined first; and upon Refusal to give Satisfaction to what was proposed to him, as to the decyphering of some Letters of the Earl of *Argyle*, he was put to severe Tortures, one after another, in the Thumbkins, kept waking for several Nights and Days, and the Boots. ’

‘ At last, finding, as he judged, no great Matter if he should decypher the Letters, and that no great Prejudice would arise, as he imagined, to the Earl of *Argyle*, or his Friends, from his doing so, he was prevailed on to decypher them; but unhappily for me, there being several Names of the Cypher mentioned in that Letter, some of which I was expected by, which he did not know, but the Earl of *Melford*, who was in the Government, knew them, from the Cypher above mentioned, wherein were several Names writ by my own Hand. ’

‘ Upon this Decyphering, I was ordered that very Evening to be put into the Irons, in which I continued for Three Weeks. In which Time the Earl of *Melford* came to me, and earnestly dealt with me to confess what I knew in that Matter, and offered me Conditions that many in my Circumstances would have thought very great, particularly Two, That I should not be obliged, after a Month or Five Weeks Time, to answer any Questions that should be proposed about that Affair, except what I should be my self pleased to say about it; and that nothing that I said should be brought directly or indirectly against any Man in Trial that I should mention. ’

‘ I do acknowledge these Conditions were staggering to me, considering that I could not well see how I should be able to go through a constant Torture during my Life; however, I did resolve through divine Assistance to adventure upon the Torture, rejecting at that Time



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Time the Conditions which *Melford* had difficultly obtained for me from the Privy Council.

My Reasons were, because I imagined, if I could once endure so severe Torture, either the Lords of the Council would have some Regard to my Character, and not put me further to Torture, or what I suffered might throw me into a Fever, and so I might be carried off the World; for I can declare, that Death, either by a Sentence or any other Violence, wherein my own Hand was not concerned, would have been welcome to me.

I was brought before the Privy Council in *England*, and some Depositions of Major *Holms* and Mr. *Shepherd* were read against me; but neither of them was ever confronted with me, tho' one of them had been so with some of our Countrymen upon that Occasion. When I came to *Scotland* in Company with several other worthy Gentlemen of my Country, and was committed, as I said above, Prisoner to the Tolbooth of *Edinburgh*, I was at last brought out about Noon to the Council, about a Fortnight or Three Weeks after Mr. *Spence's* decyphering the Letters, and told by the Lords of Privy Council, that I must either answer upon Oath such Questions as they gave me, or go to Torture while I breathed.

And indeed Chancellor *Perth* had told me a few Days before, that I had refused so many singular Favours that had been offered to me beyond any Prisoner, that before God I should be tortured, and never a Joynt of me left whole.

When I was called in before the Council, the Declarations of Major *Holms* and Mr. *Shepherd* were read against me. I told them, that I could say nothing to them, because I had never been confronted with them, which was a plain Evidence that they had said Things against me, which they would not have had the Confidence to have asserted had I been present; but that was over-ruled.

Then I was urged to answer upon Oath the Questions that should be proposed to me. I told them, I would not do that in Matters which were looked upon as criminal. They told me, that it should be presently enacted, that nothing that I said should ever militate against me, nor should they enquire whether what I answered were true or false. I said, it was a bad Precedent, and I was not willing to begin it.

Then I was asked, what Reasons I had why I should not be tortured. I answered, I did humbly judge that I could not be any ways tried there, for the Order, by which I was sent down to *Scotland*, was express, that I should be tried for Crimes committed against the Government in that Kingdom; and I desired to know if my Lord Advocate had any Thing to charge me with of that Nature. He declared, he had not; but that now I was in *Scotland*, and if I had been guilty of contriving against his Majesty's Government at *Constantinople*, I might be tried for it. I told them I thought it was true, but that the Crimes I was accused of, were said to be committed in *England*, where his Majesty's Laws were equally in Force for the Security of his Government, as they were in *Scotland*, which at *Constantinople* they were not.

But this was over-ruled, and yet this was a notorious and unjust Breach of the Law of the *habeas corpus* Act, which was made expressly for the Security of the Liberty of *Scots* and *Irish* Men.

Then they asked me, if I had any further to offer against being tortured. I told them, that I did not pretend to any Skill in Law, but that I was informed, that *semplena probatio* was necessary in order to Torture, which was not in my Case; for neither the Depositions of these at *London*, nor what was said in my Lord *Argyle's* Letters, did amount to any such Thing. They told me, Presumptions were enough to warrant Torture.

Then they asked me again, if I had any Thing further to say why I should not be brought to Torture. I told them, I had only an humble Petition to them, that I might meet with no greater Severity in my own Country, than the Laws of that in which the Crimes I am accused of are said to be committed, do allow of.

After this Communing the King's Smith was called in, to bring in a new Instrument to torture by the Thumbkins, that had never been used before. For whereas the former was only to screw on Two Pieces of Iron above and below with Finger and Thumb, these were made to turn about the Screw with the whole Hand.

And under this Torture I continued near an Hour and an Half. In the mean Time the torturing by the Boot was tried, but the Hangman being newly come on, because the former was in Prison for some Crime, he had no Skill, and therefore it was put off till the next Day.

I do acknowledge I was much afraid I should not have been able to go through with that Scene of Torture; and if I had not, I was miserable, for I should have been brought to speak against every Man they had mentioned, but God ordered it kindly otherwise, and the next Day I had Conditions offered to me afresh.

Now as to the whole of this unpleasant Subject, I do declare, that this Affair is, so far as I was concerned in it as to any Consultations, no further than to discourse as to what might be proper to be done for securing our Religion and Liberty, from the Dangers that

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‘ they were then in, without any Design against the royal Persons of the King and his Brother, or the Government by Monarchy; and that some Thing was done among the *Scots*, as to the sending down a Gentleman to discourse upon that Head, with some others here. I should be guilty of the most horrid Injustice, if I should accuse any of the worthy Gentlemen of my Country that were my Fellow-prisoners, or any of the *English* dissenting Ministers, of having the least Knowledge of, or Concern in the abominable Assassination of the King or his Brother; for I did then, as I do now, abhor such Practices, nor can I to this Hour tell really what was in that Matter that makes such a Noise; for nothing in my maimed Depositions that are printed, hath any Regard to any Thing of that Nature, except as to what Mr. *Fergusson* and Mr. *Shepherd* did say, for which they alone are to be answerable; and I must also say, that Mr. *Shepherd* did own his Abhorrence of such Practices.’

‘ And now, Brother, I shall conclude what I have to say upon this Subject, with the great Injustice I met with in being sent to *Scotland*, in open Violation of the plain Law of *habeas corpus*, which was only designed to make Way for my Torture; and the notorious Breach of the publick Faith, as to the Conditions that I had, by which no Person was directly or indirectly to be mentioned in any Trial as to that Matter, nor any Thing in my Depositions was to be adduced against any Person, which Condition was openly violated, and this is acknowledged to have been so by the late Earl of *Cromarty* under his Hand, as is to be found among the Records of Parliament.’

‘ I was indeed earnestly urged to oblige the then King so far, as to appear and answer some Questions before the Judges when they were set, and that no Person should be confronted with me. To which I replied, that the saying any Thing before Judges when sitting, might be of some Consequence, and through God’s Strength I would rather undergo many Deaths than accuse any of these worthy Persons.’

‘ I cannot but also acquaint you, that I think it was a Hardship put upon me, to print my Depositions as they stood, because they were very lame, since simple Answers to the Questions are only set down, and neither the Question that gave a Rise to the Answers, nor the just Extenuations as to Persons and Things which I gave in my Answers. Which had they been published, it would have been found from what I said, that there could be no Reason given why that Affair should have been prosecuted with so much Cruelty and Violence.’

‘ And having had a Liberty from the Lords of Council to go abroad, but was enjoined to wait upon the Secretaries at *London*, upon which I told some of our Lords, that I was afraid that might have very ill Consequences, for if I should be brought before the King, I would say the same Things to him in the Extenuation of that Affair, which I had said to them, which could not justify the Methods that had been taken in prosecuting the Nobility.’

‘ But when I came to *London*, and had waited upon my Lord *Melford* and told him this, he told me, the less the King heard of me or saw me, it would be the better; and that therefore it was his Advice to me to go abroad and live quietly, and offered me a Pass, which I accepted, and I accordingly went abroad. I am, &c.

W. Carstairs.

This Letter sets this excellent Person’s Case and Sufferings in a due Light, and I am only sorry that he had not Time and Leisure to enlarge upon the base manking of his Depositions, and to insert the just extenuating Circumstances he was careful to give of every Thing; and how these Depositions were printed I cannot say, this reverend and candid Person declares them miserably curtailed and maimed; and it seems the Managers have been sensible of this, and therefore they have not insert them in the Registers, but there is a Blank for them of Two Pages.

I come now to give what I meet with in the Council-records, with relation to this extraordinary Person, and I shall likewise intermix some Things from other authentick Documents before me, which will in some Measure help to make up what is wanting in his printed Depositions.

Council’s Act  
anent Mr.  
William Car-  
stairs, Sep. 5.

Mr. *Carstairs* is not named in the Registers of Council, after his coming down, till September 5. and it seems, from August 19. to this Day he had lien in the Irons; and now the Council, according to the Chancellor’s threatening in private, come to pass an Act in the Forenoon *Sederunt*, the Tenor whereof follows.

Act anent Mr. William Carstairs’s Torture, Edinburgh, September 5. 1684.

‘ IT appearing that Mr. *William Carstairs* is concerned in the late Conspiracy, and there being pregnant Presumptions of his Knowledge of this atrocious Villany, to the effect that the whole Plot may be known, and the Truth expiscated; and having called the said Mr.



‘ Mr. William Carstairs, he would not answer and depone thereanent, albeit it was allowed by the Advocate, that what he declared or deponed should not militate against him. The Lords of his Majesty’s Privy Council considering, that thereby he renders himself most suspect, do ordain that Mr. William Carstairs be questioned in Torture this Afternoon, upon the Questions agreed upon in the Council, and appoint one of the Bailies of Edinburgh to be present, and the Executioner.’

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*Follow the Interrogatories to be put to the said Mr. William Carstairs, which were read in Council, and approved of by an unanimous Vote.*

1. **W**ho were the Persons, where, and upon what Occasion, that did first acquaint you with this Conspiracy or Adociation.’
2. What Persons in Scotland or England do you know to have been concerned in the said Conspiracy.’
3. Who were the great Managers, or Agitators of this intended Infurrection.’
4. Who was to contribute the Money to be transmitted to Argyle, to buy Arms.’
5. Where were they to begin the Infurrection, and whom did they look upon as most friendly to their Cause in the Kingdom of Scotland.’
6. How long have you been acquaint with Mr. Fergusson, and how oft have you been in Company with him, Sir John Monro, Sir John Cochran, Commilitary Monro, Bailly of Ferviswood, and the Two Lairds of Ceshnock, together, and who other Scots or English use to meet with you.’
7. What was the Carriage, or Accession to this Conspiracy, or any Part of it, of Bailly of Ferviswood, the Two Ceshnocks, Commilitary Monro, or any other Scotsmen.’
8. Was the Ten thousand Pounds, or any Part of it remitted to Argyle, or was there any Arms bought or bargained for.’
9. What Place in Scotland did Argyle intend to land in, and make a Descent.’
10. What Correspondence did Argyle keep with any in Scotland.’
11. What Concern in this Conspiracy had the Earl of Lowdon, the Lord Stair, the Lord Melvil, and Sir John Cochran.’
12. At your last being in Holland did you not see or understand, that Argyle conversed or corresponded with Lowdon, Stair, and Melvil, as likewise with the English Conspirators who had fled to Holland, particularly with the Lord Gray, Sir Thomas Armstrong, Mr. Fergusson, or Mr. Vane.’
13. What Letters were those which Holms depones he shewed you from Argyle, and what was the Contents and Design of them.’
14. What was the Contents of the Letter you carried to Argyle from Holms, by Order and Direction of the Duke of Monmouth, and Lord Ruffel, and what Message was it you carried to Argyle from Monmouth and Ruffel; of this Letter you may particularly remember, it being about a Month before Major Holms was taken.’
15. What Persons of Consideration were they, who, as you told Major Holms, had proposed to raise at first Thirty thousand Pounds, and some other Sum, and at last agreed to remit Ten thousand Pounds to Argyle, or some Sum or other.’
16. What Messages were those you came so oft upon from Ferviswood to Major Holms and Mr. Shepherd, anent that Money to be remitted to Argyle.’
17. Did you not see Mr. Spence, alias Butler, waiting on Argyle, at your last being in Holland with him.’
18. Are you acquaint with Mr. Lenzienson Gore of Kenterden, where you was apprehended at Mr. Carteise’s House, under the Name of Swan, and if he be concerned in this Conspiracy.’
19. What do you know of Aaron Smith’s being sent down to Scotland, and to whom he was directed.’
20. What do you know of any of your Countrymens Transactions with the late Shaftsbury, Colonel Sidney, or with the Duke of Monmouth.’

Interrogatories  
to him in  
Torture.

In the Afternoon the same Day, September 5. the Council called and interrogated Mr. Carstairs, ‘ If he would now answer the Queries upon Oath ingenuously. He still shunned so to do, albeit the Advocate declared what the said Mr. Carstairs deponed should not militate or operate against him in any Manner of Way, whereunto the Council assented. The Council called for one of the Bailies of Edinburgh; and the Executioner with the Engines of Torture being present, the Lord Chancellor commanded the Bailie to cause the Executioner put him in the Torture, by applying the Thumb-screw to him, which being done, and he having for the Space of an Hour continued in the Agony of Torture, the Screw being by Space and Space stretched until he appeared near to faint; and being still obstinate and refractory to depone, the Lords thought fit to ease him of the Torture for that Time,

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but

His Torture  
by the Thumb-  
screw.



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Council Act  
September 6.

‘ but certified him that to Morrow at Nine of the Clock, he would be tortured by the Beets if he remained obstinate. ’

September 6. ‘ The Lord Treasurer-depute, appointed to confer with Mr. *William Carstairs* for bringing him to an ingenuous Confession, upon the Interrogatories Yesterday put to him in Torture, reports, That he was content to depone thereupon, and be ingenuous upon the Terms mentioned in a Paper exhibited by the Lord Treasurer-depute. Which Paper being read and considered, was unanimously voted, and an Act made thereupon, and the Lord Treasurer-depute was authorized to give his Word of Honour to Mr. *Carstairs*, for performing of the Council's Part of these Articles contained in the Paper relating to them, he always performing his Part; and he is ordered to the Castle, and none are permitted to speak or converse with him, and particularly Mr. *William Spence* is not to be suffered to see him. And a Chirurgeon is allowed him in order to his Cure. ’

All I meet with in the Council-books further upon this Subject, is, Mrs. *William Spence* and *Carstairs* are, September 13. removed to *Dumbarton* Castle, and allowed Liberty within the Walls. And September 30. Mr. *Carstairs* is ordered from *Dumbarton* to *Stirling* Castle, and to be at large within the Walls of it. And immediately after this, upon the Foot of the Page 517. of this Volume, there is a Paper pinned to the Leaf, upon which is writ as follows. ‘ The Lord *Lundin* Secretary of State, as commiffionate in the Act above, did fend in the under-written Certificate to the Clerks of Council, dated at *Barntoun* October 1. 1684. the Tenor whereof follows. Whereas his Majesty's honourable Privy Council authorized me, upon the Terms mentioned in the foregoing Act, to be fulfilled by Mr. *Carstairs*, to promise upon my Word of Honour, to procure him the Conditions and Indemnity therein mentioned; these are therefore to testify to all concerned, that the said Mr. *Carstairs* hath fulfilled his Part, by answering upon Oath all Questions proponed to him preceeding this Day. In Witness whereof these Presents are subscribed.

DRUMMOND.

‘ In obedience to which Act and Certificate, the Clerks of Council delivered to the said Mr. *William Carstairs* the Act of Council, of the Date of the Sixth of September. ’

And then in the Register there follows a Blank for Two Pages in Folio. Whether this was left to be filled up with the Deposition of the Reverend Mr. *Carstairs*, and its being printed in so lame and maimed a Manner prevented its being filled up, or, after it was printed in so unfair a Manner, that they were ashamed to insert in the Registers a just Copy of his Deposition, with the Circumstances and Extenuations he gave upon Oath, or what the Occasion was, I cannot determine; but thus it stands in the Council-books, and I find no more withrelation to him.

That I may give the Reader all I have further concerning Mr. *Carstairs*, I shall add an Account given by himself in a Letter to his Friends at the Time of his Depositions, for preventing, as he tells them, of lying Aspersions upon himself, and satisfying them as to his Conduct in this Matter.

The Reader will observe, that the Council, in their Act of the Sixth of September, deal not so fairly as to insert the Paper of Conditions agreed to by their Delegate and Mr. *Carstairs*, which they ought in Justice to have done, seeing these Conditions were so unanimously approved: And, as I hinted before, they record nothing of what passed at his Examination, September 8.

It is the more necessary I insert the Conditions Mr. *Carstairs* obtained before he would give his Declaration upon Oath, as to the Interrogatories above named. In his present Circumstances, and after he had gone through the Torture, he essayed to get the best Conditions possible, that any Thing he should say should do no Harm to others, and by his Candor, Precaution and Prudence he obtained from the Secretary the following Conditions which were signed by them both, and, upon the publick Faith of the Kingdom pledged in them, he prevailed with himself to give his Deposition.

*Conditions Mr. Carstairs had, Edinburgh Castle, 1684. under the Secretary's Hand.*

Conditions  
twixt the Secretary and  
Mr. Carstairs.

‘ **T**hat Mr. *Carstairs* answer all Interrogatories that shall be put to him, 'twixt and the First of October next, upon his great Oath. ’

‘ The which being done, he shall have his Majesty's full Pardon and Remission, for his Life, Limb, Fortune, Estate, and Fame. ’

‘ That he shall never be brought as Witness against any Person or Judicatory, directly or indirectly, for any thing contained in his Answers. ’

‘ And further, That the said Mr. *William Carstairs* shall never be interrogate in Torture, or out of the same, concerning any thing preceeding the Date of this Paper, ’ the



the Day abovementioned, except he himself shall be delated as accessory, and that Accession to be after the Date of this, or his Remission.  
And whereas the Council, upon the Considerations abovenamed, hath, by their Act September 6. authorized me to give my Word of Honour, and solemn Promise, that so soon as the Premises are fulfilled by Mr. *Carstairs*, I shall deliver him the Council's Act in those Things, and in a convenient Time thereafter, not exceeding a Month, his Majesty's Pardon, in ample Form, above express: Therefore I, by my Promise, give my Faith to Mr. *Carstairs*, in Manner above express, Time and Place above said.

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His Depositions, without his Knowledge, and to his Grief, and scarce agreeable to these Conditions, were, in a few Hours after they were made, printed by the Managers, and crying in the Streets of *Edinburgh*. Mr. *Carstairs*'s Candor was singular, and such unfair Dealing never entred in his Mind, otherwise he would have taken Care to prevent it, if Conditions would have bound those People, as indeed they did not.

His Depositions, Sept. 8.

These printed Depositions are lame, maimed, and unfair, as we have seen Mr. *Carstairs* declaring, and therefore I shall not reprint them again; they are in every Body's Hand, and have been too often printed already.

It was yet a great deal worse in the Advocate, to adduce the printed Copy as an Adminicle in *Ferviswood*'s Trial; and the Reason he gives there for this, is but mere Juggling, that tho' it was capitulate, he (Mr. *Carstairs*) should not be adduced as a Witness, yet it was agreed, the Depositions should be published. If the Advocate mean any Agreement among the Council, 'tis perfect Juggling; if he mean an Agreement with Mr. *Carstairs*, that worthy Person, while alive, it will disclaim this: And we see 'tis far from being in the Conditions, but rather the plain contrary; for it was a poor Matter to Mr. *Carstairs*, not personally to be adduced as Witness. If his Declarations emitted were to militate against others, he reckoned he was made a Witness; and this was certainly an indirect making him a Witness: And it appears most evidently from Mr. *Carstairs*'s own Letter, that one Condition offered him was, *That nothing he said should be brought directly or indirectly against any Man in Trial*. And when he was solicited to appear before the Judges, his Answer was, *He had rather undergo many Deaths, than accuse any of those worthy Persons*. So that upon the Whole, I cannot but suspect that Article in *Ferviswood*'s printed Trial, Page 23. where Mr. *Carstairs*'s Depositions are said to be renewed upon Oath, the 22 of *December*, in Presence of his Majesty's Privy Council, as being directly contrary to the second and third Conditions granted him. I find nothing of it in the Council-registers.

Remarks upon then being adduced in *Ferviswood*'s Trial.

Many Reports were spread, and lying Stories told, as if Mr. *Carstairs* should have spoken many Things to the Disadvantage of the Noblemen and Gentlemen about whom he was interrogate; which, with what fell out in *Ferviswood*'s Trial, grieved him exceedingly, and he wrote a Letter to his Friends about this Time, from which I shall give a few more Hints, passing many Things already noticed, and with them end my Account of this worthy Person.

Abstract of Mr. *Carstairs*'s Letter to his Friends at this Time.

He testifies his Abhorrence of any Design against the King or Duke's Life; that all his Countrymen with whom he spake, were free of any Design against the King or Government, and that he frequently told the Lords who came to him, this whole Affair upon which he was questioned, amounted to no more than Talk, without so much as any formed Design, and even Talking was much broke off, before the Discovery of the Plot. He shewed them how unwilling he was to bring any Man to Trouble, and that it could not but be very grievous to him, to be forced to speak of any who had trusted him as a Friend, especially when the Business never came to any Bearing, or to that Height as to be any way prejudicial to the Government.

As to the Objection made against him, That he had been so particular in his Confessions, he says, That could not be escaped, his Interrogatories were so particular, and he upon Oath. We have before noticed, how his Extenuations were omitted; he adds, 'That he had declared as to my Lord *Melvil*, his great Aversion to be any way concerned in that Affair; and so fair was he, that he acknowledged he himself was the Person, who, with Difficulty, prevailed with my Lord, to come to the Meeting. As to old *Cesnock*, he said, He was a Man so cautious, and of so few Words, they knew not what to make of him; that his Son was much upon the Reserve; that he had nothing to say of the Lord *Stair*, and did not think he had any Knowledge of their Meetings, and that he had never spoke with him upon that Head: He commended Mr. *Stuart* much for his peaceable Temper, and acknowledged his Correspondence with him.'

That he had never conversed with the Duke of *Monmouth*, and what was in *Holms*'s Declaration was a Mistake; and, for any thing he knew, the Duke rather discouraged as encouraged the Affair; that Mr. *Carstairs* was much a Stranger to the Methods in *Scotland*, as to this Business, and could give no Account of any Ministers engaged in it. He commended *Langshaw* as a Person very much for moderate Measures, and addressing



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the King anent Grievances. All this and much more, he says, he signified to the Lords of the Committee present.

In the same Letter he regrets, that his Depositions were read in the criminal Court, and says, That he was so far from knowing of it, that upon hearing of it he went and waited upon some of the Lords of Council, and represented his deep Concern on that account, and complained of it as a Breach of their Conditions with him; and that the Chancellor (upon reading the Conditions) owned before the Treasurer and others of the Counsellors, that what was done, was indeed a Breach with him, an Inadvertency, though without any Design in the Advocate; that the Advocate himself, when Mr. *Carstairs* waited on him, declared he was indisposed when the Council transacted that Affair, and did not fully know them. Whereupon Mr. *Carstairs* gave him a Copy of them, signifying to his Lordship, that he expected the Faith given him should have been kept, and he hoped any thing he had confessed should never be heard of, any more in publick, against any Man: And the rather,

That when he was called from *Stirling* Castle before the Lords, they used many Arguments with him, to give a general Account before the Justice-court, of the Substance of his Confessions to them; yet he signified his utter Aversion to it, as what would be a Witnessing against all whom he mentioned. And the Lords were pleased to tell him, they would rather die than break Conditions with him; which he depended upon.

Those Things Mr. *Carstairs* desires in his Letter, may be used for the greatest Advantage of all concerned; and says, It was declared by the Lords, and believed by him, that what he discovered was for their private Satisfaction, and not at all to militate against any; and adds, The Nature of the Thing declares so much, since the Interrogatories propounded to him were such as could not well be proposed in a criminal Court, and answered by him in a Way he could not well have answered them as a Witness, and in a Way of Proof, and that the Lords still assured him they would keep their Promise to an Ace.

Thus much I thought necessary for the just Vindication of the Memory of one to whom the Church of *Scotland* are under Obligations, whose Character is so universally known, and savoury for every good Thing, that I say no more of him. The People of this Time knew his Character, and therefore they were so hard upon him when in their Clutches; and, by Breach of Condition, adduce what he had said in *Ferviswood's* Process, as what they imagined would be of great Weight, coming from Mr. *Carstairs*. This is all the Reason I have for insisting so long in setting this great Man's Sufferings in their due Light, and come now forward to those of his dear Friend and Fellow-sufferer.

Mr. Bailly of  
*Ferviswood*.

Mr. *Robert Bailly* of *Ferviswood*, with whose Sufferings I shall end this Section, was a Gentleman who had the Testimony of some of the greatest Men of this Age, whom I could name, for one of the best of Men, and greatest of Statesmen, and so was a very proper Object of the Fury of this Period, and could scarce escape the Rage and Malice of the Duke of *Tork*, and such as were with him carrying on the Plot against our Religion, Reformation and Liberty.

Indeed he fell a Sacrifice for our holy Reformation, and received the Crown of Martyrdom, upon the account of his zealous Appearances against Popery and arbitrary Power. I can never consider this great Man, and several others, in this and succeeding Years, of the most judicious and notable of our Martyrs, neglected of design by the Collectors of the *Cloud of Witnesses*, but I must blame their private and Party Temper.

His Trial published.

*Ferviswood's* Trial was published by the Managers, and I may perhaps make some Remarks afterwards upon it. I shall here give some few Hints I meet with in the Records, with relation to him, when before the Council, of which there is nothing in his printed Trial.

Through his long Confinement, and harsh Treatment when in Prison, this good Man turned very sickly and tender; and it was reckoned almost certain by all, that had the Managers spared this Gentleman a few Weeks longer, they would have been rid of him by a natural Death, and escaped the indelible Blot of Inhumanity and Barbarity to so excellent a Person. He was evidently a dying when tried before the Justiciary, and was obliged to appear in his Night-gown before them, and scarce able to stand when he spake; and yet he was kept in the Pannel for Ten Hours, and behoved to take Cordials several Times; and next Day he was carried in a Chair, in his Night-gown, to the Scaffold.

By the Council-books, I find, August 18. the Lady *Ferviswood* is, upon her Petition, allowed to see her dying Husband, with the Physicians, but to speak nothing to him but what they hear and are Witnesses to. I am of Opinion this low State of his Health put the Managers at first off the Design of processing him criminally; and to secure his Estate, while he is dying a natural Death, brought on by their Maltreatment, they raise a Process in order to fine him to the Value of 6000 *Lib. Sterl.*

Thus, August 30. the Council order the Advocate to pursue *Ferviswood*, for resetting, entertaining, and corresponding with Rebels; and, as far as I can find, he was not able to appear



pear before the Council when they passed a Decreet against him, only he ordered his Advocate to appear for him.

Accordingly, *September 4.* the Council pass their Decreet fining him in Six thousand Pounds *Sterling*. The Decreet is very long, and would take up too much Room here. In short, it narrates the Libel given in against *Ferviswood*, which consists mostly of the Articles of his printed Indictment, upon which afterwards he suffered, and a Charge of his Converse and Intercommuning with the Persons who will just now come in; and then the Libel is referred to his Oath, which he refusing, they pass Sentence. The Sum of all is this.

'The Lords of his Majesty's Privy Council, having heard and considered the foresaid Libel, and the Interrogatories given in by his Majesty's Advocate, in order only to an arbitrary Punishment, to which his Majesty's Advocate restricted the Libel *pro loco & tempore*, and reserved the other Articles of the Libel to be pursued as Law accords; and the Council having appointed a Committee to examine Mr. *Robert Bailly* of *Ferviswood*, upon the said Interrogatories, the Tenor whereof follows.'

'*1mo.* Did you harbour or intercommune with Mr. *Samuel Arnot*, Mr. *Gabriel Semple*, Mr. *David Hume*, Mr. *George Barclay*, Mr. *William Gilchrist*, Mr. *Alexander Pedin*, Mr. *John Hepburn*, Mr. *John Rae*, Mr. *James Kirkcoun*, Mr. *Alexander Lennox*, Mr. *David Jamison*, Mr. *Thomas Douglas*, Mr. *Alexander Moncrief*, Mr. *John Welsh*, Mr. *Richard Cameron*, Mr. *Donald Cargil*, *Denholm of Westshields*, *Stuart of Culneth*, *James Stuart* his Brother, Mr. *Thomas Pellings*, *John Wilson* in *Lanerk*, Mr. *John Menzies* of *Hangingshaw*, *Michael Lamb* in *Lanerk*, *David Barclay* Surgeon in *Edinburgh*.'

'*2do.* Did you reset *Alexander Twcedy* your Gardiner, after *Bothwell-bridge*.'

'And the said Committee having gone to the Tolbooth, and desired the said *Ferviswood* to answer upon Oath to the said Interrogatories, and he having refused to depone, the said Lords do hold him as confest, and guilty in regard of his refusing to depone, referring to his Majesty's Advocate to pursue the other Crimes libelled, and whereof the said *Ferviswood* is now holden as confest, as Law accords, and have fined, and fine the said Laird of *Ferviswood* in the Sum of Six thousand Pounds, *Sterling* Money, for the Crimes whereupon he is holden as confest, to be paid to his Majesty's Cash-keeper for his Majesty's Use. Which Sentence was intimated to Mr. *Walter Pringle* his Procurator.'

We shall hear more just now of such unaccountable Fines imposed upon Gentlemen, to the real Value of their Estates, but in a little Time the Managers go on to hunt for his precious Life. *September 10.* the Council give Orders to remove the Lady *Graden* his Sister, and the Lady *Ferviswood* from his Room in Prison, they being informed he is recovered of his Indisposition. We shall find this was but a very slender Recovery, and that afterwards he grew worse, in part, no doubt, from his being deprived of the Care of these excellent Ladies; and *November 6.* the Lady *Graden* is allowed to be close Prisoner with *Ferviswood*, because of his valetudinary Condition.

He continued in Prison still weaker and weaker, till *December 18.* when I find the King's Advocate is ordered to pursue a Process of Treason and Forfeiture, against Mr. *Robert Bailly* of *Ferviswood*, to Morrow at Two of the Clock, and Sir *George Lockhart* of *Carnreath*, and Sir *John Lawder* Advocates, are appointed to concur with the King's Advocate in the Process. I need not again remark, that this was to prevent *Ferviswood*'s employing them in Defence of his just Rights. However, the Time was exceeding short, and therefore, tho' it seems to be yet the more straining to him, the Libel and Indictment were not put in his Hands till the 22. upon the 23 of *December* *Ferviswood* gives in a Petition to the Council, shewing,

'That only Yesterday he received an Indictment of Treason at Eleven of the Clock, to appear before the Justiciary this Day at Two of the Clock in the Afternoon, which is so short a Time, that the Petitioner has got no Lawyers consulted, nor Time to raise his Letters of Exculpation for proving his Defences and Objections against the Witnesses, as is allowed by the Act of Regulation, and the ordinary Time in such Cases is Fifteen Days; and the Petitioner at present being so sick and weak, as he is not able to come over his Bed without being lifted, as appears by the Testimony of Physicians; wherefore he humbly supplicates, that the Council may prorogate the Diet to some competent Time, and allow him Lawyers, viz. Sir *Patrick Hume*, Mr. *Walter Pringle*, Mr. *James Graham*, Mr. *William Fletcher*, Mr. *James Falconar*, and Mr. *William Bailly*.' The Council refuse to prorogate the Diet, 'but grant him the Advocates he seeks, and allow them to plead without Hazard, they containing themselves in their Pleadings in the Terms of Law and Loyalty, as they will answer at their Peril.'

This is all I meet with in the Council-books concerning *Ferviswood*. I shall now give the Reader an Abstract of this excellent Person's Trial, from the Justiciary Records; the principal Papers being already printed, I shall only give the Subtance of them. Upon *September 23.* when, as I have already remarked, this worthy Gentleman was in a dying Condition, and could not have lived many Days, he was carried in before the Justiciary, where his Indictment is read, bearing.

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Council's Decreet fining him in 6000 £ *Sterl. Sept. 4.*

He receives an Indictment Dec. 22.

Petition to the Council, and is refused.



1864.

He is indicted  
before the  
Justiciary Dec.  
23.

That notwithstanding conspiring to overturn the Government, or concealing and not revealing any treasonable Design, Project, or Discourse tending thereto, or assisting, aiding, or abetting such as have any such Designs, infer the Pains of Treason by Act 3. Parl. 1. Jam. I. Act 37. Parl. 2. Jam. I. and 144 Act, Parl. 12. Jam. VI. and Act 1. Sess. 1. Parl. 1. Char. II. and Act 2. Sess. 2. Parl. 1. Char. II. and Act 2. Parl. 3. Char. II. Nevertheless the Pannel traiterously designed to debar his Royal Highness his Majesty's only Brother, from his Right of Succession; in order to which he endeavoured to get himself elected one of the Commissioners for settling a Colony in Carolina, that he might thereby have better Access to treat with the Earls of Shaftsbury, Lord Russell and others, who had entred into a Conspiracy in England against his Majesty's Person and Government, and with Colonel Rumsey, Walcot and others, who had conspired the Murder of the King and his Brother, and went to England himself to push forward the People of England, who, he said, did nothing but talk; and after he had settled a Correspondence here, did transact with the said Conspirators to get a Sum of Money to the late Earl of Argyle a declared Traitor, for raising a Rebellion, and did chide the English Conspirators for not sending it seasonably. And among many other Meetings at London, January, February, March, April, or May 1683. for carrying on the said traiterous Design, had one in his own Chamber, where were the Lord Melvil, Sir John Cochran, Cessnock elder and younger, with Mr. William Veitch a declared Traitor, and did treat of sending the foresaid Money, and the Scots upon their attempting any Thing for their own Relief, their getting Horse from England, and sent down Mr. Robert Martin from that Meeting to prevent any Rising in Scotland, till it should be seasonable. Which Robert did treat with Polwart and others, about securing the Officers of State, Castles and Forces in Scotland, and putting their Associates in Readiness to assist the Earl of Argyle. That he did correspond with Fergusson, Armstrong, Rumsey, and Walcot, who were privy to the horrid Part of the Conspiracy: At least he corresponded with the late Earl of Argyle, and Mr. William Veitch, declared Traitors, wherethrough he has committed, and is guilty of the Crimes of high Treason and Rebellion.

Pleadings.

Jerviswood's Advocates pled, that he ought not to pass to the Knowledge of an Assize, because he had not gotten a Citation of Fifteen Days, and was precluded his Exculpation; and by Act of Parliament, all Pannels before the Criminal Court are allowed to raise Precepts of Exculpation, which supposes a competent Time, not here allowed. This the King's Advocate, in his Criminals, Title Of Libels, allows, and the Lords decided it in the Case of Robertson 1673. who albeit he got his Libel in Prison, by an Interlocutor behoved to have fifteen Days. The Advocate opposes the constant Tract of Decisions, and says, That Act of Parliament is only in Cases where a Summons or Libel is to be raised; but here there is only an Indictment, nor was Exculpation sought before the Trial, which is the Case in the Act. However it is plain, Decisions can never prove any Thing against Law. And Jerviswood, as we heard, petitioned for Exculpation: Yet the Lords repel the Defence for the Reasons given by the Advocate.

It was further alledged for Jerviswood, that the harbouring, entertaining and intercommuning with the Persons named, is *res habtenus judicata*, and the Pannel already fined by the Council in a vast Sum upon that account. The Advocate restricts his Libel to the Pannel's entring into a Conspiracy for raising Rebellion, and for procuring Money to be sent to the Earl of Argyle, and concealing, and not revealing this. It is replied, That Jerviswood's corresponding with Argyle at any Time since his Forfeiture, was expressly propounded as an Interrogatory before the Council, and that not only by himself but likewise by Major Holms, Mr. Carstairs, West, Shepherd, Rumbold and Rumfey, and refers it to a Double of the Act of Council writ by the Clerk's Servant, and to my Lord Advocate's Oath; and as to Mr. Veitch, he was not declared Rebel.

Sir John Lawder for the King, opposes the Council Decreet, where no such Interrogatory was put to the Pannel, which must bear more Faith than any Scrol, and cannot be taken away by his Majesty's Advocate's Oath, to the King's Prejudice; and adds, Mr. Veitch was forfeited 1667. and 1669. the Forfeiture was ratified in Parliament. To this 'tis replied, that he does not appear to be the Person named in the Act of Parliament, and tho' he were, he came home since, and all the Punishment inflicted on him, was Banishment, not to return under Pain of Death, which took off any former Punishment, and it was no Crime to intercommune with him, especially in another Kingdom; and by the Act of Council 1683. the Conversing with declared Traitors is restricted to arbitrary Punishment. The Advocate opposes the Doom of Forfeiture, and the Proclamation of Council.

The Lords sustain the Libel, as restricted, relevant, and repel the Defences, and the Assize are sworn; and for Probation the Earl of Tarras is first adduced, against whom Jerviswood's Advocates object, that he is *socius criminis*, and by 34 Cap. Stat. 2. Rob. I. and likewise under an Indictment of high Treason, and being under the Impressions of Fear and Death, ought not to be admitted. The Advocate answers, that in Conspiracies *socii criminis* have still been admitted, because no other Witnesses can be had, and the Earl hath not, and never sought any Security for his deponing. The Lawyers for the Pannel reply



the Statute of King Robert stands in full Force, and *ubi lex non distinguit, non est distinguendum*; besides, the Earl is incarcerated for the same Crime, and under an Indictment of high Treason hath thrown himself upon the King's Mercy, and cannot be Witness, seeing the King may give him his Life or not, and in such Circumstances a Witness was never admitted. Yea, the Earl of Tarras is to be considered as condemned for the Crime of Treason, seeing he fully and amply confessed the Crime, and never any Body allowed, that *damnatus criminis læsæ majestatis*, could be admitted as a Witness, for which he adduceth many Lawyers. Sir George Lockhart for the King opposes, that *socii criminis* are admitted Witnesses in omnibus, *criminibus exceptis*, which is agreed to by all Lawyers; and that the Earl of Tarras hath submitted to the King's Mercy, is no more but *socius criminis*; and if this Objection stood, Conjurations of Treason could never be proven. Another of Jerviswood's Lawyers replies, that there are some Objections competent against Witnesses, even in *criminibus exceptis*, for Example, that he is a capital Enemy, and *sub potestate accusatoris*, and so the Earl of Tarras is by his Submission and Confession; and he having submitted his Life and Fortune to the King, is in the Case of a Witness, who absolutely depends upon his Majesty's Advocate the Pursuer, and in a private Process *testes domestici*, and such as intirely depend on a Person, will not be admitted; and as to the Argument, that at this Rate the guilty Person must escape, the Answer is plain, his Majesty's Advocate might have pursued the Pannel before he had pursued the Witness; but now the Terror of a Process of Treason cannot but have Influence on him as a Witness. In short, they urged that none under *infamia juris* can be admitted, no more than a Person convict and condemned, even in the Case of Treason; but the Earl is materially convict, when after an Indictment he confesseth; and never a Lawyer asserted, that a Person convict of Treason could be admitted a Witness.

These Reasonings were so strong, that the Publisher of Jerviswood's Process takes Notice on the Margin, as if he had been conscious the Earl ought not to have been admitted, that he deposes nothing different from the other Two Witnesses, who deposed the same Things against the Earl, for which he was forfeited, so that there could be no Ground of Suspicion from his Circumstances, which might be easily answered. This might be a laid and concerted Thing, and I doubt not but it was; and since the Earl was convict by Confession, there was no Need of Witnesses, but *ex abundanti* to colour the Design the better.

However, the Lords repel all Objections, and call the Earl as a Witness. His Deposition, and that of Commissary Monro, Philiphaugh, and Gallowshiels, have been more than once printed, not only in Jerviswood's Process, but in Sprat's History of the Rye-house Plot, and I shall not here enter on the Detail of them. They prove that Jerviswood being in Hazard, as all the Nation were, of Oppression, after the unaccountable Decision in Blackwood's Case, went up to London, and did speak and talk anent Methods to bring in the King to exclude a Popish Successor; and that they discoursed likewise upon Money to be sent to the Earl of Argyle, and Mr. Martin in May 1683. came down to Scotland with some Proposals to the Earl of Tarras, Philiphaugh, Gallowshiels, and some others, to engage them to a Rising, when England rose for the Security of the Protestant Religion; but as to a Design against the King's Life, nothing of that was known to any of them. Most Part of them relate to the Plot, as it was called, and Design then in Hand, and very little militates against Jerviswood in particular. They all adhere judicially to their Depositions made before the Lords of the secret Committee.

As an Adminicle of Probation, the Advocate produces the printed Copy of Mr. Carstairs's Deposition, and the Clerks depone they collationed the printed Copy with the Original, and the Lords ordain it to be taken in as an Adminicle; and they give it a Title very injurious to Mr. Carstairs, and contrary to their own Conditions granted him. 'The Deposition of Mr. William Carstairs, when he was examined before the Lords of the secret Committee, given in by him, and renewed upon Oath, upon the 22 of December 1684. in the Presence of his Majesty's Privy Council.' This looks as if Mr. Carstairs had voluntarily renewed his Deposition, December 22. with an Eye to his dear Friend, Jerviswood's Trial now coming on, than which nothing is more injurious to this worthy Person. The Matter was this, as appears by what is above inserted, and the Account that reverend and singularly candid Person gave me more than once in Conversation. Mr. Carstairs was their Prisoner, and he is brought into Town a few Days before Jerviswood's Trial, and dealt with most earnestly to be a Witness against Jerviswood, which he rejected with Abhorrence, and put them in mind of the Conditions granted him, and the Breach of Faith in this Proposal. He was again urged but to appear before the Lords of Justiciary, and own judicially that he had admitted the Depositions signed by his own Hand, at a Time when Jerviswood was not present; he told them, he would suffer any Thing before he would do so mean a Thing. Mr. Carstairs was positive, that as far as he could mind, he was never before the Council; but when dealt with by the Chancellor, Queensberry and some others, and had flatly refused the Two former Proposals, the original Papers signed by him in the Castle being produced, he did own what he could not get by, that those were his Subscriptions, and put them in mind of the Conditions upon which he had made those Declarations, and expected they should



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not be brought against any Person, as they had promised, and so left them. And this is all that was attested by the Chancellor, *Queensberry*, and the rest; yet they were sustained as an Adminicle. *Shepherd's* and *Burn's* Declarations were produced, and this was all the Proof.

Before the Assize inclosed, the Advocate had a most bloody and severe Speech to them, wherein every Thing is stretched to the uttermost against the Pannel. I shall not insert it here, since 'tis already published. In short, he urges the Appointment of a Thanksgiving, for the Discovery of the Conspiracy, through the Nations, the Practice of the Judges in *England*, who found Proof enough to forfeit some of all Ranks, and insists upon the Witnesses being *Jerviswood's* Relations; and if he be not punished, no Man can; the Conspiracy is a Cheat, the King's Judges Murderers, and the Witnesses Knaves, and such as have died, Martyrs.

He goes on to aggravate the designed Invasion and civil War which would ensue, and most calumniously insinuates, that the Pannel was privy to *Burn's* Design to kill the King: Whereas the Reader will observe in *Burn's* Deposition, that *Jerviswood* was with them merely about the Money to be transmitted to *Holland*. He reproaches him with being Nephew and Son in Law to the Lord *Waristoun*, which, I believe, *Jerviswood* reckoned a great Honour and Happiness, and alledges he was Ringleader in *Scotland*, and guilty of Treason as much as *Blackwood*, whom he might have been ashamed to mention.

Then the Probation is summed up with much Cunning, and many Stretches. Among other Things he alledges Mr. *Carstairs's* Friendship for Mr. *Baily*, as an Argument of the Truth of his Deposition, which was emitted when he knew it was to be used against *Jerviswood*. After what hath been narrated, the Reader will very much question the Truth of this, Mr. *Carstairs* provided expressly against it, and unless he knew the People about him to be faithless and villanous, he could not know this.

He insists again upon the Clearness of the Probation, that *Jerviswood* was accessory to *Argyle's* Design of invading his Country, and adduces *Rathbillet's* Case, wherein he says, there was but one Witness, and that of Two Men before the Circuit at *Glasgow*, against whom there were no Witnesses of their killing Two of the Guard, but only their not disclaiming the Guilt, and putting the Court on Proof; and urges *Douchal's* Case, and says, if a Gentleman was lately found guilty of high Treason, by the Opinion of all the Lords of the Session, for not revealing that Sir *John Cochran* sought Fifty Pounds Sterling from him, though he refused the same, and though he believed it was sought for a charitable Subistence, what deserves this Pannel who sought Thirty thousand Pounds Sterling? Thus we see Precedents made of their own iniquous and unprecedented Practices. The Advocate closes all by shewing, he insisted not so much upon this Probation to convince the Assize, as the World, that there was a Conspiracy; and indeed this Speech seems contrived on Purpose to stretch every Thing against *Jerviswood*.

I wish I could give as good an Account of the moving Speech Mr. *Baily* had to the Inquiry, and the home Thrusts he gave the Advocate; but I can only say, he appealed to the Advocate's Conscience, whether he was not satisfied as to his Innocence, and had not owned so much to himself; which the other acknowledged, but added, he acted now by Order from the Government; and to the Advocate and Judges, he, like a dying Man, most pathetically disclaimed any Access to, or Knowledge of any Design against the King or his Brother's Life; but added, if his Life must go for his Essays to prevent a Popish Succession, he owned them, and heartily parted with his Life as a Testimony against a Papist's mounting the Throne.

Verdict of the  
Assize.

When all this is over, the Assize are ordered to inclose, and bring in their Verdict to Morrow by Nine of the Clock; which was done, and is as follows. 'The Assize in one Voice finds the Crimes of Art and Part in the Conspiracy and Plot libelled, and of concealing and not revealing the same, clearly proven against Mr. *Robert Baily* the Pannel, in respect of Depositions of Witnesses and Adminicles adduced.

Strathmore Chancel.

Sentence, that  
he be executed  
that Day, Dec.  
24.

Upon the opening of the Verdict, 'the Lords decerned and adjudged the said Mr. *Robert Baily* of *Jerviswood*, to be taken to the Market-cross of *Edinburgh*, this 24 Day of *December*, 'twixt Two and Four in the Afternoon, and there to be hanged on a Gibbet till he be dead, and his Head to be cut off, and his Body to be quartered in Four, and his Head to be affixed upon the *Nether-bow* Port of *Edinburgh*, one of his Quarters on the Tolbooth of *Jedburgh*, another on the Tolbooth of *Lanerk*, a Third on the Tolbooth of *Air*, and a Fourth on the Tolbooth of *Glasgow*, and ordain his Name, Fame, Memory, and Honours, to be extinct, his Blood to be tainted, &c. as in common Form; which was pronounced for Doom.'

Thus this Saint of God is hasted away to his Father's House. In Two Days Time they begin and end his Process, and executed him as if they had been in Fears of being prevented by a natural Death. His Carriage was most sedate, couragious, and Christian, after his Sentence, and during the few Hours he had to live. And at his Execution he was in the greatest



greatest Serenity of Soul possible almost for a Person on this Side of Heaven, though extremely low in his Body. He prepared a Speech to have delivered on the Scaffold, but was hindered. Under the Prospect of this he left Copies with his Friends, and it deserves a Room here, as containing a short and distinct View of his Case.

1684.

*The last Speech of Mr. Robert Bailly of Jerviswood, who died at the Cross of Edinburgh, December 24. 1684.*

‘HAving received such Usage as I have done, and having got so short Time, it cannot be expected from me in Reason that I should say much.’ His last Speech.

‘Only for my own Vindication, and the Vindication of my Religion, I do testify and declare in the Sight of the omniscient God, and as I hope for Mercy on the Day of Christ’s Appearance, that I was never conscious to any Conspiracy against the Life of his sacred Majesty, or the Life of his Royal Highness the Duke of *Albany* and *Tork*, or the Life of any other Person whatsoever.’

‘That I was never conscious to any Plot in any of the Nations, for the Overthrow and Subversion of the Government; and that I designed nothing in all my publick Appearances, which have been few, but the Preservation of the Protestant Religion, the Safety of his Majesty’s Person, the Continuation of our ancient Government upon the Foundations of Justice and Righteousness, the redressing of our just Grievances by King and Parliament, the relieving of the oppressed, and putting a Stop to the shedding of Blood.’

‘As for my Principles with relation to Government, they are such, as I ought not to be ashamed of, being consonant to the Word of God, the Confessions of Faith of the reformed Churches, the Rules of Policy, Reason, and Humanity.’

‘I die a Member of the Church of *Scotland*, as it was constitute in its best and purest Time under Presbytery, judging that Form of Government most conducing to Piety and Godliness, and most suitable for this Nation.’

‘I die a Hater of Popish Idolatry and Superstition. The faint Zeal I have had against Popery, and for the Preservation of the Protestant Religion in this Nation, hath brought me to this Condition. I am very apprehensive Popish Idolatry will be the Plague of *Scotland*.’

‘God open the Eyes of his People, to consider the Hazard they are in of Popery. It seems the Generation is fitted for it, and all the Engines of Hell have been made Use of to debauch the Consciences of People, that they may be fitted for Idolatry and Superstition. Men are compelled to take contradictory Oaths, that they may believe Things that have a Contradiction in them.’

‘I know I will not be allowed to speak what I would, and therefore I will say little. I bless God this Day, that I know whom I have believed, and to whom I have committed my Soul as unto a faithful Keeper. I know I am going to my God and chief Joy. My Soul bleisseth God and rejoyleth in him, that Death cannot separate betwixt me and my God.’

‘I leave my Wife and Children upon the compassionate and merciful Heart of my God, having many reiterated Assurances that God will be my God, and the Portion of mine.’

‘I bless and adore my God, that Death for a long Time hath been no Terror to me, but rather much desired; and that my blessed Jesus hath taken the Sting out of it, and made it a Bed of Roses to all that have laid hold on him by Faith, which worketh by Love.’

‘My Soul bleeds for the deplorable Condition of the Church of *Scotland*; we are losing the Gospel, having fallen from our first Love and Zeal, therefore God is threatening to spue us out of his Mouth. Oh that my Blood might contribute in the least to awaken the Remnant to do their first Works, and might contribute to establish any of his in the Ways of Holiness and Righteousness.’

‘I have had sharp Sufferings for a considerable Time, and yet I must say, to the Commendation of the Grace of God, my suffering Time hath been my best Time; and when my Sufferings have been sharpest, my spiritual Joys and Consolations have been greatest. Let none be afraid of the Cross of Christ, his Cross is our greatest Glory. Let all who love God in Sincerity, prepare for the hardest of Suffering, for Fire and Gibbets; the Aversion that is in all to the Cross of Christ, is the Bane of our Professors.’

‘I am much afraid, that *Christ* will be put to open Shame in *Scotland*, and will be crucified afresh, and his precious Blood accounted unholy and polluted, and that *Christ*, in his Members, may be buried for a while in the Nation; yet I have good Ground of Hope to believe, that the Sun of Righteousness will yet shine again, with Healing under his Wings.’

‘Oh that God would awaken his Remnant while it is to Day, that they may consider what belongs to their Peace. Wo will be to them that are instrumental to banish *Christ* out of the Land, and blessed are they who are instrumental, by a Gospel Conversation, and continual Wrestling with God, to keep *Christ* in the Nation. He is the Glory of a Land, and if we could but love him, he could not part with us. Wo be to them that would rather



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ther banish *Christ* out of the Land than love him. God pour out his Spirit plenteously on his poor Remnant, that they may give God no Rest till he make his *Jerusalem* the Joy and Praise of the whole Earth.  
 'I have no more Time, but they who love God I hope have minded me in my Affliction, and do mind me now, and will mind my Wife and Children. I go with Joy to him who is the Joy and Bridegroom of my Soul, to him who is the Saviour and Redeemer of my Soul. I go with Rejoycing to the God of my Life, to my Portion and Inheritance, to the Husband of my Soul.' Come, L O R D.

I have several Circumstances of this excellent Person's Carriage, during the Trial and Execution, too large to be insert here. When his Sentence was intimated, he said, *My Lords, the Time is short, the Sentence is sharp, but I thank my God who hath made me as fit to die, as ye are to live.* When sent back to his Room in the Prison, after Sentence, he leaned over on the Bed, and fell into a wonderful Rapture of Joy, from the Assurance he had, that in a few Hours he would be inconceivably happy. Being, after a little Silence, asked how he was, he answered, *Never better, and in a few Hours I'll be well beyond all Conception; they are going to send me in Pieces and Quarters through the Country, they may bag and hew my Body as they please, but I know assuredly nothing shall be lost, but all these my Members shall be wonderfully gathered, and made like Christ's glorious Body.* When at the Scaffold, he was not able to go up the Ladder without Support. When on it, he said, *My faint Zeal for the Protestant Religion has brought me to this End;* and the Drums interrupted him. Their Spite against his Body was very great, and I am told the Quarters of it lay in the *Thieves-hole* for Three Weeks, before they were placed as in the Sentence.

There are some other Noblemen and Gentlemen I meet with this Year in the Council-registers, attacked for the Plot, as the Earl of *Tarras*, who, as we have heard, was indicted before he was made Use of as a Witness against *Ferviswood*, and the Laird of *Polwart*, since the Revolution Chancellor of *Scotland*, and King's Commissioner, and *Pringle* of *Torwoodlie*, and some others; but their Processes not being brought to an Issue till next Year, I reserve them till then, that we may have the full View of all which concerns them.

## S E C T. V.

*Of the Procedure at the Circuit-courts, October 1684.*

Circuits in  
October, at Glas-  
gow, Air, Dum-  
fries, and Wig-  
town

**H**AVING given a pretty large Account of the Procedure of the Council and Justiciary this Year, and their Processes against many particular Noblemen, Gentlemen, Ministers, and others, it remains that I consider the more extensive Oppression of the Western and Southern Shires, by the Circuit-courts at *Glasgow, Air, Dumfries, and Wigtown*, towards the End of this Year; and the exorbitant Fines imposed upon many Gentlemen after those, will afford Matter for another Section by it self.

I shall here resume nothing of the general Forms and Methods used before and at those arbitrary Courts, these having been narrated on the former Years; but I shall, from the Registers, give their Commission and Instructions, and some View of their Severities from written Accounts come to my Hand, which may be depended on, and indeed contain but a very small Part of the Hardships they put upon People who came before them; but these are all I can now glean up at this Distance of Time, there being no Registers of these itinerant Courts, that I can meet with.

Those Circuits, we see, come about annually, and, generally speaking, they are in the Re-cess of Session and Justiciary, in the Harvest Quarter, when the Managers took the Diversion of the Country, and they were very careful to fill up that Part of the Year in carrying on the Persecution, which, during the rest of the Months, they managed at *Edinburgh*.

In *August*, these Courts were agreed upon at *London*, upon Application from the Bishops and Managers here; and, *September 6.* the King's Letter is read, ordering the Council to appoint the following Commission to be given to the underwritten Persons in their several Districts. The Commission runs just in the Terms of the King's Letter, which therefore it is needless to insert, and I only take in the Commission and Instructions.



Commission for Justiciary, and Instructions, September 6. 1684.

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CHARLES, &c. to all and sundry Our Lieges and Subjects whom it effeirs, Greet-  
ing: Forasmuch as, albeit the many Endeavours used by Us to reclaim the disaf-  
fected and disorderly People, in severall of the Western and Southern Shires of this Our  
Kingdom, have not been so effectual as the Gentleness of Our Government, and the In-  
terest of all concerned gave Us Ground to hope; but on the contrary, they continue in  
rebellious Convocations, and seditious Conventicles, and other disorderly Practices, with-  
out any competent Endeavours used by those concerned in the severall Shires, either con-  
form to Our standing Laws or late Proclamations: Yet we being still resolved to profe-  
cute all just Means for securing Our Royal Power, and the Safety of Our People, have  
thought expedient, that before more severe Remedies be tried, with Advice of the Lords  
of Our Privy Council, hereby to impower some of Our Privy Council to go to severall  
Shires and Places.

And particularly, the Duke of Hamilton, Our Treasurer-depute, and Justice-clerk, to  
the Shires of Clydsdale, Renfrew, and Dumbarton; the Earl of Mar, Lord Livingstone, and  
Lieutenant-general Drummond, to the Shire of Air; Our Treasurer-principal, the Lord  
Drumlanerke, and Colonel Graham of Claverhouse, to Dumfries and Wigtoun, and the Stewar-  
tries of Anundale and Kirkcudbright; the Earl of Balcarres, Lord Testar, William Hay of  
Drumtzier, to the Shires of Roxburgh, Selkirk, Peebles, and Merse.

With full Power to them, or any Two of them, within the Shires and Districts foresaid,  
to act as Commissioners of Our Justiciary, in all Matters criminal; and for that effect, to  
affix and hold Criminal Courts, create Clerks, call Assizes, &c. (as in former Commis-  
sions above insert) as fully as the Commissioners of Our Justiciary have done, or may  
do.

And to the effect, the Design of this Commission against disorderly and irregular Persons  
may be the better prosecuted, We do impower them to hold Courts, and in these Courts  
to call and convene all Persons guilty of Conventicles, withdrawing from publick Ordinan-  
ces, disorderly Baptisms and Marriages, and such like Disorders and Irregularities; and to  
take their Oath, examine Witnesses against them, pronounce Sentences, and the same to  
due Execution cause be put, by Imprisonment, or other legal Diligence, conform to the  
Laws of this Realm.

And generally to act and do conform to the Tenor of the Instructions herewith given by  
Us, or which shall hereafter be given by Us, Our Privy Council, or secret Committee of  
Our Privy Council, as fully and freely in all Respects, as a Quorum of Our Privy Coun-  
cil, if they were present. All Persons are ordered to attend the Lords Justices, as in com-  
mon Form; and this Commission to endure till the First of December next, unless We  
think fit to prorogate the same. Given under Our Signet at Edinburgh, September 6. 1684.

Follow Instructions upon the foresaid Commission.

CHARLES R.

1. You shall disarm all Heritors who have not taken the Test, and all the Commons, ex-  
cepting the Militia; and if any shall conceal Arms, or refuse to depone there-  
upon, when by you required, you shall fine the Heritors in one Year's Rent, the Tenants  
in one Year's Rent of their respective Farms; the Servants, and Cottars, and Tradesmen,  
are to be fined according to their Substance.
2. You are to follow such Instructions as We or Our Privy Council shall give you, as  
to the Value of Horses, and the Persons to whom they are to be allowed within the Di-  
stricts.
3. You shall seize all Preachers, Chaplains, or such as exercise as Chaplains, who are  
not authorized by the Bishops, and send them to Our Privy Council to be disposed of as they  
think fit, and see Cause.
4. You shall punish, according to Law, all Persons guilty of Ecclesiastick Disorders, ei-  
ther Men or Women, and you shall put Our Proclamations, especially that of the  
Day of , in Execution, against all who are guilty of Conventicles, or concerned in  
them, as Concealers and not Discoverers, negligent Heritors, Sheriffs, Bailies, and other  
Magistrates or Heritors of the Place where they are kept, or otherwise concerned by Our  
Laws and Proclamations, according to the Tenor thereof; and the Husbands of such  
Wives as are guilty, and have not done their Endeavours in Terms of Our Letter, bearing  
Date the Day of .

I i i i i

5. You



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- ‘ 5. You shall give Account to Our secret Committee, of all Persons who have fled from their Habitations, whether by retiring out of the Kingdom, or removing to other Places to evite just Sentences.’
- ‘ 6. You shall examine the indulged Ministers on their Instructions, and remove such as have transgressed, and imprison them till they find Security not to preach or exercise any Part of the ministerial Office, or otherwise to remove from Our Three Kingdoms, under Caution not to return without special Allowance from Us or Our Privy Council; and such as refuse to find Caution in Manner foresaid, you shall send them in Prisoners to Our Privy Council, or their Committee at *Edinburgh*.’
- ‘ 7. You shall diligently search for the Heritors, Inciters, Promoters, or Concurrers to the late Rebellions, the Intercommuners with such, or Refetters of them, and others, not Heritors, guilty of the said Crimes, since *July 1. 1683*.’
- ‘ 8. You shall stop and secure all Pedlars who have not Passes, according to the Tenor of Our last Proclamation, and secure them till they find Caution for their good Behaviour.’
- ‘ 9. You shall stop all Posts who carry Letters, except such who are allowed by Our Postmaster General.’
- ‘ 10. You shall commune with Rebels, to bring them to Obedience, upon their Address for Pardon, and you shall acquaint Our secret Committee with their Proposals, and what passes betwixt you and them; and in order thereunto, you are allowed to give them safe Conducts.’
- ‘ 11. You shall command the Forces assigned to you by Our Privy Council, according to the Necessity of Our Service.’
- ‘ 12. You shall turn out all the Wives and Children of the forfeited Persons and Fugitives, from their Habitations, if it shall appear that they have conversed with their Parents or Husbands, or if they shall refuse to vindicate themselves by their Oaths.’
- ‘ 13. You shall enquire what Quarters are unpaid by the Soldiers in your several Districts, and take Care Payment be made for Bygones, and in Time to come.’
- ‘ 14. You are to examine what Money has been collected by any Body within your Districts, and not counted for.’
- ‘ 15. You shall take Care, that Decrets for Fines, for Ecclesiastick Disorders, be put in Execution, as shall be prescribed by Our Privy Council.’
- ‘ 16. You shall be assisting to Our regular Clergy, in bringing People to Obedience, in settling Church-sessions; and if any Complaint be made of any of the regular Clergy, you are to recommend the Punishment and Censure thereof, to Our Bishops, or Judges competent.’
- ‘ 17. If you find any Part of the Country stubborn or contumacious, you shall impose such Fines upon them as the Law will allow; and in case of not Payment thereof, and that you think it fit, you are immediately to quarter Our Forces on the stubborn and contumacious, until the Fines imposed shall be exhausted by them.’
- ‘ 18. You are to keep good and constant Correspondence among your selves; and if it shall happen that any Man shall flee from one District to another, when you are advertised thereof, you shall immediately cause the Fugitive to be apprehended, and you shall send him to the District from whence he fled, to be judged by the Commissioners there, or else sent by them to *Edinburgh*, as they shall think fit.’
- ‘ 19. You shall acquaint any of the neighbouring Jurisdictions to which any of the Rebels shall flee, to the end they may assist to apprehend them; and if, in pursuit of those, it shall be convenient for you to go out of your District, or to send Parties out of the same, the Magistrates are hereby required to obey and assist you, as they will be answerable.’
- ‘ 20. You shall suffer no Man to travel with Arms, excepting Gentlemen of known Loyalty, who have taken the Test; and no Yeoman to travel Three Miles from his own House, without a Pass from his Minister, or a Commissioner of the Excise.’
- ‘ 21. You are to call for all or any Part of the Heritors, as often and where you shall find it needful for Our Service, who are hereby ordered to obey, under the Pains of being punished as Absents from Our Host.’
- ‘ 22. You shall put in Execution the Power of Justiciary to be granted unto you by Our Privy Council, with all Rigour, by using Fire and Sword, as is usual in such Cases; and We do empower Our Privy Council to insert an Indemnity to you, or any employed by you, for what shall be done in the Execution thereof.’
- ‘ 23. You are hereby empowered to give the Oath of Allegiance to such Persons within your Districts, as you shall have Reason to suspect; and in case of Refusal, you shall banish them to the Plantations, whether Men or Women.’
- ‘ 24. If you shall be informed, that any within your District shall deny Our Authority, or their Bond of Allegiance to Us, you shall enquire therein, apprehend the Persons, and either judge them upon the Place, or send them in to *Edinburgh*, as you find most expedient.’

‘ 25. You



‘ 25. You shall call for, and dispose of the Militia, as you find most fit for Our Service.’  
 ‘ 26. You shall enquire how the ordinary Magistrates have carried in Our Service, and inform the Privy Council thereof.’  
 ‘ 27. You shall report to the secret Committee of Our Privy Council, such Propositions as the Shires within your District shall make to you for Our Service.’  
 ‘ 28. You are to obey such Orders as you shall receive from Us, or Our Privy Council, or secret Committee thereof, from Time to Time; and you are also hereby authorized to forbear the Execution of any of the Articles of these Instructions, if you shall see Cause for the same.’  
 ‘ For doing of which, these Presents shall be to you, and all others who may be respectively concerned, a sufficient Warrant. Given under Our Royal Hand and Signet, at Our Court at *Windfor* Castle, the 26 Day of *August* 1684. and of Our Reign the Thirty sixth Year.’

By His Majesty's Command,

MURRAY.

It was the Month of *October* before this terrible Circuit sat down in their different Districts. Those ample Powers, and a Liberty to cut and carve in them as they saw good, let us see what an arbitrary and absolute Government *Scotland* was now under. Life, Liberty, and every Thing is left in the Managers Hands. If they pleased to have Mercy on the poor harassed Country, the King allowed them, and if not, their Instructions carry them even to Fire and Sword.

To pave the Way for their Work, or at least to prevent the poor Sufferers getting off the Kingdom, and to discover such as remained in it, Two Proclamations are emitted in *September*; the first bears the Date, *September* 15. ordering the Oaths of all the Masters of Ships, or Vessels going off the Kingdom, to be taken, as to their Passengers, which I have insert *App. No. 97*. This needs no Observation upon it. No question, it was levelled against the persecuted Party principally; a new Circuit was very justly frightsom to them from their Experience of the Severities of the former. They are not suffered to live at Home, and now are stopped from retiring to foreign Countries, where they might be free from being butchered in cold Blood.

And *September* 16. another Proclamation is emitted, discharging all Persons whatsoever, to travel from one Shire to another without a Pass. It is but short, and I have added it *App. No. 98*. All Travellers must have a Pass from some Persons in the Government. And the Pretext is, to hinder Persons from carrying false News from one Part of the Country to another. I am not so far Master of the Intrigues now on Foot, as to make Reflections that perhaps might be native enough here. As the former was a Check and Damp upon Trade and Commerce, so this is a plain Encroachment upon the Liberty of the Subject, in going and coming from one Place to another, and a Kind of imprisoning the Lieges at large, without any just Reason given. That of spreading false News is evidently frivolous, and every Body may see these might be spread by Letters. The true Design seems to have been, to be a Preface to more general Impositions on the Subject, as we shall afterward hear, to prevent suffering People retiring from the Fury of the Circuits, to be a new Colour to the Soldiers, and to oppress poor People the more. I wonder the Proclamation does not empower the Bishops and orthodox Clergy, to give Passes. The Instructions to the Commissioners seem to suppose some such Passes, but, it seems, the Council do not find it needful to entrust them.

Before the Meeting of the Circuit or Justiciary, the Council by their Clerk order the Shire of *Stirling* with its Jurisdictions, *pro hac vice*, to be adjoined to the Jurisdiction of *Glasgow*, to save the Lords the Trouble, as I suppose, of leaving *Glasgow*. I observe nothing of this in the Records, but it appears by an original Warrant, from the Clerk of Council to the Sheriff-depute of *Stirling* to this effect, in my Hands, which, because it gives us some View of the Preparations and Care taken to ripen Matters for the Circuit, and of the willing Share the Clergy were to have in this, I have insert here. Its Date is not expressed, and is indorsed.

### Warrant to the Sheriff-depute of the Shire of Stirling, 1684.

Sheriff-depute of Stirling,

‘ **F**Orasmuch as his Majesty, by a Letter under his own Royal Hand, hath been pleased to adjoin the Shire of *Stirling*, and the Jurisdiction thereunto belonging, whether of Royalty or Regality, to the District of *Glasgow*, you are therefore ordered to cite and advertise all the King's Vassals, and other considerable Gentlemen holding of other Superiors within



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‘ within the said Shire, and Jurisdictions and Regalities within the same, to compare before the Lords of his Majesty’s Privy Council, at *Glasgow* the 14 Day of *October* instant, by Nine of the Clock, and there to attend the said Lords, and receive such Orders and Directions for his Majesty’s Service, as shall be thought expedient. ’  
 ‘ You are likewise to advertise all the Ministers within your Shire, that they attend the said Lords at *Glasgow* the foresaid Day, and that they come prepared to give in to the said Lords, exact Lists, upon which they are to make Faith as to all irregular Persons, Withdrawers from the Church-ordinances, and all suspect and disaffected Persons to his Majesty’s Government in Church and State, so far as it consults with their Knowledge, as also a List of all such Persons, as they believe, can give best Information anent the Premises. ’  
 ‘ As likewise you are to cite the haill Elders of Kirk Sessions, their Clerk and Beadle, to depone upon the forementioned Particulars the said Day and Place. ’  
 ‘ And particularly you are to cite the Magistrates of the Town of *Stirling*, to appear before the said Lords at the abovementioned Time, and particularly to depone anent the forementioned Particulars, and to bring alongst with them an exact List of the haill Heritors who stand infeist in Lands within their Burgh. And in this you nor any of the forementioned Persons are not to fail, as you and they will be answerable. Extracted by me Sir *William Paterson*, Clerk to his Majesty’s most honourable Privy Council. ’

*Will. Paterson Cl. secr. Conc.*

From this and what goes before we may learn, that these Courts had both a Council and Justiciary Power, and had a vast Compass of Affairs before them. We shall find afterwards, this Shire came to *Glasgow*, and gave ample Proofs of their Loyalty and Submission to the King’s Orders.

Letter from the Committee for publick Affairs to the Commissioners at the Circuits *Octob.* 9.

What were the precise Days upon which these Courts, ordinarily called Circuits, tho’ different a little from these in the former Years, met, I cannot say, further than the Dates of some Papers in the Registers, and others come to my Hand, shew. It would seem that Court at *Jedburgh* met toward the Beginning of *October*, for I find a Letter directed to them, and the rest, from the Committee of publick Affairs, *October* 9. which will give some more Light about them. This I give from the Registers of Council.

*October* 9. 1684. Sederunt the Committee for publick Affairs, upon the Report of the Commission, at *Jedburgh*, and for the western Districts the Lords did send the following Letter, a Copy whereof was ordered to be sent to the rest of the Districts for the Rule of their Procedure.

My Lords,  
 ‘ The Committee of Council being very frequent, I did propose to them your Two Queries: In answer to the first whereof, it is all our Opinions, that if the Defenders, called before you as Counsellors, be personally cited, they may be holden as confest; but they cannot unless they be personally cited, and all that can be done in that Case is to put them to the Horn, which will be as great a Punishment to them, as if they were declared Fugitives; but it will not infer any Danger to the Country by resetting them, which is as much to be shuned as can be. And if it be thereafter found convenient to hold them as confest, to the end that the King may get a Fine by holding them as confest, which may be more advisable than the taking of their Escheat, which is all that can follow upon their being put to the Horn, then I shall cause cite them upon Sixty Days, as being out of the Country, but let not that stop your Diligence; in which Case they will be holden as confest, tho’ not personally cited.  
 ‘ It is likewise their Opinion, you should proceed against all Sheriff-deputes who have malversed, and that you should punish them exemplarily to the Terror of others, and to the end that People may see that you are come there to protect honest Men, as well as to punish Knaves. I am

*Your Lordships humble Servant,*  
*George Mackenzie.*

This Letter is a little dark to me, not having the Queries; but it lets us in to see somewhat of the Managers severe Designs upon Gentlemen and others.

It is of more Importance to give an Account of a Letter from the King, read in Council, or its Committee, *October* 12. which was no doubt impetrate by our Managers here, as the Foundation of their imposing exorbitant Fines upon many Gentlemen we shall hear of in the next Section. The Letter follows.

CHARLES R.

King’s Letters to the Council, Impowering the Council or their Clerks

‘ Right trusty, &c. Whereas we find that some of our unnatural and rebellious Subjects in that our ancient Kingdom, do enter into Plots and Conspiracies, the more willingly and securely, that they think their Guilt cannot be discovered by the Depositions of Witnesses, they



they, for concealing their Guilt, industriously using to discourse of those Matters only with one Person alone; and it being easy to cause One or Two, who might be proving Witnesses, to withdraw for some Time. And seeing it is the great Interest of all Government, as well as of all who desire to live peaceably under it, that all Subjects should be obliged to fear all Manner of Accession to such horrid Crimes, as tend to overthrow all Society and Government; and it being undeniable, that no Man can complain when judged by his own Oath, by which he is in less Danger, than by any Probation of any Witness whatsoever.

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 for to  
 refer Probation  
 on to the  
 Defenders  
 Oath, and it  
 they refuse, to  
 fine.

Therefore thought it necessary to empower, and We do hereby authorize and empower Our Advocate to raise Process before you, or before those who are commisionate to represent Us, as Our Privy Council, in the Western and Southern Shires, against any whom you or they shall order, for the said Crimes of plotting and contriving to rise in Rebellion, or for intercommuning with, or resetting any declared Rebels; and to refer their Guilt to the Oath of the said Defenders, in so far as may extend to a pecuniary Mulet or Fine alienably.

Declaring hereby, for their further Security, that if they shall depone upon the Guilt so referred to their Oath, they shall be for ever as secure upon the Payment of their Fine, as if they had a Remission under Our great Seal: Whereas, if they refuse to depone, We order you to hold them as confest, and to fine them in what Sums you shall judge to be proportional to their respective Guilt and Accession. Which Power so granted to you, shall only continue in force till the first Day of April next to come, and is hereby ordained to be registrate and recorded in your Books, to the end that Extracts may be given to any who shall depone, as said is, this, and the Decrees to follow thereupon, being to them in place of a Remission. For all which this shall be to you a sufficient Warrant. Given, &c. September 27. 1684.

MURRAY.

Such Power was formerly granted to the Council, and now 'tis renewed to reach Heritors, against whom they had no Probation; and under the Colour of this they put the Test to them, as what only could purge them of Disloyalty and Reset. All the Country was involved necessarily in Converse with such as had been at Bothwell, and no Man who feared an Oath could swear his own Freedom from conversing with such; and by this Letter they were to be holden as confest, and guilty if they did not; and all this is imposed under the Notion of Kindness. One who calmly considers such Methods and their Tendency, cannot but reckon them publick Juggling with God and Men.

Remarks on it.

I come now to give an Account of the Procedure of the Lords at each of those Courts, as far as Materials have come to my Hand. I have nothing remarkable from Jedburgh, but that they were severe enough in Persecution, and frank enough in making an Offer of Cess to the King, as we shall hear the rest of the Districts did.

Circuit at Jedburgh.

Upon the Second of October, Queensberry, his Son, and Claverhouse sat down at Dumfries, having for their District, Dumfries, Galloway, Nithsdale, and Anandale. There were no where greater Irregularities and Severities committed than at this Southern Court, of which I shall give some Instances, if once I had taken Notice of the Addreses and Offers the Heritors were forced into. This vast Sum the oppressed Country was clubbed into, and the preparing Matters for the exorbitant Fines, within a little to be exacted, seems to have been the great Design in those Circuits their being sent up and down the Country.

At Dumfries.

The Judges were about a Month in that District. At Dumfries I find the Proposal of coming into a large Cess was made, and left to be thought upon till the Judges returned, and it was then gone into. The particular Methods used to bring up Heritors, probably much the same every where, will come in at Air and Glasgow.

All the Heritors were called and required to take the Test, and if any Irregularities were found charged against any of them, the Test was offered as a Favour, and they behaved either to take it presently, or go to Prison; and after some Stay there, the Refusers were allowed to give Bond and Caution to appear and answer at Edinburgh. I do not hear of many Gentlemen who were present, but one Way or other they were prevailed upon, except that excellent and worthy Gentleman Mr. Hugh Maxwell of Dalswinton, who continued afterwards many Months in Prison at Edinburgh, and was most iniquously fined, as we may hear.

Methods with the Heritors.

When they were got through the Heritors, the Commons were called upon by their different Parishes, and all who would not presently depone they were free of hearing and baptizing with Presbyterian Ministers, that they had kept their Parish Church, and had not reset or conversed with Rebels, Fugitives, &c. the Men were required instantly to take the Test, and likewise to swear they should never reset, harbour, give Meat or Drink, or shew any Kindness to any intercommuned wandring Person, and that upon hearing or seeing of any that were or should be denounced, or were upon their hiding, they should raise the Hue and Cry; and if they could not apprehend them, they should give timely Notice to the next Garison, that they might pursue them, or to the Sheriffs or Justices of the Peace.

With the common People.

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1684.

The Women, especially through the Parishes up and down the Country, where Substitutes were sent to make this Oppression as extensive as possible, had not indeed the *Test* put to them, but dreadful Oaths formed according to the Circumstances they were informed to be in. For Instance, if they were alledged to have Husbands upon their hiding, they are obliged to swear they should not cohabit or converse with them, under the Pains of Law; if they had Children denounced, that they should not harbour or shew any Kindness to them. The Refusers, Men and Women, were straight sent to Prison, and indeed the Prisons and Guard Houses were now every where crammed full.

Procedure in  
Country Pa-  
rishes, which  
the Judges  
could not  
reach.

After some Days at *Dumfries*, the Judges went to *Kirkcudbright*, and from that to *Wigtoun*, where, as far as I can learn, the very same Methods were fallen upon; and in the mean Time particular Gentlemen and Officers of the Soldiers, were commissioned to go to the Country Parishes, at Distance from the Towns, which the Judges could not fully reach: And at those Sub-courts, if I may call them so, I find it remarked that many were obliged to swear over again, though they had satisfied the Judges. The *Test* was offered to the Men, and other Oaths to the Women, and all Refusers were brought into *Dumfries* Prison, against the Time the Judges were to return thither. These Substitutes did not fail to take Sums of Money, to enrol Persons, as having satisfied, who did not take the *Test*; and no small Sums were raised this Way. About Twenty eight Prisoners were brought into *Dumfries*, against the Return of the Judges, who were most cruelly treated by the Way, and the very Necessaries of Life refused to them.

Committee  
for publick  
Affairs, Oct. 13.  
Transmit to the  
Secretary, with

No more offers to me from *Kirkcudbright* and *Wigtoun*, save the Address that was signed at *Kirkcudbright*, of which I have an Account from the Registers. Whether there was one from *Wigtoun* I know not, I have seen no Accounts of it, if it was not joyned to *Kirkcudbright*. By the Council-books I find, October 13. the Committee for publick Affairs, transmit the Address from *Kirkcudbright* to the Secretary, with the following Letter. I insert both.

My Lord,

Their Letter.

WE have this Day received an Account from my Lord Treasurer, of the Procedure of the Committee of Council, sent to the District of *Nithsdale* and *Galloway*, here inclosed, whereby you will perceive, that by the Diligence and Influence of the Lord Treasurer, that Place is brought to make a cheerful Offer to his Majesty of Twenty Months Cess to be paid in Four Years, beginning at *Martinmas* next, and that by and attour the Supply granted by the current Parliament.

They have likewise offered themselves to be bound for their Tenants and Servants, that they shall walk regularly in Time coming. This is a very good Example to the Western and Southern Shires, so that if they can be brought up this Length, there may be a considerable Addition to his Majesty's Forces. The Districts of *Clydsdale* and *Air* have already offered Six Months Cess, to be paid in Two Years, of which the Lord Register has no doubt given you an Account. Your Lordship will please to give the Duke an Account of my Lord Treasurer, Lord *Drumlanerk's*, and *Claverhouse's* Diligence in that Place. We are.

My Lord, &c.

Follows the Tenor of the Address sent up.

To the Right Honourable William Marquis of Queensberry Lord High Treasurer, James Lord Drumlanerk, and Colonel John Graham of Claverhouse, Commissioners of His Majesty's Privy Council, for the Shires of Dumfries, Wigtoun, Anandale, and Kirkcudbright,

The humble Address of the Heritors, Wadsetters, and Liferenters, within the Stewartry of Kirkcudbright.

The Address  
from the  
Stewartry of  
Kirkcudbright.

WE Undersubscribers, Heritors, Wadsetters, and Liferenters, being met by your Lordship's Command and Allowance, and having considered the Representation made to us by the Lord High Treasurer, in name of the rest of the Commissioners, in relation to the present State of Affairs, in the Southern and Western Shires; and considering the great Obligations that we and all his Majesty's Subjects ly under to our gracious Sovereign, for the many Expressions and Acts of his Goodness and Bounty to us: And as we are very sensible of the Lord High Treasurer his Justice and Favour to us on all Occasions, whereof, in a due Recognizance of the same, we shall never be unmindful; so, from the Representation made to us by his Lordship, and a due Sense of the great Happiness this Nation



' Nation enjoys, under the Government of the best of Princes, to whose prudent Care and Conduct, next to the Providence of God, we acknowledge we owe our Liberty, Tranquillity, and Peace we have had under him for many Years, while almost all other Nations about us have been engaged in War. As also, that nothing hath stood in the Way of our being the happiest of all People, but what had its Rise from some disaffected Persons among our selves, and their withdrawing from the publick Worship, and frequenting House and Field-conventicles, the Consequences whereof involved a great Part of the Kingdom in those Two unhappy Rebellions, 1666 and 1679. unto which too many in this Country had too great an Accession. And albeit his Majesty, from such Provocations from these who gave a Rise to those Rebellions, might have exercised the Rigour of his Justice, to the full and total Extirpation of that rebellious Party, and have put the standing Laws of the Kingdom in Execution, yet his boundless Mercy and Goodness was such, as not only to pass by the Errors and Escapes of such as through Ignorance were misled, but even to pardon and indemnify Rebels themselves, and others who had Accession thereunto: Notwithstanding whereof, many do yet continue in their rebellious and pernicious Principles, in a direct Opposition to his Majesty's Government, who being unworthy of the former Acts of his Mercy and Goodness, are now to be prosecuted to the utmost Rigour.'

' Therefore we the Persons above designed, out of a due Sense of our Duty to God, to his sacred Majesty and his Successors, and out of a just Abhorrence and Detestation of all Rebellion and Separation, and as a true Mark of our Loyalty and Allegiance to our gracious Sovereign, and for the Preservation of our selves and Posterity.'

' Do make an unanimous and cheerful Offer to his Royal Majesty, whom we pray God to bless with a long, happy, and prosperous Reign over us, and to his Successors, towards the maintaining of the standing Forces, for the better securing the Peace and Quiet of the Kingdom, Five Months Cess yearly for the Space of Four Years, from the Term of *Martinmas* next to come, and that by and attour the present Supply payable by us by the Act of Parliament, dated in *August* 1681.'

' Beseeching his Majesty graciously to accept of this our unanimous Offer and Tender. Which Five Months Cess, for the said Four Years, is to be uplifted, levied, and collected, out of the Land Rent within the said Stewartry, in the Manner as the present Supply is payable to his Majesty; and the first Term's Payment to be at *Martinmas* next, by way of Advance, and so forth thereafter, at *Whitsunday* and *Martinmas*, being Two Months and a Half's Cess termly, during the said Space.'

' And as a further Testimony of that Duty and Obedience we owe to our sacred Sovereign, and for the Security of the Peace and Quiet of the Government, for the future, we bind and oblige our selves, for our Tenants and Cottars under us, that they shall live regularly and peaceably all Time coming, or otherwise to extirpate and remove them forth of our Lands, so soon as their Irregularities shall come to our Knowledge, either by the ordinary Judges, or Ministers within whose Bounds they live, and shall give our utmost Course and Assistance in reducing them to Justice, in case of their Irregularities, and that under the Certifications provided by Law thereanent; and what the Lords of Privy Council shall be pleased to inflict against the Contraveners thereof.'

*Signed by the baill Heritors, October 9. 1684.*

When the Judges had ended their Work at *Kirkcudbright* and *Wigtoun*, they returned to *Dumfries*, and finished what they had left undone there. I meet with their Address sent up, *October 30.* by the Committee for publick Affairs, and a Letter to the Secretary, with high Encomiums upon the Treasurer, for his Pains in bringing that Country to such Expressions of Loyalty. The Address itself, signed by the Heritors of *Dumfries* and *Anandale*, is much to the same Purpose with that just now insert, and I love not needlessly to swell this Work.

Abstract of the Address from *Dumfries Shire*

' They take Notice, with great Thankfulness, of the King's sending down his Royal Brother the Duke of *York* to *Scotland*, and declare they have nothing more to wish for, than that the King and his Successors reign over them, and offer the King as many Months Cess as his Majesty's Privy Council here, or secret Committee thereof, think fit, by and attour what the Parliament has already granted; and bind themselves for their Wives, Families, Tenants, and Cottars, their Regularity, in such Terms as his Majesty's Council shall think fit and practicable by them, besides the ordinary Certification by Law; and give Assurances, that whatever shall at any Time be proposed to them by the Lord High Treasurer, for the advancing of his Majesty's Interest, shall be most cheerfully gone into by them.'

During the Time that this Court was sitting at *Dumfries*, and the other Towns in this District, the Soldiers were Day and Night searching up and down the Country, and the Informers busy to give notice of any who had accidentally escaped the Fury of the Court. And the strictest Searches possible were made for all Wanderers, and Persons upon their Hiding.

Mean while the Country is harried with Searches



1684.

It was this Severity which produced the Declaration in *November* from some of the Society People, which I shall give Account of next *Section* save one. The whole Country almost was sworn against them, and the Soldiers were killing them wherever they found them, and this Treatment drove them to these Extremities we shall hear of. And indeed all along, the Heights any of the persecuted People ran to, were plainly the Effects of the unaccountable and illegal Procedure of the Persecutors.

Particular  
Persons staged  
before the Cir-  
cuit in the  
South.

Mr. William  
Mcmillan of  
Caldow an  
Abbeygate of  
his Sufferings  
since the 1660.

But it is high Time to come to some Instances of the Severities of this Court, in this Southern District, against particular Persons. And I shall give a short Narrative of the Sufferings of such as I name, before, at and after this Court, from well vouched Accounts.

The first who offers is Mr. *William Mcmillan* of *Caldow*, in the Parish of *Balmaclellan* in *Galloway*. This excellent Person was very harshly treated at this Court, but I shall give a Detail of his Sufferings a little higher. After the Reintroduction of Prelacy he was persecuted by Mr. *Robert Moir* Curate of *Balmaclellan*, assisted by Sir *James Turner* then raging in that Neighbourhood. This Gentleman was obliged first to leave his Mother's Family for mere Nonconformity; and marrying, in a little Time he was forced to scatter his own, and live as a Fugitive the best way he could. His Losses in this Period cannot be easily computed, besides the great Hardships his Person was exposed unto, tho' nothing could be charged upon him but peaceable Recusancy.

He had no Accession to, or Concern in *Penland*, and yet Sir *William Bannantyne* quartered his Men upon his Family, apprehended himself, and detained him, with many others, Prisoner in the House of *Earlston*; and his House was spoiled, and his Goods and Furniture seized, and all this, notwithstanding he had given Bond, under the Penalty of a Thousand Pounds, to answer the Council or Justiciary for any Thing that could be laid to his Charge, conform to the Warrant given to my Lord *Harris* by the Government for that effect. And when Sir *William* was afterwards, as we have heard, proceeded before the Council for his Exorbitancies, Mr. *William* was put to vast Charges, as one of the Persons principally lesed, in waiting on at *Edinburgh*, as a Witness, to small Purpose.

This Gentleman went frequently over to *Ireland*, to breathe a little in those heavy Times, where he was often and much pressed by the Presbyterian Ministers of the County of *Down*, to pass his Trials in order to the preaching of the Gospel; for they had now long Experience of his good Parts and shining Piety. At length he was prevailed upon, and after his passing through the ordinary Trials with full Approbation, he was licensed to preach about the 1673.

When, in the most cautious and peaceable Manner, he was now and then preaching in *Galloway*, he was informed against by the Earl of *Nithsdale* and the Prelates, who made some Noise about him; yet, without any Noise from the Council, the said Earl sent Two of his Militia Troop, *Alexander Maxwell*, afterward of *Cowheath*, and *William Glendonning* of *Partan*, with some other violent Papists thereabout, who seized him, and carried him Prisoner first to *Kirkcudbright*, and then to *Dumfries*, where, without any Libel or Accusation, he was continued Prisoner Thirty five Months without Intermission, to the great Damage of his Health. After many fruitless and yet chargeable Applications to the Council, upon the Back of *Bothwell*, when the Duke of *Monmouth* stopped the Fury of the Persecutors a little, he was liberate.

Upon the first Circuit at *Dumfries* after *Bothwell*, Mr. *William Mcmillan* was cited to it for Refet and Converse, and finding the Design of the Court was to bring all who appeared under sinful Engagements, he absented, and was denounced Rebel and Fugitive at the Cross of *Dumfries*, with many others. All the Lieges were inhibit Converse with him, and his Goods confiscate to the King's Use. This turned to his great Loss as to any Money he had, and his Stock and Cattle; and he was obliged to hide and lurk many Months in the open Fields, to the great Prejudice of his Health, which at best was but infirm.

Those Hardships at length threw him into a most dangerous Fever, and when not recovered out of it, Mr. *Mcmillan*, with his infirm Wife, was dragged by the Soldiers to this Court at *Dumfries*. After much severe and barbarous Usage in the Guard-house, he was sifted before the Lords, who examined him upon some intangling Questions, which he not answering, and withal peremptorily refusing the Test, they most iniquously ordered him to be carried to *Wigtoun*, under a Guard, and abide Trial when they came thither. By the Road the Soldiers forced him, not yet recovered from his Fever, to walk on Foot till he fainted; and when he fell down among their Hands, they took a young wild Colt near them, and set him upon it, without Saddle, or any Thing under him, to the great Danger of his Life.

Being brought to *Wigtoun*, he had no other Lodging but the open Guard-house, without any Bed for Eight Days, or any Place to retire to, though he was under a violent Dysentery and Flux. When the Lords came to *Wigtoun*, Mr. *William* petitioned them, that he might have the Favour of the King's common Prison, that at least he might be rid of the Guards now continually about him, or that he might be allowed to give Bond to appear at

Edin-



Edinburgh, as soon as he could reach it; but such was their Inhumanity, that both were refused.

1684.

From Wigtoun he was sent to Kirkcudbright, where Grierson of Lag, by Orders, as he said, from Queensberry, threatened him most severely, if he would not take the Test: But he, through Grace, standing his Ground, was sent Prisoner to Dumfries Castle, where he continued from the 22 of October, until the 22 of November, in an open House among a Throng of others, under a Guard. It was a Wonder to himself, and to all who knew his Circumstances, that under all this Toil and hard Usage, he died not among their Hands.

The 22 of November, he, with upwards of Eighty others, Men, Women, and some Children, were carried to Moffat Kirk, where they lay that Night, under great Extremity of Cold, being wet through, and most of them in Hazard of drowning in the Waters, under Cloud of Night, before they could reach that Station.

He with 80 Prisoners from Dumfries sent in to Edinburgh Nov. 22. their severe Usage.

Next Day being Sabbath, the Soldiers travelling Day, they were carried Twenty four Miles to Peebles, under a Guard of Three Troops of Dragoons, commanded by Captain Clelland. There several of the Prisoners were sorely beat, and cruelly mocked by the barbarous Soldiers, and all of them in Hazard of their Lives, by crossing the Water in a violent Speat. Upon the 24. they were carried to Leith Tolbooth, and reproached bitterly as they went through Edinburgh. There they were so thronged, that they could scarce stand together, and had no Conveniency so much as to ease Nature.

Here James Muirhead, late Bailie of Dumfries, through the terrible Fatigue, fell into a severe Distemper; and such was the Barbarity of this Time, that neither Surgeon nor Physician was allowed him, and he died in Leith Tolbooth a little after their Arrival, my Account bears, it was on the 28.

James Muirhead Bailie of Dumfries dies at Leith.

By Order of Council Mr. William Mcmillan, with Thirty four more, was brought up to Edinburgh under a Guard, and after Examination, distributed to several Prisons in Edinburgh and the Canongate. There they continued in great Throng, and inexpressible Difficulties, till, about the 18 of May next Year, they were sent to Dunotter. Their Hardships there, and by the Way, I shall refer to that Place.

The reverend Mr. William McGeorge, Minister of the Gospel at Heriot, was likewise before this Circuit, and I have a Hint of his Sufferings from his worthy Son, present Minister at Pennicook. Mr. McGeorge was, with many other honest and peaceable Persons, sorely persecuted by Mr. James Alexander, Sheriff-depute of Dumfries, this Year. The Sheriff-depute imprisoned and fined Multitudes, and caused secure Two Women for alledged Converse with their near Relations, who were in the porteous Roll. When the Circuit came about, the said Mr. McGeorge, James Muirhead late Bailie of Dumfries, of whom just now, John Irwin, John Scot, John Gibson, Homer Gillison, James Muir, Andrew McClellan, all in Dumfries, with many others, were carried into Leith, with the Hazards and Severities we have heard of. Mr. McGeorge continued in Prison till the Middle of April next Year, when he was liberate upon Bond to compear when called. Several of these Prisoners had been so peaceable and regular, (as it was now termed) as to hear the Episcopal Ministers, yet this did not exeme them from the above Treatment.

Sufferings of Mr. William McGeorge Minister at Heriot.

Before this same Court I find Charles Maxwell in the Parish of Keir. All they had to lay to his Charge was Converse with his Sister in Law, after he had given Bond for her good Behaviour, and by Allowance brought her home to his own House from Dumfries Prison, where she had lien for several Months for mere Nonconformity. By this Instance we may see what the Crimes were for which the Heritors at this Time were harassed. Generally speaking, they were perfect Shams, made up for an Occasion to press the Test upon such as they hoped would refuse.

Charles Maxwell in the Parish of Keir.

Merely for this the Test was put to him, and upon his refusing it, he was put into the Thieves-hole, and laid in the Irons. Thus he continued, which mean while was most arbitrary and illegal, till the Lords returned to Dumfries, and they passed a Sentence of Banishment upon him. By the Intreaty of his Friends, and the Violence of those Hardships, he complied at length, and took the Test, and was liberate upon paying Twenty Pounds Scots of Fees.

And to give all I have anent him, in November next Year he was cited to a Court at Glencairn Church, for collecting Charity to the Prisoners at Dunotter. He compeared, and when nothing could be proven against him, he was dismissed; but that same Night a Party of Soldiers came to his House, with an Order to take Ten Pounds, or the readiest of his Goods to that Value, for his Wife's Absence from the Court, when he knew nothing of her Citation, and further Orders to carry him Prisoner to Dumfries. With much Difficulty he prevailed with them to take his Bond, with his Master Cautioner, for a Thousand Pounds to appear at Dumfries when called.

At this same Court at Dumfries, or some of the Courts held by those deputed to examine the Country Parishes, a very extraordinary Case fell in. Some Country Women were pannelled for being helpful to the Wife of one of the Persons alledged to have been concerned in the rescuing the Prisoners at Enterkin-path, about Forty eight Hours after the Rescue, when

Women prosecuted for being present in Leith with the Wife of one who was said to have been at



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the Rescue of  
some Prisoners.William Martin  
Son to Dullarg,  
his Sufferings.

she was in very hard Labour. The poor Women, when interrogate upon Oath, acknowledged they were assisting to the poor travelling Woman, and were found guilty of Refet and Converse with Rebels, and very narrowly escaped being sent to Prison. This is a Piece of Barbarity not to be heard of among Heathens.

When the Lords were at *Kirkcudbright*, they fined, among others, *William Martin*, Son to the formerly mentioned *James Martin* of *Dullarg*, in the Parish of *Partan* in *Galloway*; and I shall end the Accounts of the Court in this District with some Hint at his Sufferings. Besides the Severities exercised upon his Father already mentioned, Mr. *Martin* was put to considerable Charges before the Justiciary at *Drumfries* 1679. for pretended Accession to *Bothwell*. In the 1682. he was charged by a Herald to compare at *Edinburgh*, and there seven Times pannelled, and yet no Probation adduced as to his being at *Bothwell*; yet he was forced judicially to renounce all the Lands he was infested in before the 1679. and, as he himself observes, put to great Charges through the Knavery of his Agents, and the Covetousness of the publick Servants.

This Gentleman, in his subscribed Account of his Sufferings, now before me, says, when he was at *Edinburgh*, *Queensberry* sent for him, and offered to buy the Fortune which he had a Right to by his Marriage with the Heritrix of *Caroe*, but offered so little, that Mr. *Martin* refused to sell it at that Rate. *Queensberry* in Passion enough promised to make him repent it, and said, he found him in the porteous Rolls, and, if possible, he might lay his Account with Loss of Life and Fortune. His Lordship being too strong a Match for him, he says, he was forced to dispoise Lands to the Value of Six hundred Merks a Year, for the Sum of Five thousand Merks, which he reckoned of clear Loss to him, Six thousand three hundred and thirty three Pounds, Six Shillings and eight Penies.

In the Beginning of this Year, in his Absence his Wife was summoned, for his alledged baptizing a Child with a Presbyterian Minister, and was presently forced to give Bond for an Hundred Pounds *Scots*, which was paid. At several Times he had eight Dragoons quartered upon him, for some Days, during this Justiciary. Colonel *Douglas* quartered upon him, with Forty four Horsemen for some Time, and being cited to the Circuit at *Kirkcudbright*, and knowing the *Test* was to be offered, he chose to withdraw, and was fined in Absence in Seven hundred Pounds *Scots*, which he paid. From these Instances we may have some View of the Procedure in this District. 'Tis full Time to come to that at *Air*.

Circuit at Air.

I shall give an Account of the Proceedings of this Commission of Justiciary, with a Council Power, at *Air*, mostly from a Narrative sent me by a Gentleman of Honour then present. The Lords present were, Earl of *Mar*, Lord *Livingstone* and Lieutenant-general *Drummond*, afterward Viscount of *Strathallan*, and they sat down, attended with all the Freeholders, towards the Beginning of *October*.

Discourse of the  
Lords Commissioners  
to the Heritors.

After the Rolls were called, and the Heritors all present, each of the Lords had distinct Harangues, wherein they gave the Freeholders to understand, ' That whereas there were before them porteous Rolls, wherein were Crimes of high Treason laid to the Charge of most, if not all the Nobility, Gentry and Freeholders of the Shire of *Air*, and the Shire in general lay under a very bad Character of Disloyalty and Disaffection to the Government, at Court; therefore they out of Compassion to the Inhabitants of the Shire, well knowing their impending Dangers, and as their Friends and Wellwishers, advised the Nobility and Gentry there present, to consult among themselves, and conclude upon what Method appeared to them most proper to evidence their Loyalty to the King and his lawful Successor, thereby to remove the suspicious Jealousy and bad Impressions the Court had of them. With more to this purpose. This was an handsom Way to levy Money by *Innuendo's*, and to draw them into the *Test* and other Court Measures.

The Proposal was gone into, and Lieutenant-general *Drummond*, being alledged Heritor by possessing the forfeited Estate of *Kersland*, and professing more than ordinary Zeal for the Good and Reputation of the Shire, was desired, by the Nobility and Gentry, to do them the Honour to assist them with his best Advice and Council. Without any Ceremony, he embraced the Invitation; and when they retired to another Room, he was soon chosen Preles. And after a Discourse much of a Strain with that above, and under the greatest Protections of his Friendship, and hearty Concern for the Peace and Welfare of the Shire, gave it as his Advice, and the most proper Way to evidence their Loyalty, and obtain of the Government an Indemnity for their past Crimes, was to make a voluntary Offer to take the *Test*; and then he was persuaded the Lords Commissioners would effectually interpose their Interest that there might be no further Prosecutions, and a full Indemnity would be granted for bypast Faults, excepting a few, the Court had just Ground to suspect, had proceeded further in disloyal Practices than could well be indemnified.

Proposal by  
Lieutenant-  
General *Drummond*  
to petition for  
Liberty to take  
the *Test*, with  
what followed  
thereon.

And, in regard there was then no standing Law to administer the *Test* to any such as were not Ministers, and Officers Ecclesiastick, Military and Civil, and therefore the Lords Commissioners could not legally impose it, he further gave it as his Opinion, that all the Noblemen, Gentlemen and Heritors there present, should petition the Lords Commissioners to do them

the



the Favour to administer the *Test* to them, that they might have an Opportunity to evidence their Loyalty to the King, and to clear themselves of all disloyal Practices. 1684.

Upon this Proposal several Noblemen, Gentlemen and others withdrew from the Meeting, and others stayed, and made another Motion to make an Offer of some Months Cess to be presently paid. After much Reasoning, the Overture of petitioning was gone into, and a Form of a Petition was drawn up. When this was writ over, with three Doubles, and blank Paper to each for Subscriptions, one for each Lord, and the three Districts of the Shire, the Lords separated one to the Body of the Kirk of *Air*, another to the Isle, and the third, I suppose, to the Tolbooth.

The Heritors of each District were called; and, after a new Speech from each of the Lords, aggravating mightily the Danger they were in by the Law, and yet signifying, that to evidence his Majesty's Clemency, and their own Regard to the Welfare of the Shire, they had gone into a Proposal, made (by one of themselves) to petition for the Favour of Administration of the *Test*, and then proposed the Question to every particular Heritor in each District, *Will you sign the Petition, or not?* Such who signed were dismissed, and the Recusants ordered to stay where they were.

When the Rolls were gone through, and the Separation made, the Lords retired and ordered the Recusants to be made Prisoners where they were, by shutting the Doors, and did not so much as allow those in the Body of the Church, to converse with those in the Isle, who were so pent up in that narrow Place, that they were much straitned; yea, neither Meat nor Drink was allowed them, but what they got towed up by the Windows; Guards being posted at the Entry, it was, it seems, resolved to starve the Gentlemen into Loyalty.

I need scarce remark, in a Period of so much illegal Procedure, the Unaccountableness and Unwarrantableness of this Method of arbitrary imprisoning Gentlemen, who had received no Indictment, and were guilty of no Crime, save refusing to sign a Petition, which they were at full Liberty to do, or not to do, as they saw Cause; and one Part of the Heritors doing it, being no Rule or just Cause, to make the Refusers suffer Treatment due only to villainous Offenders.

Thus they remained till the Lords had dined, when, perhaps ashamed of this rude and indiscreet Treatment of so many innocent Persons of Rank and Quality, the Commissioners came to a Resolution to permit the Gentlemen to come out, and confined them to the Town of *Air*. And by a special Favour, and with some Difficulty it was that Sir *William Wallace* of *Craigie* obtained, that some of his Friends might have Liberty to go with him to his House out of the Precincts of the Town, and yet within a Cry almost to the Tolbooth.

The Commissioners proceeded next to administer the *Test* to such who had signed the Petition, and when these were called, some of them, upon second Thoughts, did alter their Mind, and refused it. This chagrined the Lords so much, that tho' a little before they had owned, they were not authorized by Law to press the *Test*, the Gentlemen Refusers were immediately sent to Prison, yea, some of them to that nasty Place called the *Thieves-hole*, as *Montgomery* of *Bordland*, a Gentleman of a good Family, and some others, where they were in a miserable Case, and could neither sit, nor had room to stand upright.

When this is over, the Recusants, pretty numerous, and of good Quality and Rank, had Indictments given them, containing many Crimes, some of which the Persons pannelled were perfectly incapable of. Some Youths, who had no Families, but lived with their Parents, were charged with Reset and Converse. Others unmarried, or who had no Children, were indicted for irregular Marriages and Baptisms, and the like. These Indictments likewise contained Matter for Multitudes of ensnaring Questions, to which the Pannels were obliged to answer upon Oath.

To all the former illegal Steps they added this. The indicted Gentlemen were classed into several Divisions, and as many of them as they saw good, were remitted to be examined by the Officers and Subalterns of *Mar's* Regiment then lying at *Air*, several of whom, in a little Time, quit the Profession of the Reformed Religion, and declared themselves Papists, as Lieutenant-colonel *Buchan*, and some others. This was a Subcommitting of their Power without any Just Ground, and making the Army Lords Commissioners.

Upon the Report of the Subcommissioners, shall I call them? it appeared, several of the Gentlemen were able to clear themselves of their Indictments by Oath, though others were not; yet all of them were treated as alike guilty, which was another odd Step. And the Lords called them all again before them, and made a new Offer of the *Test* to them, as the only Way they would allow of, to clear their Innocency in the alledged Crimes, and by Threatnings, Promises and Importunity of Friends, not a few were prevailed upon, and the Number of Recusants was considerably lessened.

Such who stood their Ground, were afterwards one by one brought before the Lords, and examined by the Lord President of the Day, upon their Indictment, and the Commissioners presided *per vices*. The Pannel was still urged to take the *Test*, and when they refused, tho' many of them were ready to clear themselves by Oath of the Particulars libelled, this was



1684.

not allowed, but they were committed Prisoners to the Room in the Tolbooth of *Air*, called the Council-house.

This Room was perfectly crowded, and the Gentlemen had no other Shift for several Nights, but to ly there, with their Clothes on, upon some Sort of Beds on the Floor, brought in to them by their Friends. But in the Day-time their Lodging was yet worse, for the Season being cold, and the Pannels Number leined, the Lords met in the Council-chamber where there was a Fire, and the Gentlemen were turned out to the cold common Prison, among a rascally Multitude of Soldiers and others. And there the Gentlemen would have sometimes been to benumbed with Cold, that when they offered to write, their Hands would not serve them; yea, just above them was a large common Room, where Multitudes of the meaner Country People were so crowded together that they had not Room to ease Nature but as they stood, and the Nastiness came down upon these below.

When by all those Hardships for several Days, the Lords found none of them would be forced to swear an Oath they reckoned self-contradictory, they at length were pleased to dismiss them upon exorbitant Bail, above the Value of their Estates, to appear at *Edinburgh* when called. I have no Accounts of any Cefs offered by the Heritors of this Shire.

Procedure  
against the  
indulged Mi-  
nisters;

Before this Court all the Presbyterian Ministers in the Shire of *Air* were called, who in the former Years had been indulged, or were preaching sometimes with their indulged Brethren, and the *Test* was offered to them, which, I need not add, they refused. Upon this they were ordered to bind themselves, that they should exercise no Part of their ministerial Function, until the King and Council gave them Allowance. One or Two, as my Information bears, had Clearness to come under that Obligation, and were dismissed; but all the rest peremptorily refused such a Tie, as a subjugating the Ministry they received of the Lord, to the King, and they were sent to the *Bass*, and other Prisons, where they endured no small Hardships, of which I am sorry I can give no particular Account. Thus a clear House was made of Presbyterian Ministers in the *West*, and the orthodox Clergy were for some Time delivered of those Eye-sores. And this Year also a good Number of the best, and most conscientious of the Episcopal Clergy, were turned out of their Charges for refusing the *Test*.

Against the  
Commons.

The Lords Commissioners, by themselves and their Substitutes dealt much with many of the Country People to take the *Test*, and erected a Gibbet at the Cross to frighten them, and pointing to it, would say, *Tonder Tree will make you take the Test*. At this same rate they used to terrify young Gentlemen. One Day the Earl of *Mar*, when going by the Cross, pointed to the Gibbet, and said to a young Gentleman yet alive, from whom I have it, a Refusant, *Will not that shake your Resolution? No, my Lord*, answered the other, *If I am to be hanged, I expect so much Advantage by my Birth and Quality, as to hang at the Cross of Edinburgh, and twixt this and Edinburgh I may think what to do*.

As to the common Sort, I am told they followed much the same Methods used at *Dumfries*. All who were blamed for Refet and Converse, behoved to take the *Test* immediately, or go to Prison. They were likewise taken obliged to raise the Hue and Cry against all suspect Persons.

I find in one written Account of the Procedure of this Court, and it seems agreeable to their Instructions, that they passed an Act, discharging all to go out of their own Parish, without their Minister's Testimonial, by way of Pass; and all who wanted this were to be seized and imprisoned. The same Information bears, that they discharged being at Field-conventicles upon Pain of Death, and extended the Act against House-conventicles, making that one, where there were Two more than the Family: But 'tis certain, they took up Rolls of all who kept not the Church, and charged all to be regular under the highest Pains, and put all whom they had cited, and were absent, to the Horn, and forfeited some, and filled all the Prisons up and down the Country with such as refused the *Test*.

Major Buntin  
disarmed, and  
others.

And to end this general Account, the Lords, before they left the Shire, disarmed all such who refused the *Test*, not so much as leaving a Pistol or walking Sword. And many who were thus disarmed, were Gentlemen who had signalized themselves in the King's Service. Thus they treated that gallant as well as good Man, whose Memory is still savoury in the Shire of *Air*, Major *Buntin*. I am well informed, his Services were so great and well known to the King, that he recommended him to his Brother the Duke of *Tork* in a very particular Manner, when he came down to *Scotland*, as one he had a particular Regard unto. And if this good Man could have gone along with the Courses of this Time, I know he might have had some of the highest Posts in the Army. And yet so insolent were those Commissioners, that his very walking Sword, and a pretty Carabin he used to divert himself with, were taken from him, though this Gentleman had never taken the *Tender*, or in the least quitted the King's Interests, when he was at his lowest; and my Lord *Livingstone's* Page had this Sword given him, and wore it publickly in the Streets. That gallant Gentleman Captain *Hamilton* of *Ladylands*, who afterwards died in Defence of his Country against the *French*, was disarmed, and many others.

I shall end the Account of the Procedure of the Commissioners at *Air*, with Two Instances of particular Severities, the one of a Sentence of Death, and the other of Fining and Banishment.



ment. The first is a very affecting Proof of the Spirit of this Time. A poor Country Man was charged with being at *Bothwell*; the Account of whose Trial I have from the forementioned Person of Honour who was present. Before passing Sentence, the Lord *Livingstone* President that Day, told him, If he would answer one Question the Sentence should not be pronounced, and it was, *Do you own the King's Authority, or not?* The Man answered very distinctly, *My Lord, I do own the King's Authority so far as he acts by, and it is grounded on the Word of God.* The President said again, *I ask thee, Man, dost thou own the Authority of King Charles II. yea or no?* To which he replied again, *I do own the Authority of King Charles II. as he acts conform to the Word of God, and grounds his Power thereupon.* The Question was several Times repeated, but the honest Man would give no other Answer; and so the Sentence passed, and he was ordered in a few Hours to be hanged at the Cross of *Air*. At the Intercession of some Ladies, indeed the poor Man was reprieved, and carried in to *Edinburgh*.

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But it must appear horrid in a Protestant Country, or among Christians who own the Bible, to hear of a Sentence of Death passed upon a Person in open Court, and after Deliberation, plainly importing an Exemption of Sovereigns in their Actings, from Conformity to the Word of God, and supposing a Power in them beyond, and without any Foundation of a divine Law.

The other Instance I give, is of that singular Person I have mentioned more than once before. *Quintin Dick*, Feuar in *Dal'mellingtoun*; and I give it from his own Papers. After a considerable Struggle whether to appear or not, he at length determined with himself to obey the Citation, lest his Non-ompearance should be reckoned Contempt of Authority, and he guilty of the Things laid to his Charge, or a Favourer of the wild Principles and Practices some of the Sufferers were falling into. When he compeared he had a Libel given him, upon which he was interrogate next Day, when, being asked if he conversed with Rebels, he answered, he withstood the Rising at *Bothwell*, as much as he could in his Station, but after they were broke he supplied the Party with Meat and Drink. Being required to swear upon the alleged treasonable Positions, he said, Rising in Arms upon Self-defence, and entering into Leagues and Covenants without the Consent of the Magistrate, were Points controverted among Divines and Lawyers, and he could not take upon him by Oath to determine them. And being required to take the Oath of Allegiance, he declared, he owned the King's Authority in Things Civil, and was ready to swear it, but Supremacy in Things Ecclesiastical was such an Usurpation upon *Christ's* Kingdom, that he was a better Friend to the King than to wish him it.

Treatment of  
Quintin Dick by  
this Circuit.

Whereupon the Lords passed the following Sentence upon him. '*Quintin Dick in Dal-mellingtoun* being found guilty of Converse with the Rebels, of refusing to depone upon the treasonable Positions, and refusing to swear the Oath of Allegiance, is fined in a Thousand Pounds *Sterling*, and banished to the Plantations in *America*.' There follow in his Papers several judicious and solid Remarks upon this Sentence, too long to be insert. He observes, That as to his Converse with Rebels, none were named in his Indictment, and they had no Ground for it, but by his own Acknowledgment that he had charitably supplied some of the fleeing Party with Meat when fainting, and if there was any Thing in the Law contrary to this, 'tis superseded by God's plain Command. As to his refusing to swear upon the treasonable Positions, he declares he hath much Peace in it, and durst not by an Oath condemn the Practice of our worthy Ancestors and many others. And as to the Allegiance, he thinks no Law obliged him to take it, and he could not swear the Supremacy now joyned with it, being perswaded, that the Church of *Christ* hath a Government in Ecclesiastical Matters, independent upon any Monarchy in the World, and that there are several Cases, which no way come under the King's Cognizance.

Upon the Back of this Sentence, all his moveable Goods were immediately seized, as appears by a Commission, to *Robert Crawford* and *John Speed* Messengers, by the Lords, to inventory with them, and an Assignment of them at the Value of Two hundred and seventy six Pounds *Scots*, yet remaining. This good Man's House at *Dal'mellingtoun*, was set apart for a publick Guard-house, for the Soldiers to keep Guard in as they went and came from *Galloway*.

He was himself immediately cast into one of the most noisom Holes in the Prison, with Thieves and Murderers; and he notices, in very moving Expressions, and with many suitable Applications of Passages of Scripture, to the Praise of God, and Support of other Sufferers, that notwithstanding of Age and Infirmary, and the Stink and Filth of the Place, and their Crowd, so that they could scarce get standing, and Multitudes of inexpressible Hardships, he was not only born through, but could glory in Tribulation, and say, Patience was wrought, and Experience, and Hope, and the Love of God shed abroad, and he had a Hundred-fold even in this Life, beyond what the World could afford.

After that he continued to be led from one Place to another, from *Munday* to *Saturday's* Night, when about Seven of the Clock he was put into the Guard, and carried on the Sabbath-day to *Glasgow*, and thence to *Edinburgh*, where he disclaimed the Society People's Declaration

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of



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of War, before the Council, and was examined by them upon the very same Points upon which his Sentence at *Air* run, and had the *Test* offered him, which he peremptorily refused. He remarks, that he was sweetly supported of God, and much refreshed by the Company of many worthy Gentlemen in the Prison; and as the Sufferings of Christ grew, so Comforts abounded by Christ. Thus he continued in Prison till he was sent to *Dunnotter* next Year.

This knowing and judicious Christian, with a great deal of Caution and Exactness states the Grounds of his Sufferings; and if the Reader find as much Pleasure, as I have done, in this extraordinary Country Man's Account of Matters, he will not grudge to read the State he made of Things before he came to the Court at *Air*, in his own Words, though considerably shortened.

He remarks, 'That our Rulers from one Step to another, had pushed their Opposition to the Presbyterian Establishment; that in *October* 1684. they would allow no Presbyterian Minister to preach publicly or privately, and were now come to press Bonds and Tests, disclaiming all owning of Presbytery, and binding to an intire Subjection to Prelacy, and would oblige every one to search for and apprehend all who favoured that Way, till they were utterly extinguished. For those Ends the Court met at *Air* at this Time.'

'Now, says he, this Conformity to Prelacy so strongly urged, was brought to every Man's Door. The most painful of Deaths was more to be desired than Imprisonment now, because of the Throng and Nastiness of the Place, the dreadful Company there; and particularly we were abandoned by Friends who found Clearness to make Compliances. The Forethoughts of these upon the one Hand, and the Fears of quitting in the least Scotland's Work of Reformation, brought me to a Choke.'

'Upon the one Hand, Disobedience to the Law laboured under the Reproach of alledged Schism and Separation from the Church, affected Vanity, Singularity, Bigotry, wilful Wickedness to a Party, and Contempt of civil Authority, and, if Magistrates would, might be followed with utter Ruin; and if I should conform, I could not free my self from the Charge of backsliding Apostacy, and abandoning the Interests of Christ, and rebuilding what in my Place and Station I was called and covenanted to destroy. In a Word, I would be guilty of quitting an Ordinance of Christ for an human Invention.'

'Many Things darkened my Case, and heightened my Grief. The grievous Divisions fallen in among the Presbyterian Party, some of them being for no preaching without the Magistrate's Allowance, others for Ministers following their Calling and Commission from Christ at all Hazards, and a few who stated themselves against all who would not come to their Heights, in declining Authority to the Reproach of Nonconformity, so that Enemies represent all Presbyterians as of those wild Principles. This was one of the bitterest Parts of my Cup.'

'But knowing that the Devil is now aloft in *Scotland* upon the one Hand and other, to ruin the Presbyterian Interest, and Cause of Reformation, I found it my Duty to bear my Witness for it. Under this Design it was a new Damp to me, that a great many one Way or other, after *Scotland* had attained such Lengths of Reformation, have owned the Ministry of the Prelatists, and joyn with them in Ordinances.'

'And now being necessitate to choose in this Case, and either own Prelatists as lawful Ministers of this Church, or give a Reason why I cannot, in all Humility and Fear of God, without the least Design of reflecting upon such who have Freedom to comply, I give those Reasons following.'

'But in respect of the woful Mistakes the Difficulties of the Time hath rendred Presbyterians and every Thing of this Nature liable to, I take Liberty in the first Place to declare my Judgment, anent that precious Ordinance of Magistracy and civil Government. I own and avow Magistracy as God's Ordinance appointed in his Word; and particularly, I own King *Charles II.* as my lawful King, and sole Monarch of those Realms, acknowledging all lawful Obedience and Subjection to him in the Lord, and disclaiming all and whatsoever Attempts against his Royal Person, and all Libels favouring of Contempt of his Authority.' But,

'In the next Place, I must, in all Humility, and with due Reverence to Authority, say, that I cannot give the active Obedience required by Act of Parliament, anent owning and receiving of Prelatical Preachers, as the lawful Ministers of the Church of *Scotland*; and that because I stand under an Obligation before God and the World, to bear my Witness for Presbytery, in Opposition to Prelacy; and in respect I can by no Distinction reconcile hearing and receiving Ordinances, at the Hands of sworn and avowed Prelatists, with the Allegiance I ow before God, for Presbytery; I cannot, without violenting my own Light, hear or own Prelatists as the lawful Ministers of the Church of *Scotland*, and my Reasons are.'

'Our Lord *Jesus Christ*, the supreme and only Head and Lawgiver in his Church, did appoint, in the Person of his Apostles, a perpetual Ministry in his Church, the Sum of whose Charge is both severally and joynly to take care, and oversee and feed the Church of God, and



and the chief Part and Duty of such Office is to preach, teach, and consequently rebuke, reprove, exhort, remit, and retain, bind and loose; in which Things the Heads both of Doctrine and Discipline, with their immediate Power and Warrant from Jesus Christ, are clearly held out independent upon any civil Power upon Earth, and to be exercised by a Parity among themselves, our Lord himself peremptorily prohibiting all lordly Domination amongst them, which accordingly his faithful Apostles and Ministers practised during their Time, and left it so to the World's End by their Example. 2dly. This Church-government being a Trust committed to the Ministers of Christ, as well as the preaching of the Word, and so an Ordinance of Jesus Christ, is no more to be yielded than any Truth of God. 3dly. Presbytery from Scotland's first Delivery from the Tyranny of Rome, has been the due Right of that Nation, and has therein been exercised by the sent Ministers of Christ in Parity, and recognised by the King and Law, except some Intrusions Prelacy has unjustly made upon its Rights. 4thly. Prelacy was brought to a judicial Trial by the Judicatories of this Church, and found an human Invention void of any Warrant from God's Word, and accordingly sentenced and cast out of this Church, and thereafter this was ratified by Act of Parliament. 5thly. The whole Kingdom in the full Persuasion of Presbytery's Right, and Prelacy's Tyranny and Usurpation, became solemnly sworn for the Maintenance of the one, and Extirpation of the other, ilk Man in his Place and Calling. Now, under these Circumstances I can by no Means reconcile the Compliance required by Law, with the Allegiance I owe before God and Man for Presbytery. This may suffice for this excellent Man, and I shall say no more as to the Court at *Air*.

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Let us now come Eastward to the Court held at *Glasgow*, where were present the Duke of *Hamilton*, the Lord *Lundin*, afterwards Earl of *Melford*, Secretary, and the Lord *Collington* Justice-clerk. So large Accounts have been given of the Two former Districts, that I shall pass many Things here wherein there was a Coincidency.

Circuit at Glasgow.

Upon the 14 of *October* they met. To that Day, we find, *Stirling* Shire Heritors were cited, and, I suppose, their Meeting was opened with a Sermon, as the Sessions are in *England*; at least there is before me in Print a Sermon preached before them at *Glasgow*, and dedicated to them by *Alexander Ross* D. D. and Professor of Theology at *Glasgow*.

Doctor Ross his Sermon before them.

We have not many Instances of this Nature, and the Reader, it may be, may desire some Account of a Sermon at such an Occasion, and published by the Command of the Justices. The Dedication gives us the Professor's Testimonial to the Judges, and his Account of their Actings in this Court, 'That their incomparable Zeal and Dexterity, whereby they manage the Court, was incredibly to the Advantage of a decayed Religion and Loyalty in that Corner.' His Text was *Acts* 26. 28. *Thou almost persuadest me to be a Christian*: But if the Professor hath preached as he hath printed, which no Body will question, I may apply *Cowley's* Character.

Remarks upon it.

'He reads his Text, and takes his Leave of it.'

And without offering at any Thing explicatory or textual, he lays down this Scheme, which, how well it agrees with Mr. *Cowley's* Character, the Reader will judge. 'I will, says he, 1st. shew the different Parties of our divided *Zion*. 2dly. The Malignancy of the National Sin of Schism. 3dly. The Necessity of Episcopacy for supporting the main Concerns of Christianity. Lastly, The Application.' One cannot help thinking he might fully as well have chosen *Gen.* 1. 1. for a Text for this Subject.

Indeed to those he premises a general Account of Christianity, as he calls it, that he might have a Hit at the disfigured Faces, and hideous Tones of some People, and ever Body knew whom he would have been at; and them he charges with being the Occasions of the Nation's heavy Taxes, and paints them out as the Authors of all the Confusions, Rebellions, Atrocities, and daily Tumults in this Kingdom; and after a great many ill Names of the Declarations at *Sanquhar*, *Rutherglen*, &c. he gives a broad Innuendo upon the Reformation, complaining, that the Nation lies under the Reproach of ruined Cathedrals, and metropolitical Sees; and then in his deep Oratory, descants upon *Bishop Sharp's* Monument: and after some dry Satyr upon the remaining Inclinations of so many towards Presbytery, he handles the Evil of the Sin of Schism, and by some Thread-bare Arguments, a Hundred Times answered, the Doctor endeavours to shew the Usefulness of Episcopacy to remove Schism, Heat, and many ill Things in the Church of *Scotland*, since her Reformation by Presbyters.

And for Application, after he hath taken Notice how unsuitable it is for an evangelical Pastor to whet the Sword of Justice, and press Severities, he comes gravely to tell the Judges, that they will be justified in whatever severe Methods they find proper, by the Malignancy of the present Schism, and the Inveteracy of the Distemper; and presses them to take the harshest Ways with such as threaten the very Extinction of Christianity; and concludes with acquainting them, the Church is like to suffer more from her present Enemies, than ever she did from *Nero* and *Dioclesian*.

I wish, by this Time, the Reader be not outwearied with this fulsom Account. Here the native Spirit of the orthodox Clergy breathes freely; and after he hath painted out the persecuted



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secuted Party and Presbyterians, in the most odious Colours, and when he hath wiped his Mouth, and condemned himself in what follows, he plainly hounds out the Judges to whom Severities, and tells them, tho' they come the Length of Persecution, it is no more than the Schismaticks deserve, being worse than *Nero* and *Dioclesian*.

After the teaching and breathing out so much Cruelty and Severity, in so publick a Manner, I wish, for their own sakes at least, the Prelatick Party would be a little less clamorous upon the Extremities and Excesses some few of the Sufferers were at this Time driven to, by the Oppression thus preached up upon them.

Address of the  
Heritors of the  
Shire of *Stirling*.

We heard, in the Beginning of this Section, that the Shire of *Stirling* was adjoined to this District. Accordingly, the Heritors of this loyal Shire attend, and give in the following Petition or Address.

*Unto the Honourable Lords Commissioners of His Majesty's honourable Privy Council,  
The humble Address of the Heritors of the Sheriffdom of Stirling, convened by your  
Lordships Warrant,*

*Sheweth,*

‘**T**hat whereas your Lordships were pleased to ordain us to convene among our selves, to consider what Course we should propose or suggest, for securing the Peace and Order of the Country; in obedience thereunto we convened, and having considered your Lordships Proposals, we find our selves so much obliged, in Duty and Conscience, to obey his sacred Majesty and Government, and those entrusted by his Majesty therein, as we would not presume to make our Propositions, except in so far as we do all unanimously declare our utmost, dutiful, and absolute Submission to, and Compliance with his Majesty's Authority and Government, as it is now established, and our utmost Detestation and Abhorrency of all Rebellion, rebellious Practices and Principles, Assistance thereof, Connivance therewith, or whatever may tend thereunto; and that we are willing at all Times, and by all Means in our Power, to witness the same with our Lives and Fortunes, and that we are and shall be ambitious of all Occasions and Opportunities, by which we may express the same; and of which, we humbly presume, we gave such Testimony, as we could, in the Time of the late rebellious Insurrection, when none of our Heritors of any Value was absent from his Majesty's Host, and our Militia Regiment of Foot, in as good Order as most of the Kingdom, in obedience to his Majesty's Commands, fitted themselves at *Stirling*, to do their utmost in his Majesty's Service. Nor can it be instanced at any Time, that any Shire in *Scotland* has been more forward and ready, according to their Power, in his Majesty's Service, than we have been. And tho', in the late Rebellion, a very few inconsiderable Persons, never looked on as Gentlemen in our Bounds, followed the Rebels; we humbly expect, from the Justice and Clemency of his sacred Majesty, and the Government, that their Fault, so much abhorred by us, should not be imputed to us.’

‘Whence, we cannot conceal from your Lordships, the Grief and Anxiety of our Minds, in being now classed and ranked with the other Places of the Country, chief Actors in, and Compilers with the late Rebellion, and other Disorders, who were long since out of their just Jealousy of their Disaffection to the Government, disarmed by publick Authority. But having a deep Sense of our Duty to our sacred Sovereign, his Authority and Government, and of his sacred Majesty's Benignity and Favour to his loyal Subjects; and also considering our own Innocence, and good Affection to his Majesty and all his Concerns, we all declare our selves ready and willing, for further securing the Peace of the Kingdom, and strengthening his Majesty's Government, to contribute, in all Submission and Humility, in the Supply of Three Months Cess yearly, for Two Years ensuing, to be paid at *Martimas* and *Whitsunday* next, by equal Portions, over and above the Supply granted by the current Parliament, with the Charge of standing Militia, Horse and Foot, or any other Supply in our Power, to his Majesty's Government, that may not import on us a Mark of Distinction from others his Majesty's most dutiful, most loyal, and affectionate Subjects; and we promise to attend Ordinances dispensed in our Parish Churches, notwithstanding of the Latitude given by the Acts of Parliament every Sunday, so far as Possibility and Conveniency can allow, and our Absence shall neither be wilful nor contumacious.’

‘In which Terms, we humbly expect, that this our cheerful Offer shall not be understood as extorted from us, out of any Sense of Hazard we apprehend our selves in for Delinquency. And we humbly, cheerfully, and heartily offer our Support and Concourse to his Majesty's Government, and Quiet in the Country, in Manner foresaid.’



I doubt not but this Address, intermixed as it is with a Vindication of themselves, was well received by the Lords. I find nothing of such Offers from *Lanerk, Renfrew, and Dumbarton*; and ere I leave this Head of the Offers made by the Shires, it may not be unfit to observe, that the Council, by their Act *December 3.* this Year, 'restrickt the Offers made by the Shires, to Three Months Cess, till they further consider them, and appoint them to be paid all within a Year, because they say the Parliament is shortly to meet.' Whether they extend this Three Months Cess over the whole Nation, or restricted it to the Shires named, I know not, but 'tis plain they inclined to have it all, and as soon among their Hands as might be.

The Lords Commissioners at *Glasgow*, likewise had a Bond of Regularity delivered in to them by the *Stirling* Shire Gentlemen, signed by their Hands, which deserves a Room here, and it contains an obligatory Clause for the offered Cess.

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Bond of Regularity offered by them.

*Bond for Regularity, signed by the Shire of Stirling, October, 1684.*

WE Undersubscribers Noblemen, Heritors, and others, within the Shire of *Stirling*, for testifying our deep Sense of Duty to our most sacred Sovereign the King's most excellent Majesty, and from our Abhorrence of Rebellion, and rebellious Principles, Irregularities and Disorders, and to evidence our firm and constant Resolutions to adhere to his Majesty, his Heirs and lawful Successors their Interests, and to contribute our utmost Endeavours to imploy our Lives and Fortunes for his Security, and the Peace of the Government, and the Extirpation of every Thing that may tend to the disturbing thereof, bind and oblige us, and ilk one of us, for our selves, our Families, Tenants, Subtenants, Cottars, and Servants, that we and they shall live regularly and orderly, according to the Act of Parliament, and shall not connive at any Disorder, but, to the utmost of our Power, shall repress the same, by taking and delivering the Offenders to Justice, if in our Power, and shall give timely Notice to the next Magistrate or Officer of his Majesty's Forces, and shall assist and concur with them, for taking, apprehending any Fugitives, vagrant Preachers, or such as reset, assist, or maintain any such; and that we shall not harbour, reset, or maintain any Rebels, Fugitives, or intercommuned Persons, nor suffer any such to be upon our Grounds or Estates. And further we, and ilk one of us, bind and oblige for our selves, our Families, Tenants, Subtenants, and Cottars, duly and orderly, and ilk Sunday to frequent our own Parish Churches, unless we have a reasonable Excuse to impede us therefrom; and shall partake of the holy Sacrament of the Lord's Supper, whenever the Occasion offers, unless we be able to give Satisfaction to our Ministers, of our present Unfitness to partake of that holy Ordinance. And such of our Tenants, Cottars, and Servants, as live upon our Lands and Heritages, as shall refuse to partake of that holy Sacrament, without a reasonable Excuse to satisfy their Minister, as said is, and shall be complained of to us by our Ministers, we shall deliver up their Persons to the ordinary Magistrates, to be punished according to Law, if in our Power, or shall remove them from off our Lands and Heritages; and that we shall not baptize or marry but with our own Parish Ministers, without their Allowance: And we bind and oblige us, and ilk one of us, to perform the Premises, and every Part thereof, under the Pains and Penalties due to such Crimes as we shall connive at. And we shall behave our selves as loyal and faithful Subjects, by declaring and discovering what may tend to the Disquiet of the Kingdom, or Disturbance of the Peace thereof, any Manner of Way; and that we shall not rise in Arms against his Majesty or his Authority, or his Heirs and lawful Successors, but shall defend the same with our Lives and Fortunes. And as a further Evidence of our Loyalty and Sincerity in the Premises, we hereby bind and oblige our selves, our Heirs and Successors, to pay in to his Majesty's Treasury, or any who shall be appointed to receive the same, for his Majesty's Use, Three Months Cess yearly, over and above the Cess imposed by the current Parliament, and that for Two Years, payable at Two Terms in the Year, *Martinmas* and *Whitsunday*, by equal Portions, beginning the first Term's Payment, being a Month and an half Month's Cess, at the Term of *Martinmas* next, and so forth to be continued termly, ay and while the Expiration of the said Two Years. And we are content and consent, that all Diligence pass against us, for inbringing thereof, as may pass against us for the Cess imposed by the said Parliament. In Testimony whereof, &c.

Nothing can be more extensive than this Bond of Regularity, and it reached farther than any Paper of this Nature I have seen, and effectually secured the Payment of the Cess, and the carrying on the Persecution in this Shire, the Two great Things the Lords had in View. Whether such Bonds were signed in the other Districts, I know not, but 'tis not improbable that the same Method was followed through them all.



1684.

Procedure of  
this Circuit a-  
gainst particu-  
lar Persons.

I should now come forward to the particular Instances of their Severity at *Glasgow*; their chief Work was among the Heritors in *Renfrew* and *Lanerk*, and good Numbers of them by no Means could be brought up to take the *Test*, and their Treatment of them will come in upon the succeeding *Section*, so that my Work will very much shorten here.

The Persons delated by the Curates and their Elders, as we have heard, in every Parish within this District, were called, and such Heritors who refused the *Test*, and others who declined taking the Bond of Regularity, were imprisoned. Instances in every Parish could be given, but they would be endless; and therefore I shall point but at a Hint or Two in every Shire.

In *Lanerk* Shire, from the Parish of *Evandale*, I find about Thirty six of the common Sort imprisoned at *Glasgow* for refusing the *Test* and Bond, which by no Law they were obliged to take: Their Names before me would take up too much Room; and this besides the Four Gentlemen from that Place, imprisoned with the others who fall in next *Section*, *Netherfield*, *Overtoun*, *Browncastle*, and *Bannantyne* of *Craigmuir*. Most Part of the common People continued in Prison at *Glasgow* and other Places, upwards of Half a Year, and many of them were sent to *Dunotter*, *Blackness*, and other Places.

From the Parish of *Cannethan*, the Two forementioned Gentlemen, *Allantoun* and *Hartwood*, with good Numbers of the common Sort, appeared before this Court. The Gentlemen refusing the *Test* were remitted to *Edinburgh*, and had their Share, with the rest to be mentioned, of Sixteen Months Imprisonment, to the great Hazard of their Health, and Prejudice to their Estates. Their Rents were all arrested, as was done, I think, unto all the Gentlemen in Prison, by which their Families were reduced to Straits great enough.

William Dalziel  
of West Redmire  
dies in Prison.

*William Dalziel* of *West Redmire*, in the same Parish, upon his refusing the *Test*, was made a close Prisoner in *Glasgow* Tolbooth, and, through the Hardships he underwent there, in a little Time he died. No Moyer could prevail to get him out of Prison during his Illness; and when dead, it was with great Difficulty that his Friends were allowed to carry his Body to the Sepulchres of his Fathers in *Cannethan* Church-yard.

Informations before me bear, That Two Hundred of the smaller Heritors, belonging to the District of *Glasgow*, were, for refusing the *Test* and Bond, banished to the Plantations. The greater Heritors were remitted to *Edinburgh*, and, as we shall hear, received Indictments as to Converse, Reset, and relieving the Sufferers, and Church Disorders: All which were referred to their Oath for Probation; and they fined above the Value of their Estates.

I find, that the rude Soldiers haled several sick and weakly Women in to *Glasgow* at this Time, for their not hearing of Conformists, some whereof died in a few Days after they were put in Prison, such as *Agnes Livingstone* in *Kippen* Parish.

Treatment of  
some Heritors  
in Lochwinnoch.

I shall end this Account of the Treatment of suffering Presbyterians at this Time, with an attested Narrative of some very honest People in the Parish of *Lochwinnoch*, who were banished by the Lords, and most barbarously treated after Sentence, much in the Words of the Sufferers, some of whom are yet alive attesting this. They observe, that a little before the Lords came to *Glasgow*, a Sabbath or Two, *John Marshal* Sheriff-officer, made Intimation at the Church-door of *Lochwinnoch*, That all Heritors, how mean soever, should appear before the Lords. The Persons underwritten and others, accordingly went into *Glasgow*, and waited several Days before they were called; and yet some of the Company were so poor, that they had scarce whereon to sustain themselves.

At length they were called, and, as they answered to their Names, the *Test* and Bond of Regulation was put to them, and the Oath of Allegiance with the Supremacy intermixed with it. Upon their Refusal to swear, and to sign, they were cast into Prison, where they lay Twenty Days. The Throng was so great, that they could not ly down upon the Floor all at once, but did this by Turns. They were a second Time called before the Lords, who passed a Sentence of Banishment on them to the Plantations.

This, they say, they were very glad of, for they choosed Banishment rather than an Appearance before the Lords, where they knew the escaping of one Word would hazard their Lives. And, November 1. *Robert Orr* of *Millbank*, *James Allan* Portioner of *Keers*, *John Orr* of *Jamphreystock*, *James Ramsay* Portioner of *Auchinbow*, *John Orr* of *Hills*, *Robert Semple* of *Balgreen*, *William Orr* Portioner of *Keam*, and *Robert Blackburn* of *Lawristone*, these belonging to *Lochwinnoch*, and all of them Heritors, were carried in hard Frost and Snow to *Stirling* on Foot, with about Forty other Prisoners. There, though very weary, and without any Refreshment, they were forced into Three low Vaults, some Steps under Ground, without Fire or Light, or any thing to ly on, and no Place to ease Nature in, but the Corners of the Vaults.

Indeed they met with no small Kindness from some good People in the Town, who brought in Straw to them to ly on, and Coals for Fire, and some sent Meal and Money to them, which was a great Relief. They were made to believe, that very soon they were to be sent off to the Plantations, and accordingly they sent to their Friends in the West for some Money to take with them, which was sent as far as could be done in a short Warning. Whe-



Whether this was a Trick of the Soldiers, that they might finger any little Money they could get, I know not; but no sooner did it come up to them, but a Serjeant, named *John Downie*, in *Bell's* Company in *Mar's* Regiment, by Order, as he said, from the Earl, came to the Prison with a Party of Soldiers, with kindled Matches. The Town-officers who kept the Keys were caused open the Doors, and the Serjeant with the Soldiers went in and searched them, and took all their Money from them; from *Robert Blackburn*, Thirty seven Pounds, *Robert Semple* as much, *Robert Orr* Fifty Merks, *James Ramsay* Eighteen Pounds, *John Orr* Three Ducatoons, *John Orr* in *Hills* Eleven full Dollars. It is not minded what was taken from the rest of the Prisoners. 1684.

When the Soldiers were robbing them of their Money, the Prisoners earnestly begged they might leave them some small Part of it for their present Maintenance, and accordingly some little was given back to each, and the Soldiers left them, but came back within Half an Hour, and took it again; and though they should have starved, would not allow them to keep one Farthing.

They remained in *Stirling* till *May*, when they were taken out, and tied Two and Two with Cords, and sent in to the *Canongate*, where they lay some Time, and some of them were sent to *Dunottier*, where we shall afterward hear of their Hardships; and all this they with Multitudes of others endured, merely because they refused the *Test* and Bond, which by no Law could be forced upon them.

This may suffice for giving some View of those Council and Justiciary Circuit-courts, in *October* this Year.

## S E C T. VI.

*Of the exorbitant Fining and long Imprisonment of a considerable Number of Gentlemen after those Courts, November and December, 1684.*

When I was designing to have cast in the Accounts of these excellent Gentlemens Sufferings, with those last mentioned, they swelled so much upon my Hand, and the Circumstances seemed so singular, that I could not but think they merited a Section by themselves.

The Gentlemen whose singular Hardships I am entring upon, were, for Quality, peaceable Behaviour, good Sense, and singular Piety, behind none in the Nation. And they were the Remains (after many Deaths, and upwards of Twenty Years Severity) of those of their Rank in the West-country who had stood firm to the Presbyterian Interest; and yet had managed themselves with that Temper, Caution, and Prudence, as the Government could not reach them, till this Self-contradictory *Test* came about, and even that could not be legally forced upon them, and then cheerfully they chose the Reproach of *Christ*, and Affliction with the People of God. And when Matters came to be so stated, that they behoved either to suffer or sin, the Choice was easie. Their Reflexions on it since have been comfortable, and their Memory will be savoury, while the Hardships put upon them will remain a lasting Stain upon this Government.

Character of  
the Gentlemen  
at this Time  
fined.

Many of them, if not all, were before the Courts at *Dumfries*, *Air*, and *Glasgow*, and there upon sham Indictments, either sent Prisoners to *Edinburgh*, or obliged to find Bail in exorbitant Sums, above the real Value of their Estates, to appear there. In *November* they appeared, and were imprisoned, most of them fifteen Months, and some of them longer.

I am sorry, that, at this Distance of Time, I cannot so much as record all their Names; several from *Air* Shire and the South have not come to my Hand; but these following in and about this Time, were sometimes close Prisoners in the Tolbooth, and sometimes in the Castle of *Edinburgh*, and so harshly dealt with, that when some most momentous Affairs, and the Sicknes and Death of some of their nearest and dearest Relations, pleaded for a Week's Interval upon Bail for whatever Sums the Managers pleased, it could not be granted.

From the Shire of *Renfrew*, *Sir John Maxwell* of *Nether-pollock* Baronet, since the Revolution Privy Counsellor, and now for Twenty Years one of the Senators of the College of Justice, and during some Years Justice-clerk; the Lairds of *Craigend's* elder and younger, the Laird of *Douchal*, the Laird of *Fulwood*, *Zacharias Maxwell* of *Blawarthill* Brother to *Sir George Maxwell* of *Nether-pollock*, *Mr. James Pollock* of *Balgray*, *John Caldwell* of that ilk.

Their Names.

From the Shire of *Lanerk*, the Laird of *Allantoun*, the Laird of *Halraig*, since the Revolution one of the Senators of the College of Justice, *Mr. Andrew* (since *Sir Andrew*) *Kennedy*



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nedy of Clowburn, some Years Lord Conservator, the Laird of Overtoun, the Laird of Hartwood, James Young Chamberlain of Evandale, the Laird of Browncastle, Mr. John Bannantyne of Corehouse, since the Revolution Minister of Lanerk, Bannantyne of Craigmuir, and the Laird of Braidsholm.

From the Shire of Air, Sir James Montgomery of Skelmorly, Sir Adam Whiteford, Cunningham of Alben-yards, and several others not come to my Hand. From Dumfries and Galloway, Mr. Hugh Maxwell of Dalwintoun, and the Laird of Balmagechan. And whether it was at this Time or not precisely, I cannot say, but it was much upon the same score, that the following Gentlemen from the Merse, some of whom have been hinted at formerly, were exorbitantly fined, the Laird of Riddel, the Laird of Greenhead, the Laird of Chatto, the Lord Cranston, Sir William Scot of Harden, senior and junior, the Laird of Wall, with severals from other Places.

Their Case,  
and the true  
Reason of their  
Sufferings.

Let it be once for all observed, that if those worthy Gentlemen had had Throats wide enough for the *Test*, the taking of it would have purged them from all the Crimes charged upon them, contributing for *Argyle's* Supply charged only upon a few of them, Reset and Converse with Rebels (for actual joyning in the Rising was not pretended, many of them being with the King's Host, and all of them of known Loyalty) and Church Irregularities. But rather than take a contradictory Oath, they would all suffer to the utmost.

Their Case was in short this. They had been once and again in the porteous Rolls, and no Probation found against them, and their Diet deserted. Now they are charged with high Treason, as guilty of Reset and Converse with such as had been at *Pentland* or *Bothwell*, which was the Case of every Body in the West and South. They had no Probation against them but what would equally have levelled at all, and many of the Managers themselves, and therefore they would not proceed in a criminal Way with them except in *Douchal's* Case, but the Advocate restricted the Libel to an arbitrary Punishment, and passed from the capital Pains of Treason; and thus by the Letter above set down, impetrate from the King, the Heads of their Libel were referred to their Oath, and the *Test*, which could not be imposed on them, was offered to them, and upon their refusing to swear upon their Libel, and take the *Test*, they were fined above the Value of their Estates.

In a Word, they were a Set of worthy, pious and peaceable Presbyterian Gentlemen, who, for upward of Twenty Years, carried so loyally, as that they could be reached by no Law then in Being. The *Test* did not come to their Door by Act of Parliament, they being in no Places of Trust. The Managers, having felt the Sweet of former Forfeitures after *Pentland* and *Bothwell*, had a Mind for their Estates. The Gentlemen could not be reached that way, and yet *viis & modis* the Managers would be at them for their constant Regard to Presbyterians, and their good Estates; therefore Indictments and Libels are trump up against them, and the *Test* offered, which they knew they would never take, to keep the Prosecutors in some Countenance, and then, as disloyal and suspect Persons who would not take the *Test*, the Council fines them in prodigious Sums equal to a Forfeiture, and above the real Value of their Estates.

The Case of those worthy Sufferers being, generally speaking, much the same, it will be needless to narrate each of their Processes, and indeed I want distinct Narratives of several of them; I shall then give some Hints from the Council-registers, and original Papers some of them have been pleased to communicate with me, and from these the Reader will be in Case to form a Notion of the unaccountable and arbitrary Procedure of the Managers with all of them.

The Case of  
John Porterfield  
of Douchal.

And it may be proper to begin with that singularly pious and worthy Gentleman, John Porterfield of Douchal, whom I have before had Occasion to mention in the former Part of this Work; and I shall give a Narrative of his Persecution from the publick Registers, and some other original Papers.

November 20. I find the Council order the Advocate to insist against Porterfield of Douchal before the Justiciary, for high Treason, and they allow him Lawyers to plead. This Process against him, was to strike Terror in the rest of the Gentlemen, for they had no more against him that I can observe, than against some of the rest, and to bring them into their Measures. He is not brought before the Criminal Court till November 29. the Reason, I suppose, of the Delay was the Declaration of the Lords of Session, presently to be insert, which could not be got made up till this Time, and was so justly surprising, and made much Noise when it appeared. It seems his Sentence of Death was preconcerted before the Justiciary sat; for in the Council-registers, November 28. I find as follows, 'The Council recommends to the Lords of Justiciary to leave the Day and Place of Douchal's Execution to his Majesty.'

His Indictment  
Nov. 29.

November 29. John Porterfield of Douchal, is indicted for high Treason, Rebellion, and Reset and Converse with Rebels. 'In so far as he did not reveal Sir John Cochran's Proposal for Charity to the Earl of Argyle, and as he did converse with and reset his Brother Alexander Porterfield, forfeited for Accession to Pentland, and that he harboured George Holms, who had been at Bothwell, upon his Ground.' Those are the horrid Crimes this worthy Person must be brought under a Sentence for, which, when we have heard the Gentleman's Defences, no Body will reckon Crimes, far less capital ones:

With



With the Libel, the Advocate produces the Query he had proposed to the Lords of the Session, and the Solution of it signed by them, as the Judgment of the most eminent Lawyers to evince the Relevancy of that Part of the Indictment, which deserve a Room here, as what, 'tis to be hoped, none of their Successors upon that learned Bench, will ever find again; this being unto all unprejudiced People, at least *summum jus*, if not *summa injuria*. 1684.

Edinburgh, November 28. 1684.

The said Day anent a Query proposed by his Majesty's Advocate to the Lords of Council and Session, by Command of the Lords of the secret Committee.

It being Treason by the common Law and ours, to supply and comfort declared Traitors, and it being Treason by our Law to conceal Treason.

Queritur, Whether Sir John Cochran having asked of Porterfield of Douchal, who was not related to the late Earl of Argyle, the Sum of Fifty Pounds Sterling for the said Earl's Use, being a declared and notour Traitor, and Douchal not having revealed the same to his Majesty or his Officers, whereby the Prejudice that might have followed thereupon, might have been prevented, is not the foresaid concealing, and not revealing, Treason?

The Advocate's Query to the Lords of Session, upon Douchal's not revealing a Supply bought from him to the Earl of Argyle.

Geo. Mackenzie.

The Lords of Council and Session having considered the *facti species* proposed in the foresaid Query, it is their Judgment, that the concealing and not revealing in the Case foresaid, is Treason. Their Answer.

Perth Cancel.	Roger Hog,
David Falconar,	J. Wachop,
James Fowles,	A. Bernie,
J. Lockhart,	J. Stuart,
David Baifour,	P. Lyon,
James Fowles,	Geo. Mackenzie,
J. Seton,	Pat. Ogilvie,
J. Murray,	Geo. Nicolson.

In this Answer the whole of the Lords of the Justiciary (almost) Three or Four at least deliberately give their Judgment anent the chief Part of the Matter in debate in Douchal's Process; and it may be considered how far in Equity Persons who have already given Judgment, can give it over again. It is certain they could not but condemn the Gentleman, unless they should condemn what they themselves had signed under their Hands.

I have not observed the Debates of any Advocates in this Process, for indeed it was fruitless almost to reason upon a Matter already concluded upon. However, I shall here set down Douchal's own Thoughts of his Case, which he drew up at the Time, and, if I mistake not, gave in to the Court, and resumed it before the Assize; and it is as follows.

John Porterfield of Douchal, is indicted for Refet and Converse with his own Brother Alexander Porterfield of Quarreltoun, whereas the said Alexander being forfeited for his Accession to the Rebellion 1666. and his Estate being sold, and disposed by the Exchequer, the said Alexander after some Years did come and live peaceably within the Shire of Renfrew, and, long before the Time libelled, did go publickly to Kirk and Market, behaving himself as one of his Majesty's free Lieges, by conversing with his Majesty's Subjects of all Ranks, such as Privy Counsellors, the Sheriff of the Shire, and the Officers and Soldiers of his Majesty's Forces; so that private Subjects could not but conclude, he was indemnified, and his own Brother was not more to abstain from Converse with him, than those abovementioned, especially seeing he did compare before the ordinary Courts of Judicature, particularly the Sheriff Court of Renfrew, sometimes as Pursuer, sometimes as Defender in sundry Actions; yea, did actually compound with the Sheriff of the Shire, for a Fine of Irregularities in not keeping his own Parish-church, and received his Discharge for the same. Moreover, he did ordinarily frequent his own Parish-church, when there was a regular Incumbent, and frequently conversed with the said Minister; he was frequently invited, and present at most Part of the Burials within the Shire, where he had Access to converse with all Ranks, and repaired to Markets within and without the Shire; and lastly, did assist and help to settle the Soldiers in their Quarters and Localities, and did entertain them even at his own House.

Douchal's Defence.

As to the harbouring of George Holms, the plain Truth is, the said George went away without Arms, and returned so without being noticed; but so soon as I was informed that his Name was in the porteous Roll of the Court at Glasgow 1679. though he was neither Cottar, Tenant, or Servant to me, yet I caused his Father put him off my Ground. Thereafter he compounded, first with Kennoway the Donatar for his Moveables, and thereafter

with



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with the Sheriff-depute for his peaceable Living, at which Time he took the Bond of Regularity, and had a Testificate thereupon. Notwithstanding I would not entertain him, so that he listed himself a Soldier in the standing Forces. All which is offered to be proven?

As to the last Point of the Libel, the Truth is, Sir John Cochran did make a very overly Motion to me, for Fifty Pounds Sterling by way of Charity to the Earl of Argyle, which I refused; and in regard the Motion was proposed so trivially, I thought it not worthy to be communicate, nor could I prove it, had it been denied, neither in Construction of Law can it infer the Things libelled.

This plain and naked Representation of Douchal's Case, gives us a new View of the wretched Stretches now made to find Persons guilty, and could not but fully satisfy all disinterested Persons of the Gentleman's Innocence; but who can stand before Envy and Covetousness? therefore, notwithstanding of this fair stating of the Matter, the Lords give their Interlocutor as to the Relevancy.

Lords Interlocutor.

The Lords having considered the Libel pursued by his Majesty's Advocate, against John Porterfield of Douchal, find it relevant as 'tis libelled, viz. that he entertained, harboured, and reser on his Ground, George Holms a declared Fugitive for Treason, and conversed with and reser his Brother a forfeited Traitor; as also, that he concealed, or not revealed the treasonable Proposal made to him by Sir John Cochran, for Supply to the late Earl of Argyle, separatim to infer the Crime and Pains of Treason, and remit the same to the Knowledge of an Inquest?

When the Assize was called and sworn, the Advocate for Probation adduced the Pannel's judicial Confession, signed Edinburgh, November 17. 1684. 'The which Day John Porterfield of Douchal, confessed and acknowledged that Sir John Cochran of Ochiltree, some time in the Session, in the End of the Year 1682. or Beginning of the 1683. having met with him in the Burgh of Edinburgh, the said Sir John proposed to him to give Fifty Pounds Sterling for the Relief of the late Earl of Argyle, and that he refused to do the same. Consequently he told this Proposition to Craighends elder, and that Craighends had told him the like Proposal had been made to him.'

Porterfield.

And the said John Porterfield being again interrogate in the Presence of the Assize, if he had conversed with, harboured and reser his own Brother Alexander Porterfield, a forfeited Person, and also whether George Holms a Fugitive, had dwelt and resided upon his Ground, and if Sir John Cochran had made the Proposal to him mentioned in the Dittay, and that he had concealed the same from, and not revealed it to his Majesty's Privy Council, or others in Authority under the King, he declares, he had already told what was Fact in these Matters, and submitted to the King's Mercy, and intreats the Lords may represent his Case favourably.

Verdict of the Assize.

Thereupon the Assize withdrew, and soon brought in their Verdict. 'The Assize having chosen Sir John Dalmahoy their Chancellor, all in one Voice find the Pannel John Porterfield of Douchal guilty, by his own Confession, of conversing with, harbouring and reser Alexander Porterfield his Brother, a forfeited Person; as also for harbouring on his Ground George Holms a Fugitive; and likewise of concealing the Proposal made to him by Sir John Cochran, for supplying the late Earl of Argyle, a forfeited Traitor.'

John Dalmahoy.

Sentence.

Upon the Return of which the Lords, only Two are in the Sederunt, John Drummond of Lundy, and Lord Collingtoun Justice-clerk, that same Day pass the following Sentence. 'John Porterfield of Douchal, as being found guilty, by an Assize, of the Crimes of Treason mentioned in his Indictment, is decerned and adjudged to be executed to Death, demeaned as a Traitor, and to underly the Pains of Treason, and utter Punishment, appointed by the Laws of the Realm, at such a Time and Place, and in such a Manner, as the King's most excellent Majesty shall appoint; and ordain his Name, Fame, Memory, and Honours to be extinct, his Blood to be tainted, and his Arms to be riven forth and delete out of the Book of Arms, and thrown in his Face; so that his Posterity may never have Place, nor be able hereafter to bruik or enjoy any Honours, Offices, Titles, or Dignities within this Realm in Time coming, and to have forfeited, amitted and tint all and sundry his Lands, Heritages, Tacks, Steddings, Rooms, Possessions, Goods and Gear whatsoever pertaining to him, to our sovereign Lord's Use, and to remain with his Highness in Property. Which was pronounced for Doom.'

Douchal was most sedate and patient under his Trial, and bore all with a Christian Spirit. His Honour as a Gentleman, and Loyalty as a Subject, stood full and intire; his Conscience did not reproach him, all was peaceful within, and God smiled upon him. Thus nothing Men could do did ruffle him.

When



When he was to receive his Sentence of Forfeiture and Death, he was asked, as usual in some Cases, what he had to say, why it should not be pronounced. His Return was, 'My Lords, I have little to say, I pray the Lord may save the King whatever come of me.' Which shewed him to be a better Christian and Subject than such who persecuted him. 1684.

His Sentence drew Compassion and Tears from many of the Onlookers, to see so good, old, and innocent a Gentleman exposed to such Hardships for imaginary Crimes; yes, the hard Measure he met with was regretted by some Persons in the Government, after it was over; and I am well assured, that even Sir George Mackenzie used to cast the Blame of this Procedure on himself, and term *Douchal* My Lord Melford's Martyr.

And such was the Equity of those Times, that the very Person who was his Judge, had got a previous Promise of his Estate, which was in due Time made good; and July 1686. by the King's Gift the Earl of Melford was made Donatar to his personal and heritable Estate, so that he had more Reason than every Body to find him guilty.

Such Instances as this verify the black Character, a Person of Merit and Honour gives me of this Period. 'This was a Time when Stretches of obsolete Laws, Knights of the Poit, half or no Probation, malicious Informers, scandalous Rogues and Miscreants, were the Government's Tools to ruine Men of Estates, Honour and Principle.'

But the Lord hath reserved us for happier Times, and we have seen this Plot I am describing, against the Protestant Interest, unravelled, and these sanguinary Laws happily rescinded; and the Opinion given by the Lords of Session in this Gentleman's Case, and relative to others of his Fellow-sufferers, hath been since the Revolution solemnly declared contrary to Law in the Claim of Right; and this Sentence of Forfeiture, with the Act of Parliament *ex post facto*, ratifying the same next Year, was in a better Parliament rescinded, whereby in part Justice was done to this good Man and his Family.

But before this happy Turn came, *Douchal* was obliged to transact with the Earl of Melford, and give him sufficient Security for Fifty thousand Merks, and a Gratuity of an Hundred Guineas to his Lady; and the Half of the Sum was paid to him, though *Douchal* was his very near Cousin, of so little Weight now were the Ties of Blood and Friendship; but the Revolution happily prevented the Payment of the other Half.

Let me further remark, before I leave this excellent Gentleman, that the principal Informer against him was *John Maxwell* of Overmains, a near Relation and Neighbour of his own. This poor Man, after he had fallen into the Crimes of Adultery, and, I think, Murder too, could think upon no Method so proper to save his Life, and ingratiate himself with some in the Government, as to turn Informer, hoping thereby, as he himself afterwards confess, to share in the Plunder; but he was disappointed, and his Family is now pluckt up by the Roots.

Indeed I could give many Instances, if this Work were not already swelled exceedingly beyond the Bulk I designed, of the just Steps of holy and righteous Providence, punishing the Authors, Promoters, and Tools of this heavy Persecution I am describing. Very few of them have escaped remarkable Strokes in their Persons, Estates, Posterity, or Reputation; and Multitudes of them are now cast out of their Houses and Heritages, and they and theirs reduced to Beggary; others of them have fled the Sword of Justice, and wandered as Vagabonds in foreign Lands. The Case before us is an undeniable Instance of a just Retribution. The Family of *Douchal*, in this Period devoted to Destruction, at this Time are not only in Possession of their own paternal Estate, but by a Purchase have acquired the Estate of *John Maxwell* of Overmains.

I come now forward to give some Account of the rest of the Gentlemen who were dealt with in another Manner than *Douchal*, and in no ways terrified, by this rigorous Procedure against him, to quit their Principles; and standing their Ground were fined in Sums equal to a Forfeiture, without the Formality of a criminal Process, or Sentence of Death.

November 28. By the Council-books I find 'Warrant granted to cite Sir *John Maxwell* of *Pollock*, *Cunninghams* of *Craigends* elder and younger, *Poterfield* of *Fulwood*, *Caldwel* of that ilk, *Zacharias Maxwell* of *Blawarthill*, and Mr. *James Pollock* of *Balgray*, to appear before the Council upon the Second of December.' They had all given Bond at the Court at Glasgow in October, to compare at Edinburgh in November. I find November 20. by the Registers, *Fulwood* appears upon his Bond, and is ordered to be imprisoned. I observe none of the rest in the Registers till their Citation, but suppose they all compared and were imprisoned. Gentlemen in Renfrewshire cited before the Council Nov. 28.

I may well begin with the Lord *Pollock* as first in the Summons, a Gentleman of good Quality, and of a very old Family, as well as of shining Integrity, Probity and Piety. He is yet alive, and his own Modesty, and my Relation to him forbids me to say what I could and would of him. An Heart-regard for the Presbyterian Interest, as well as a bright Pattern of suffering for a good Conscience, was handed down to him by his excellent Father Sir *George Maxwell*, whose noble Example it is his Care most closely to follow. Case of Sir John Maxwell of Nether-pollock.

My Lord *Pollock* had before this met with many smaller Attacks from the Sheriff-depute, for Irregularities Ecclesiastical, and keeping suffering Ministers in his House. We have heard



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heard of his being put in the porteous Rolls, and of his Imprisonment and other Trouble he was brought unto, till his Diet was deserted *simpliciter*. And yet for the very same old pretended Crimes of Refet and Converse, for no other Thing could be charged against him, upon his refusing to swear upon his Libel, and declining the taking of the *Test*, the Council fine him in the swingeing Sum of Eight thousand Pounds *Sterling*; and he refusing to pay this extravagant and arbitrary Fine, continued Sixteen Months in close Prison. Afterwards he got a Composition made, and paid a great Sum, and gave Bond for a greater, and was at vast Charges before Matters could be brought even this length.

Decreet against  
him and  
others cited  
with him.

This will best appear from the Council's Decreet passed upon him, and the rest of the Gentlemen cited with him *December 2.* this Year; and that Sentence of the Council is so exorbitant that it deserves a Place in the Body of this History, and follows from the Registers.

*Decreet against Sir John Maxwel, the Lairds of Craigends, and others, December 2.*

1684.

**A**Nent our Sovereign Lord's Letters raised at the Instance of Sir George Mackenzie of *Rosehaugh*, Knight, his Majesty's Advocate for his Highness's Interest in the Matter underwritten; mentioning, that where, albeit by the Laws and Acts of Parliament of this Kingdom (they need not be resumed) the keeping and being present at House or Field-conventicles, and the withdrawing from the publick Ordinances in their own Parish-churches, and the baptizing Children, and marrying disorderly and contrary unto the established Government and Laws, be expressly prohibited and discharged under the particular Pains and Penalties therein contained; likeas, albeit according to the common Laws and Acts of Parliament in this Kingdom, the harbouring and hounding out, refetting, entertaining, corresponding and intercommunig with Rebels, Traitors and disorderly Persons, the furnishing of them with Meat, Drink, Money, and other Provisions, the contributing of Money to Rebels, Fugitives, forfeited or intercommuned Persons, the hearing of seditious and treasonable Speeches, and not revealing the same, the seeing of Rebels and Fugitives in Arms or otherwise, and not discovering them, and not giving timeous Advertisement thereof to his Majesty's Magistrates, or Officers of his Forces, that they may be brought to condign Punishment, be Crimes of an high Nature, and severely punishable.

Nevertheless it is of Verity, that the Persons underwritten, Sir John Maxwel of *Netherpollock*, Alexander Cuninghame elder of *Craigends*, and William Cuninghame younger thereof, John Caldwell of that ilk, Zacharias Maxwel Portioner of *Blawarthill*, Alexander Porterfield of *Fulwood*, Mr. James Pollock of *Balgray*, have, upon the First, Second, Third, or remanent Days of the Months of *August, September, October, November or December, 1679* Years, and the First, Second, Third, and remanent Days of the Months of *January, February*, or remanent Months of the Years *1680, 1681, 1682, 1683* and *1684.* upon one or other of the Days of one or other of the Months of the foresaid Years, kept and been present at divers House and Field-conventicles, kept within the Burgh and Barony of *Glasgow*, Shires of *Renfrew* and *Lanerk*, and several other Places, where they have heard divers rebel, declared fugitive and vagrant Preachers, those Trumpeters of Sedition, and harboured, refet, entertained, corresponded, and intercommuned with, furnished with Meat, Drink, Money, or other Provisions, or have contributed Money to Rebels, Fugitives, forfeited or intercommuned Persons, viz. *Balfour* of *Kinloch*, the Two *Hendersons* of *Kilbrachmount*, the deceased *Hackstoun* of *Rathillet*, and others the bloody and sacrilegious Murderers of the late Archbishop of *St. Andrews*; as likewise to *Robert Hamilton* late pretended General of the Rebels, to the deceased Mr. *Donald Cargil*, Mr. *Richard Cameron* Ministers, Mrs. *John Welsh*, *John Rae*, *David Hume*, *James Kirkcoun*, *Alexander Lennox*, *Edward Jamison*, or Mr. *Samuel Arnot*, Mr. *John Spreul* late Writer in *Glasgow*, *John Spreul* his Son, *John Spreul* Apothecary in *Paisly*, *Alexander Porterfield* Brother to the Laird of *Douchal*, and other notorious Rebels, and infamous Traitors, whom they knew to be such: And severals of the said Persons married and baptized their Children disorderly, and constantly, during the said Space, have withdrawn from publick Ordinances, which is the Root and Foundation of Schism and Rebellion, and from which all the barbarous Murders and other Assassinations have sprung, and which his Majesty and the Estates of Parliament have declared to be seditious, and of dangerous Example and Consequence, as is particularly expressed in the Seventh Act of the Second Session of his Majesty's Second Parliament.

Whereby the said Persons, and every one of them, are guilty of the Crimes above libelled, or one or other of them, in high and proud Contempt of his Majesty, his Authority and Laws, and thereby incurred the Pains and Penalties contained in the said Acts, for which they and every one of them ought to be severely and exemplarily punished in their Persons, to the Terror of others to commit and do the like in Time coming.

And



And anent the Charge given to the said Sir *John Maxwell*, and haill remanent Defenders above written, to have compeared personally, to answer the said Complaint, and to have heard and seen such Order taken thereanent, as appertaineth, under the Pain of Rebellion, with Certification as the said Letters, Executions, and Indorfations thereof, at more length purport.

Whilk being called this present Day, and the said Pursuer compearing personally, and the Defenders being Prisoners, as being sent in by the Lords Commissioners of Council, lately met at *Glasgow*, being brought to the Bar; and his Majesty's Advocate having, conform to Two several Letters under his Majesty's Royal Hand, restricted the foresaid Libel to an arbitrary Punishment, and instead of all further Probation, referred the Verity thereof to the Defenders Oaths, according to the Declarations emitted under their own Hands, before the said Lords Commissioners; and which being read and shewn to them, and they having at the Bar immediately acknowledged and subscribed the same upon Oath.

The Lords of his Majesty's Privy Council, having heard and considered the foresaid Libel, and Declarations of the said Defenders, subscribed and acknowledged by them upon Oath, do find them and ilk one of them guilty of the Articles libelled, and now restricted to an arbitrary Punishment; and therefore have fined, and hereby do fine them in the respective Sums of Money underwritten.

The said Sir *John Maxwell* of *Nether-pollock*, in the Sum of - 8000 L. Sterl.

*Alexander Cunningham* elder of *Craigends*, and *William Cunningham* thereof, in solidum, in the Sum of - 6000 L. Sterl.

*John Caldwell* of that Ilk, in the Sum of - 500 L. Sterl.

*Zacharias Maxwell* Portioner of *Blawarthill*, in - 20000 Merks Scots.

*Alexander Porterfield* of *Fulwood*, in the Sum of - 40000 L. Scots.

Mr. *James Pollock* of *Balgray*, in the Sum of - 15000 Merks Scots.

To be paid to his Majesty's Cashkeeper, for his Majesty's Use; and ordain the haill said Defenders to be committed Prisoners to the Tolbooth of *Edinburgh*, to remain there till they make Payment of the said Sums respective, and find Caution to his Majesty's Cashkeeper, for Payment of the said Sums, to which they are hereby restricted, 'twixt and the First of *January* next to come, otherwise to be liable to the whole Sums respective above written, in case they find not the said Caution, and pay the said Sums now restricted, as said is, before the elapsing of the said First of *January* next, (except as to the said *John Caldwell* of that Ilk, and *Zacharias Maxwell* of *Blawarthill*, whom they ordain to continue Prisoners for their whole Lifetime, besides the Payment of their Fine) viz. the said Sir *John Maxwell*, the Sum of 5000 Pounds Sterling, *Alexander* and *William Cunninghams* of *Craigends*, the Sum of 4000 Pounds Sterling, the said *Alexander Porterfield* of *Fulwood*, the Sum of 20000 Pounds Scots, and the said Mr. *James Pollock*, the Sum of 500 Pounds Sterling. Upon the finding of which Caution, or the Payment of the said Sums to which the said Fines are restricted, they are to be liberate, (Caution being always found, or Payment made, before the First of *January* next to come) and ordain Letters of Horning and other Execution to be directed thereupon, as effeirs.

I am sorry I have not all the Declarations the Gentlemen made before the Court at *Glasgow*, tho' the Matter of some of them will come in just now; but I can fully assure the Reader, that notwithstanding of the odious Articles of the Libel, invidiously put in to blacken the Gentlemen, of their Converse with and Reset of the Persons concerned in the Murder of the Archbishop, yet they were as free of these as the Advocate or their Judges; and it was a Stretch peculiar to this Time and Court, to find them guilty, and everyone of them of the Articles of the Libel, as well as groundless and false; and, as to some of them, what the Council all knew they were not guilty of.

And indeed all that could be laid to their Charge, was Converse, I think, the most of them had, as all the Country as well as they, with *Quarreltoun*, and with some outed Presbyterian Ministers named, tho' not many of them, and none other of the Persons named in the Libel, and their being present at House-conventicles, and absent some of the Times libelled from their Parish Kirk; and upon these Ecclesiastical and imaginary Crimes, they are thus extravagantly fined; upon which I need make no Reflections.

There was no Probation adduced against them, but their own Declaration, which they made sincerely, and more fully than I believe could have been proven against them, and some of them refused to depone upon it at *Glasgow*. When they came to *Edinburgh*, and saw no better could be made of it than a round Sum, they yielded to adhere judicially, it seems, upon their Oath to their Declarations, but could never reasonably expect such exorbitant Fines as were imposed: What the Pretext was for *Caldwell* and *Blawarthill*'s Imprisonment during Life, I know not; they were both most peaceable Gentlemen, and as little liable to the then Laws as any of the rest. But, it may be, this Clause was put in to be remitted afterward, upon their paying their whole Fines without Defalcations, which we see were made to the rest.



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Case of  
the Lairds of  
*Craigends*.

I come now forward to give some more particular Hints at the Case of some of these excellent Gentlemen, as far as vouched Accounts have come to my Hand, a little further to expose the Iniquity of this Procedure.

I begin with the Laird of *Craigends* elder and younger, Two worthy Gentlemen of an ancient Family, descended from the noble and old House of *Glencairn*, in the Shire of *Renfrew*. *Craigends* younger is still alive, in flourishing Circumstances, notwithstanding of this heavy Oppression, a singularly pious and excellent Gentleman, far above any Character I can give of him. Both of them gave such ample Indications of their Loyalty and peaceable Temper, in a Petition to the Council by themselves, as, in the Eyes of all indifferent Judges, very much aggravated the Managers Severity to them. This Paper was in such expressive Terms of Submission to the present Government in the State, as more could not be required; and when it did not satisfy, every Body saw it was Fines the Managers were aiming at, and not Security to the Government, since greater Evidences of Loyalty could not be given, than the Petition signed by the Two Gentlemen.

A better Account of their Case cannot be laid before the Reader, than from the following Information, vouched in every Branch of it by the present Laird of *Craigends*. And because it contains several Matters of Fact, which set the Harshness of the Council's Procedure, with these Two and their Fellow-prisoners, in its due Light, I insert it here.

'The Lairds of *Craigends* elder and younger, having lived in all peaceable, and, to their Knowledge, orderly Deportment, did, in *October* 1684. compear with other Gentlemen their Neighbours, before the Lords Commissioners of the District of *Glasgow*, where being libelled severally upon the Points of Refet and Converse with Rebels, Conventicles, and withdrawing from the Church, and other such like Delinquencies, they were divers Times before the Lords, and interrogate upon several Points, as well concerning the Guilt and Crimes foresaid, and how they stood affected to the Government.'

'As to their Guilt and Crimes confessed by themselves upon Oath, without any further Probation, they are as follow. Against *Craigends* elder, 1. Converse with *Alexander Porterfield*, alledged to have been at *Pentland*, and within Two Years thereafter, he transacted his Forfeiture, and ever since, these Fourteen Years, lived securely and openly in his own House, without any Challenge, and hath haunted Kirk and Market, and Courts of Judgment, with no less Freedom than any other of his Majesty's Lieges. 2do. That Sir *John Cochran* had sought Charity from him, for the late Earl of *Argyle*, in the Year 1682. Sir *John* himself being then a free Subject, *Craigends* refused the Desire, but his not revealing the Proposal, is accounted a Crime. 3tio. That some of the nonconformist Ministers had performed Family-worship in his House.'

'Against *Craigends* younger, only accidental Converse, which he acknowledged in his Deposition, and that he could not deny but he heard Sir *John Cochran* seeking Charity to the late Earl of *Argyle*, from others; but neither Sir *John* nor any from him sought the same from him.'

'The Council indeed in their Libel, load that Matter of Sir *John Cochran*'s Proposal, with such Epithets and Circumstances, as would make the bare concealing of it an atrocious Guilt, alledging Sir *John* had made Application to several Persons, for Sums of Money to the late *Argyle*, to help to carry on a Conspiracy and Rebellion; but the Gentlemen being no ways privy to such a Design, and knowing no other Intent of the Proposal, but the supplying of a Nobleman's urgent Necessity, for his Livelyhood, it was not possible for them to understand any further Duty requisite, than to refuse, till now that the Parliament hath made the Matter clear, by a positive and posterior Law; and they might the rather be carried away with this Mistake, that the Council, within these Two Years, in a Practick relating to the late Sir *John Cunningham*, had declared themselves of a quite different Judgment.'

'There being Information given, anent Sir *William Denholm* of *Westsheils*, 'holding Correspondence with, and doing Favours to Mr. *John Cunningham* of *Bedlane*, forfeited and declared Rebel, among the rest, Sir *John Cunningham*'s Name is heard, with some Ground of Jealousy, that he might be in the Correspondence. Upon Trial it was found, that when *Bedlane*'s Letters were offered, Sir *John* refused them, but never held himself obliged to reveal any Thing; and yet when other Persons who had received the Letters were criminally indicted, and cited with Sound of Trumpet at the Cross of *Edinburgh*, and their Correspondence aggravated in all its high Circumstances, the Carriage of Sir *John* upon the contrary was commended, and in the publick Proclamation highly applauded, that he did as became a good and faithful Subject in refusing, notwithstanding he never revealed any thing.'

'And certainly, if it was Duty to reveal the bare seeking of Charity to a Rebel, much more had it been Duty to reveal a Rebel's Letters, which could not be supposed to contain less than the seeking of Charity, whatever they might have imported more; and seeing the Case was not altered by any positive Law, the Gentleman might well think they



‘ had kept a very safe and just Course, when within the Bounds publickly approven by 1684.  
 ‘ his Majesty’s Privy Council.’

‘ However, upon these Grounds and no other, they are called in before the Privy Council, and, with many others their Neighbours, sentenced in Fines to the supposed Value of their Estates : Others were fined, every Man by himself, but *Craigends* and his Son are joyned together for the Sum of 6000 *L. Sterling*, far above their Value, and both of them kept Prisoners, and charged *in solidum* for the whole Sum, as if they had been mutually liable for each other’s Faults, notwithstanding there was no Equality betwixt them, as the Particulars of their Confession manifest, there being nothing against *Craigends* younger, but accidental Converse with *Alexander Porterfield*.’

‘ The Gentlemen further alledge, they have given such Testimony of their Freedom from any dangerous Principles anent the Government, that they must be beyond all Ground of Quarrel that way, which the Commissioners may well remember, when they interrogated *Craigends* younger upon his Principles, at *Glasgow*; and both the Father and the Son exprest their Principles in a very solemn Declaration, given in to the whole Council in Writing, before the passing Sentence upon them; and they cannot but be surprized at the hard Measure given them, after such a publick Proof of their Loyalty to their Sovereign, wherein they conceive themselves to be short of none of his Majesty’s Subjects.’

‘ The Gentlemen are not such Fools as to alledge an Argument from Principle, as sufficient to expiate Crimes; but when the Escapes are such as the whole Country are engaged in the like, and which surpassed the Skill of any reasonable Man, to understand them to be Crimes, at the Time when done, and when the alledged Ground of the Courses taken against others in the like Cases, was only to secure the Government, by a good Principle in the Subject, those Gentlemen, after so full a Vindication of their Principles, expected they should not have been troubled for invincible Mistakes, more than many of their Neighbours, who were never called in question for them, tho’ as much guilty as they.’

I have only particular Accounts of another of these worthy Gentlemen, and that is *Alexander Porterfield* of *Fulwood*, Son to the Laird of *Douchal*, just now mentioned. He is yet alive, a Gentleman of a very good Character, and in good Circumstances, notwithstanding this exorbitant Fine, in the Parish of *Kilellan* and Shire of *Renfrew*, ready to attest every Circumstance of the Account I am to give of his Case.

Case of *Alexander Porterfield* of *Fulwood*.

At the Court at *Glasgow* in *October*, he was indicted as guilty of several hainous and treasonable Crimes, since the Year 1660. and when there was no Proof of his Libel, the Verity of it was referred to his own Oath, after they had passed from capital Punishment, and restricted it to an arbitrary one, and ordered him to swear upon the several Articles of it.

*Fulwood* very reasonably objected, That no Law could oblige him to depone in the Matters libelled, since the Law concerned Heritors only; and, for his Part, he stood infest in no Lands, and so could not be reckoned among them. The Lords interrogated him, if he had not a Disposition from his Father *Douchal*, to the Lands of *Fulwood*, and possessed them; he owned he had, and the Lords finding him upon this an Heritor, ordered him to give his Oath.

As to all the Articles of his Libel, he deponed negatively, save Two; the one was his Converse with his Uncle *Alexander Porterfield* of *Quarreltoun*, which he told their Lordships he reckoned so far from being a Crime, that in his Opinion he would have been inexcusably criminal, had he declined Converse with so good a Man, and his most affectionate Uncle, especially when Mr. *John Hamilton* of *Hallcraig*, upon Application to the Government, had obtained a Gift of *Quarreltoun*’s Estate, and faithfully applied it to his Use, with a plain Connivance. And although his said Uncle had not applied to the King, or obtained any Indemniity or Remission for his alledged Rebellion, yet he had Access these many Years to live peaceably in his own House, (with the other Circumstances named in *Douchal* and *Craigends*’s Cases) so that he judged himself safe to converse with him, when every Body did so; and he himself was but an Infant at *Pentland*, unfit to make a Judgment of that Rencontre, or whether there was any Danger of Converse with such who were alledged to be concerned in it.

The other Article was his being present at House-conventicles, and he frankly owned that he was present at several Sermons preached by Presbyterian Ministers, in his Father’s House at *Douchal*, being one of his Family, and not forisfiliate. In doing whereof, he reckoned he had been at his Duty. This was all that he confessed. He was ordered to sign his Deposition, which he did, and was kept Prisoner at *Glasgow* until he found Caution, and gave Bond to compear at *Edinburgh*, November 20. if called, or otherwise to enter himself Prisoner within the Tolbooth of *Edinburgh*, under the Penalty of 10000 Merks, in case of Failie.

Accordingly he was at *Edinburgh* the said Day, and, not being called, he entred Prisoner, and, as we heard, with the rest of the Gentlemen his Neighbours, was called and fined in



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Forty thousand Pounds, and remitted back to the Tolbooth, till he should pay the said Sum. There he continued about Fourteen Months, and besides his corporal Punishment by Imprisonment, the Government proceeded to real and legal Diligence against his Estate, by Adjudication and otherwise, for evicting the Fine.

But finding that this was not the most compendious and expedite Way for obtaining Payment, they took the shortest Way; and by their Act comprehended *Fulwood's* Estate within the Forfeiture passed upon his Father, and thereby declared the same forfeited; notwithstanding several Years before he had a Disposition of the Lands of *Fulwood*, and was in Possession, and the Lords at *Glasgow* upon these found him an Heritor distinct from his Father, and under this Notion obliged him to depone. Thus they went and came upon Law and Property, just as it answered their Designs.

By all which it is plain, how dissonant their Treatment of this Gentleman was, not to say to Law and Right, which was but seldom now considered, but likewise to their own Practick, which no Body can make hang together. *Melford* was made Donatar to *Deuchal's* Estate and his Son's, and there was no Remedy. *Fulwood* behoved to compound and agree for a Piece of Money, and take a new Right from him to his own Land, with a Discharge of his Fine. The first Moiety was actually paid, and the happy Revolution stopt the rest, and this Gentleman, as well as the rest, was at vast Charges and Expence in obtaining their Compositions, and Securities of their Lands from the Donatars, and otherwise, which I believe fell not much short of the unpaid Moieties of their Fines.

From those Hints the Reader will guess at the Case of those excellent Gentlemen, and will see very much of the Temper of those Times, when indeed nothing was stuck at to get Money from Presbyterians. I regret I cannot give as distinct Accounts of the rest of the Gentlemen named, but their Circumstances may easily be gathered from what is insert.

As to the rest of the Prisoners named, I can only give the Hints I meet with in the Council-registers; and those of them fined were in the same Circumstances with the former Gentlemen, save that few or none of them were charged with the charitable Supply, or with Converse with *Quarreltoun*, but I doubt not they had conversed with other fugitive Persons.

Decree against  
Allantoun and  
others, Dec. 24.

December 24. I find a Decree passed by the Council against the underwritten Gentlemen. Their Libel is mere Nonconformity, and alledged Refet and Converse, and refusing the Oath of Allegiance, with the King's Prerogative annexed, which they did not reckon themselves obliged in Law to take; whereupon the Council fine them in the following Sums.

<i>Stuart of Allantoun</i> in	-	-	-	-	12000 Merks.
<i>William Hamilton of Overtoun</i> in	-	-	-	-	9000 Merks.
<i>James Young Chamberlain of Evandale</i>	-	-	-	-	10000 Merks.
<i>James Muirhead of Bradisholm</i>	-	-	-	-	4000 Merks.
<i>Mr. John Hamilton of Halcraig</i>	-	-	-	-	12000 Merks.
<i>Mr. Andrew Kennedy of Clowburn</i>	-	-	-	-	12000 Merks.
<i>Mr. James Stuart of Hartwood</i>	-	-	-	-	6000 Merks.
<i>John Bannantyne of Craigmuir</i>	-	-	-	-	2000 Merks.
<i>George Hamilton of Browncastle</i>	-	-	-	-	2000 Merks.

This is all I meet with in the Registers. By another Information I find the Laird of *Corehouse* was fined in 9000 Merks, which was remitted by the King; and *Allantoun's* Fine was gifted to *Crigui*. No question these worthy and religious Gentlemen got down considerably in their Compositions, but they were put to great Charges, and those arbitrary Impositions brought their Estates and Families low.

Fines in the  
Shire of  
Roxburgh.

And by the same Information, under a very great Man's Hand, I find reckoned up among Sheriff Fines confirmed by the Council, severals in *Roxburgh* and thereabout formerly mentioned; the Laird of *Riddel* 52000 Pounds Scots, the Laird of *Greenhead* 24000 Pounds Scots, the Laird of *Chatto* 20000 Pounds Scots, the Lord *Cranstoun* 1500 Pounds Sterling, Sir *William Scot of Harden* 53000 Merks, of which Sir *George Mackenzie* got 27000. Sir *William Scot of Harden junior*, 3500 Pounds Sterling, paid to the Duke of *Gordon* and *Marquis of Athole*, and the Laird of *Wall* 20000 Merks Scots. So much for the exorbitant Fines of Gentlemen this Year.



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S E C T. VII.

*Of the apologetical Declaration emitted by the Society People, the Murder at Swine-abbay, and the severe Procedure, Commissions, and Proclamations following thereupon, November and December, 1684.*

Those Matters contained in the Title, I have of design put all together in this *Section*, that the Reader may have a fair and impartial Account of this Part of the Management of the Persecutors. It is evident, Oppression had put that Part of the persecuted, the Society People, upon Measures, that many of themselves were not for, and which cannot be vindicated; but it will be as plain, that the Managers took occasion from this Handle given them, to run Lengths that can as little be justified, and were never used in any well ordered Government. I only notice further, that the Body of Presbyterians are no way concerned in this Matter, than as they were silent and melancholy Observers of the Heights run to on both Hands, and had most unjustly the Reproach of Principles tending to Assassination, fixed upon them, and in part were made Sharers of the Barbarity and Violence now raging universally against all who stood out against Prelacy.

That the Reader may have as full a View of this dark and black Part of this Period, as may be at this Distance, I shall lay down Matter of Fact, as it was from original Papers and Documents, and give first an Account of the Paper emitted by the Societies, and the Notice taken of it by the Council in *November*, when the killing of *Kennoway* and *Stuart* at *Swine-abbay* fell in, which produced new Barbarity, and the Orders for killing in the Fields, and then go on to the new Commissions and severe Instructions given in *November* and *December*, till we meet with the publick Proclamation emitted in the End of the Year, and shall shut up this *Section* with the criminal Prosecutions, and publick Executions of several Country People, when the Managers are inflamed in the highest Measure by what the Society People had done.

Contents of this Section.

The extraordinary Severities exercised *September* and *October* last, with the barbarous Murder of some honest Country People in the Fields, which shall be noticed in its own room, drew forth from the Society People their *apologetical Declaration*, and *admonitory Vindication*, especially against Intelligencers and Informers, about the Middle of *October*, when the Courts described *Section 5.* were just at their thronest persecuting Work.

Circumstances of the Society People at this Time.

As the State of the Body of Presbyterians was at this Time most lamentable through the Kingdom, their Ministers all turned out, and either in Prisons, or forced to leave their native Country, their Gentlemen imprisoned and most exorbitantly fined, their Commons cruelly haralled now by the Army, and then by particular and more general Courts; so the People united in Societies, who, as we have heard, had withdrawn, since the Death of Mr. *Cargil*, from the rest of the Presbyterians of this Church, were in a special Manner hunted, yea, killed all the Day long, and counted as Sheep for the Slaughter.

From what hath been pointed at, as to the Condition of those Wanderers and hiding Persons, who, generally speaking, made up those Societies (though many were upon their Hiding, who did not joyn with them in their Heights) the Reader will easily guess at their Circumstances. The Sea-ports were shut, they could not get off the Kingdom, they were daily hunted for by the bloody and merciless Soldiers, the whole Country was sworn to discover them, and bound up from giving them Meat or Drink, and secret Informers and Intelligencers were bribed to joyn them, and find out their Haunts and lurking Places, and any who inclined to do them the least Kindness, were terribly persecuted, and all they did in their own Defence was reckoned Murder, and the Country abused for it. They were persecuted, and cast out of Protection by the Government, and no Terms would be accepted but going over their Light and renouncing their Principles.

All this, and much more than I can now narrate, gravaminous in their Case, put the general Society, which, by their original Records I find, met *October 15.* to publish their *apologetical Declaration*. Mr. *James Renwick* was employed to draw it; and it was published by some of their Number, *October 28.* I insert it *App. N<sup>o</sup>. 99.* from the Copy before me, under Mr. *Renwick's* own Hand.

Their apologetical Declaration.

App. N<sup>o</sup>. 99.

It is not my Business to enquire how far private Persons, in such Circumstances, may take upon them to threaten thus, and cast off Authority: The Reader will find their own Reasons for this Part of their Practice in their *informatory Vindication* published some Years after this; only as an Historian I may have the Liberty to observe, that the Government, or the Executors of the present Laws, ran much farther in unaccountable Severities upon those poor People, than even what the Oppression of those People had forced them thus to threaten.

Remarks on it.



1684.

threaten. And as far as I can learn, they made no Attacks unless it was at *Swine-abbay*, where they had no small Provocation till they were attacked, and their View in this very Paper was not so much Action, as the frightening some People they had to do with.

But I leave Comparisons, or what may be said of this Paper, to themselves. Only it is evident, that this Paper formed by Mr. *Renwick* now their Minister, and the Expressions in it are a little softer and smoother than the *Sanquhar* and *Lanerk* Declarations formerly mentioned. And I am well informed by Persons of Credit present with them in this Meeting, that Mr. *Renwick* himself, and a good many others of the best Knowledge in the Meeting, reasoned a long Time against emitting any threatening Paper of this Nature at this Juncture, as what would be of little Use to them, and exasperate the Managers, and bring on new Distress upon the harassed Country: But nothing less would satisfy a warmer Set of People among them, who were most clamorous, and by insisting gained the Point. And Mr. *Renwick* was forced to go in with them, to keep Peace, as far as might be, among themselves.

Yet after all the Softning he could give it, there are many Things in it so much out of the Road of private Persons, that it became Matter of much Obloquy and Reproach to the Body of Presbyterians, who mean while were no way privy to, or concerned in this Paper. And as most of the Struggles of Persons under Chains, and the Feet of their Enemies, make their Case worse, so this raised the Fury of the Government; and yet in part it wanted not its designed Effect. The most venomous Malignants were affrighted, Informers and Intelligencers in the West and South for some Time were deterred from their Trafficking, and the most virulent and persecuting of the Curates in *Nithsdale* and *Galloway* thought fit to retire for some Time to other Places, even before the Murder in *Carsphairn* next Year, of which in its own Place.

When this Paper had been published by some of the Societies, it was affixed to several Market-crosses, and November 8. posted up upon a great many Church-doors in *Nithsdale*, *Galloway*, *Air* and *Lanerk* Shires. I find it put on the Church-doors of *Kilbride*, *Strathewan*, and many others.

Nov. 11. this  
Paper comes  
in to the  
Council.

November 11 or 12. Copies of the Societies Paper came in to the Council, and put them in a perfect Rage. I shall give some Instances of it from the Registers, and then from some Accounts I have from Persons yet alive, who were present that Afternoon when the Prisoners were brought in before them.

John Semple put  
to Torture.

By the Registers I find a very severe Act anent *John Semple*. November 13. ' *John Semple* of *Craigthorn* in the Parish of *Glasford*, taken near the Kirk of *Glasford*, and brought in Prisoner, as suspect to have been a Contriver of the late treasonable Declaration against the King, or at least accessory to the affixing thereof at the said Kirk, and some others, or at least as having Knowledge of the Persons Contrivers, Affixers, or Promoters thereof, being called before the Council and having refused to give his Oath upon the Premises, the Lords of his Majesty's Privy Council ordained him presently to be tried by Torture in the Thumb-screw, Boots, or both, until he be brought to a clear Confession, they having first declared, that what he should declare should not militate against himself as to his Life. And the said *John* being called in, and interrogate in the Thumb-screw, and having refused to declare, and at length turned faint, he was remanded to Prison till to Morrow at Ten of the Clock, at which Time he is again to be tried by Torture. ' I meet with no more about him in the Council-books; we shall just now meet with him to Morrow before the Judiciary.

Robert Goodwin  
and others sent  
to the Iron-  
house.

By other Papers, particularly one under *Robert Goodwin's* Hand, of whom I have given some Account before, I find, that November 13. he, with several other Prisoners, was brought this Afternoon before the Council, and interrogate upon this Paper, about which they knew nothing. In a great Haste it was read over to them, and they were ordered immediately to hold up their Hands and swear they did not adhere to it, and knew not the Authors of it. *Robert Goodwin* in name of the rest said, and I doubt not but it was the Case of all of them, that he had never heard it till it was now read, that he knew nothing about the forming of it, but would swear nothing about it; whereupon they were sent to the Iron-house.

Their Treat-  
ment of *William  
Niven*.

Another Instance of their Treatment of the Prisoners this Day, I have from one present, and Witness to the terrible Usage of *William Niven* Smith in *Pollock-shaws* in the Parish of *Eastwood*. We heard formerly, that last Month he was banished to the Plantations, and here I shall take Occasion to narrate some other Particulars of his Sufferings, and that but in so many Words.

We heard of his Trouble in the Year 1678. and since that Time he lived peaceably, following his Trade, and had not been at *Bothwell*, nor was chargeable with any Thing, but not hearing Mr. *Fisher* the Episcopal incumbent. July 29. this Year, about Midnight, a Party came and took him out of his Bed, and carried him to *Glasgow* Tolbooth. They alledged he had been at a Sermon of Mr. *Renwick's*, which was false. He lay three Weeks there in Irons, and then, with *John Macbae* of the Parish of *Kilpatrick* in *Dumbarton* Shire, he was carried up



up to the Bishop, and examined by him and Colonel *Windram* upon the ordinary Questions. Nothing was found against *William* save his not hearing Mr. *Fisher*, to whom I must do the Justice to say, he was one of the soberest of his Way, and he came into *Glasgow*, and used his Interest with the Bishop, and signified to him, that the Prisoner was a good peaceable Person, and as to his not hearing, he would take him into his own Hand. 1684.

But nothing could prevail unless he would take the *Test*, which he peremptorily refusing, was sent, with Five others, Two and Two of them fettered together, in to *Edinburgh* under a Guard. There he lay in the Irons Night and Day, till May 1685. when he had his Share in *Dunotter* Sufferings, as we shall hear, and afterwards was sent to *New-jersey* with *Pitlochry*.

This same Day, when the Accounts of the *apologetical Declaration* came into *Edinburgh*, *William* with some others whom my Informer hath forgot, but minds *John Hodge* Armourer in *Glasgow*, *John Campbell* in *Overmoor*, *John* and *Peter Russell* in *Muirhead* of *Shots* Parish, *James Tennant* in *West-caldar*, were brought most suddenly about Six of the Clock at Night, from the Iron-house to the Council or its Committee. The Chancellor posed *William* and the rest, whether they knew any Thing of these treasonable Papers that had been affixed to Church-doors last *Saturday* Night, or *Sabbath*. They all declared, they did not. Then they were interrogate, if they owned the Matter of them. The Pannels answered, they knew nothing about them, and could neither own, nor disown them.

The Lords appeared to my Informer, to be in an unusual Hurry and Rage, and the Clerk was bid read the Paper, which he did as fast as he could run over it. Upon hearing of it, the Pannels declared ingenuously, that they could make no Judgment of it upon so overly an Hearing. They were again required, under the highest Pains, to disown it as their Opinion. They answered, they had no Share in it, and would not take upon them to judge of it, since this came not to their Door.

Whereupon they were removed a little, and when called in, they were told they were sentenced to die that Night at Ten of the Clock, and were removed Two and Two into Corners of the laigh Council-house, with a Soldier or Two to wait on them, there to continue till the Hour of their Execution. Happily for them something or other fell in that Night which put the Managers in Confusion: It was said, it was some Letters they received, and so about two Hours after, they were carried back to the Iron-house, and for a good many Weeks afterward they were made to expect every Day they were to be executed at Two of the Clock, till the King's Death fell in, and then they were no more directly threatned. This Procedure is every way so far out of the Road, that I should not have inserted it, if I had not had it from one whom I can depend upon, who was Witness to it, yet alive attesting it in all its Circumstances.

From this Instance we may see the Manner of this Period, and what an Handle was taken from every Thing that fell out, to exercise the greatest Severities upon People who could not be supposed to have any Share in those Incidents. To this likewise we must attribute the barbarous Treatment of the Prisoners from *Dumfries*, formerly spoken of. Old Men, and Women with their Sucklings not three Months old, Women with Child, and others near Eighty Years, upon the Break of a Storm of Frost and Snow, were forced to travel Twenty, or Twenty four Miles about the shortest Day, and through Waters, to the Danger of their Lives. None of them either could be concerned in this Paper, and no Account can be given of such Barbarity, but their merciless Temper exasperated by this Declaration.

Next Day, *November* 14. the Managers go a farther length, and, by the criminal Records, I find before the Justiciary, *John Semple*, *John Watt*, and *Gabriel Thomson*. They are libelled for high Treason, as Art and Part in the Paper lately posted up upon the Kirk-doors. The Advocate restricts the Libel in those Terms, 'That the Pannels own, or refuse to disown the traitorous Proclamation mentioned in their Indictment.' The Probation is *John Semple* his judicial Declaration that he owns the Proclamation, and would not disown it. *Gabriel Thomson* refuses to disown it. *John Watt* refuses to answer, or disown the Paper. The Assize bring in all the Three guilty according to their Confession, and the Lords sentence them to be taken to the *Gallow-lee*, this Day betwixt Three and Five of the Clock in the Afternoon, and forfeit them in common Form. John Semple, John Watt, and Gabriel Thomson sentenced to die Nov. 14.

I am well informed that *John Semple* was tortured most cruelly a second Time in the Boots, and taken from the Torture to the Justiciary, where Sentence was past, and executed that same Afternoon with the others. At the Execution the Soldiers were barbarous, and allowed the poor Men scarce any Time to pray. The People who looked on were surrounded by the Soldiers, and had Interrogatories and Queries put to them, which when they refused to answer upon Oath, Ten or twelve were made Prisoners, and carried from the Scaffold to the Tolbooth.

After this, I find the Lords of Council delay the Examination of the Prisoners in the *Canongate* and *Edinburgh* Tolbooths, as to the treasonable Declaration, and perhaps would have extended their Enquiries into the Country, had not the Incident of killing of *Kennoway* and *Stuart* fallen in, which put the Managers upon new, and yet more barbarous Methods.



1684.

The Murder of  
Kennoway and  
Stuart at Swine-  
abbay.

I have not so distinct an Account of the Murder of these Two, as I wish I had, neither can I say whether it was in Self-defence or not, but 'tis generally said, it was premeditated by some Persons in the Neighbourhood, or Society People lurking among them, they having been severely oppressed by *Kennoway* for many Years; and if this was an Assassination, no Body ought to defend it. They were both Gentlemen, as the *Stile* was, of the Life-guard, and killed, as is said, coming out of the Door of the House at *Swine-abbay*, in the Parish of *Livingstone*; and after the most narrow Search that was made, none of the Actors could ever be found, but I am assured, the Society People refused to admit some Persons to their Fellowships, whom they suspected to be concerned in this Murder. I have no Account of *Stuart*, but *Kennoway's* Oppressions in *Livingstone*, *West-calders*, and that Neighbourhood, from *Pentland* to this Year, have been in part noticed, and I shall add a few other well vouched Instances of his former Carriage.

Thomas Kennoway  
his Severities  
and Oppressi-  
ons.

*Thomas Kennoway* was very active under general *Dalziel* at *Pentland*, and after the Defeat of the West-country Army, he apprehended that excellent Person formerly mentioned, *Mr. Hugh Mackail* at *Brades-craigs*, and went still on in Spite and Malice against the suffering Party, Year after Year. Some Years after, he with a Party of the Guards attacked a Company of unarmed People hearing Sermon at *Thomas-moss* in *East-calders* in *Mid-lothian*, and shot one of them through the Thigh, and beat and spoiled many others. The Council and Managers soon took Notice of his Activity and Severity, and gave him frequent Commissions, which he rigorously executed. At one Time he attacked a Meeting in the Parish of *Bathgate*, and shot one *James Davie*, an Heritor of that Parish, dead in the Spot, and took Fourteen Prisoners, who were afterwards sent off the Kingdom. After *Bothwell* he seized *Mr. John King*, and brought him in Prisoner to *Edinburgh*. In *Mid-calders*, he seized an old Man whom he alledged to have been at *Pentland*, and beat, and bound him in the most barbarous Manner. Mean while some went in to *Edinburgh*, and complained to the General of his Cruelty, whereupon a Letter coming out to him threatening him for his illegal Severities, he forced the poor old Man, in Fear of present Death, to sign a Paper, that *Thomas Kennoway* had never wronged him in his Person or Goods. In the Parish of *East-calders* he broke in upon an House, and missing the Husband whom he was seeking, beat and abused his Wife, who was with Child, most inhumanely, and threatned before her Eyes to force Two of her Daughters, all which put her to such a Fright, that she parted with Child, and never recovered, but died in a very little.

Indeed he was notoriously wicked and profane, a known Adulterer, and a fearful Drinker, and blasphemous Curser and Swearer. He used to say, *Hell would be a good Winter Quarters, but ill Summer Quarters*. And one in Company asking, if he was not afraid to speak so of Hell; he said with a new Oath, *He was never afraid of Hell, but sometimes he was afraid some of the Rebels would shoot him dead at a Dyke-side*. This was some Years before his Death.

Instances of his grievous Oppression of the Parishes of *East*, *Mid*, and *West-calders*, and *Livingstone*, have been given, and many might be added: He was indeed a Terror to all that Country-side. And he was constantly almost among them, fining and oppressing Multitudes, of which I have Accounts before me too long to be insert here. One Thing I shall notice, because it was much observed after his Death. Some time before *Meldrum's Court*, of which an Account hath been given, *Kennoway* had for some Time continued drinking at *Swine-abbay* till all the Money he had was spent, and he had not wherewith to pay his Reckoning, he went out, and seeing a poor Country Man coming by on the Road with a Bag of Oats, by mere Force he took it from him, and threatned him dreadfully if ever he looked after them, and with the poor Man's Oats he paid his Lawing, and had some little more Money to drink upon in some other Place. And in this very Place he was sent into Eternity.

He with Stuart  
killed Nov. 20.

*November 17*. he came out of *Edinburgh*, with a Roll of Persons, he said, he had a Commission, from the Council, to apprehend in the Country, upwards of an Hundred and fifty Men, probably of his own upgiving. He alighted at *Livingstone*, where he met with the other *Duncan Stuart*, to whom he shewed his Commission, and told him, in a few Days he hoped to be as good a Laird as many in that Country, and they fell a drinking. He regretted much that he was turning old, and would not get the Lands he now reckoned as his own, long enjoyed. In the Way to *Swine-abbay* he described and pointed at the Places he had in his Eye to possess, to his Comrade *Stuart*, till they came thither, and there they continued drinking and laying their Projects until the 20 of *November*, when they were cut off; the particular Circumstances whereof I cannot relate, none being Witnesses but the Actors, who got off, and were never taken.

This is all the Account I can give of this Matter, and I do not set down those Things to vindicate the Actors, but to shew how righteous the Providence was, that this wicked Man is cut off in the Midst of his Days and Projects, however blameable the Persons might be in their Manner of doing it. Before I leave those two Persons, I only insert the Council's Act *December 9*. anent their Widows, to shew the Concern they shewed for the Relatives of such as had been active in the Persecution. The Council having considered the Petition of *Ju-*



net Stuart Relict to Thomas Kennoway, one of the Gentlemen of his Majesty's Guard, and Jean Jaffrey, Relict to Duncan Stuart, another of them, lately inhumanely murdered and butchered by some desperate Rebels and Fugitives, at the House of Swine-abbay in the Night-time, do recommend them to the Treasury for Charity.

1684.

But I come forward to the Council's more publick Actings as to the Society People's Declaration and this Murder at Swine-abbay, and we shall find them very singular. From thence they take Occasion, first to order a particular Search to be made in *Edinburgh*, which was not so unreasonable, and then, after some Reasoning and Opposition to so much Barbarity, they agree upon the bloody Orders to murder in the Fields all who should not expressly disown the foresaid Declaration, without any Libel or legal Process, and lastly give out a terrible Commission for harassing the Country round the Place where the two Soldiers were killed, and after that Commission is executed, they grant more general Powers to particular Trustees, to harass of new the West and South Country. Of all which in their Order, and from the publick Records.

The Consequents of the Declaration and Murder at Swine-abbay.

November 21. the Council make the following Act. 'The Lords of his Majesty's Privy Council, having just Reason to suspect that several of those desperate Rebels who have lately emitted a most traiterous Declaration, whereby they declare War against the King's most sacred Majesty, and all in Authority, civil, ecclesiastical, and military, under him, may lurk in the Town of *Edinburgh*, and who in the Prosecution of the same have lately murdered some of his Majesty's Soldiers, require the Magistrates to take all effectual Methods to discover them, and to take up Lists of all in the Burgh that are Housholders, and the Oaths of Heritors as to the Tenants they set their Houses to; and by the Help of the Ministers and Elders of the respective Parishes, to make up Rolls of the Inhabitants according to the respective Parishes; and empower Ministers and Elders to examine Masters or Mistresses of Families, upon Oath, as to the Number of their Servants, their Names and Surnames; and likewise to give up the Lists of Subtenants, if any, and to take up Lists of Lodgers in any House or Tavern, so as all put together may comprehend the whole People, and to take an Account of all Persons who have neither Family nor Residence.' A little after this followed the Search which hath been accounted for *Section 1.*

Council's Act as to the Town of *Edinburgh*, Nov. 21.

More general and extensive Measures were for some Time under Deliberation among the Managers, and, as soon as could be, they authorized what had been now and then practised by the Soldiers with Impunity, the killing People in the Fields in cold Blood who would not answer their Queries, without any Libel, Process, or Jury. It would be hard to persuade the present or after Ages that any such Orders were judicially agreed upon by the Council, if we had not the original Records to vouch this, and, until I had Access to them, I could not fully give Credit to what I had by a general Report, that Soldiers had Orders to kill in the Fields, and at most reckoned it was some particular Warrants, given under some of the Managers Hand, that were pretended for this Barbarity, and it is more than I expected when I met with the Order for it, standing as a black Mark of the Cruelty of this Time in the Registers.

Soldiers empowered to kill in the Fields without Process.

It is altogether useless to make Remarks upon those Orders, they stand fairest in their native Colour; and I am surpris'd at the Confidence of Sir George Mackenzie, who was conscious of those, and knew them well, and yet undertakes a Vindication of this Reign as full of Mercy and Clemency. The Council inclined to have the Concurrence of the Lawyers, the Lords of Session, in this extraordinary Step, and apply to them, and record their Answer to their Query, and form their Act upon the whole. This Matter stands in the Registers thus.

*Apud Edinburgh, November 22. 1684:*

### *Sederunt*

Chancellor,	Register,
<i>Glasgow,</i>	Advocate,
<i>Douglas,</i>	Justice-clerk,
<i>Linlithgow,</i>	<i>Castiehill,</i>
<i>Balcarras,</i>	<i>Drumelzier,</i>
<i>Testar,</i>	<i>Abbotshall,</i>
<i>Lundin</i> Secretary,	<i>Gosford.</i>

'The Query underwritten, proposed by the Lords of his Majesty's Privy Council, to the Lords of his Majesty's Council and Session, with their Answer, being read in Council, is ordered to be recorded.'

Account of this from the Council Registers.



## QUERY.

1684.

• Whether any of his Majesty's Subjects, being questioned by his Majesty's Judges or Commissioners, if they own a late Proclamation, in so far as it declares War against his sacred Majesty, and asserts, that it is lawful to kill all those who are employed by his Majesty, refusing to answer upon Oath, are thereby guilty of high Treason, and Art and Part in the said treasonable Declaration?

## ANSWER.

• IT is the unanimous Opinion of the Lords of Council and Session, that a Libel in the Terms of the said Query, is relevant to infer the Crime of Treason, as Art and Part of the said treasonable Declaration against the Refusers.

Perth Cancel.	Patrick Ogilvie,
Dav. Falconar,	Roger Hog,
Geo. Mackenzie,	Alex. Berne,
Jam. Fowles,	Geo. Nicolson,
Jo. Lockhart,	T. Stuart,
David Balfour,	Rob. Lyon,
Jam. Fowles,	John Wauchop.
Alex. Seton,	

• It being put to the Vote in Council, whether or not any Person who owns, or does not disown the late traitorous Declaration upon Oath, whether they have Arms, or not, should be immediately killed before Two Witnesses, and the Person or Persons who are to have Instructions from the Council for that effect? Carried in the Affirmative.

• The Lords of his Majesty's Privy Council do hereby ordain any Person, who owns or will not disown the late treasonable Declaration upon Oath, whether they have Arms or not, to be immediately put to Death; this being always done in Presence of Two Witnesses, and the Person or Persons having Commission from the Council for that effect.

Remarks upon  
this.

I pretend to no Skill in Law, neither am I a proper Judge of the Import of the Terms of the Opinion given by the Lords of Session; but according to the plain and obvious Meaning of the Expressions in their Answer, it does not appear to be any Foundation for, or Signification of their Lordships Approbation of the Vote and Act of Council, which immediately, and in the same Page, follows it in the Council-books, as if their Lordships Answer were the Foundation of the Council's Act. To me they seem to suppose, that a Libel ought to be given to the Person who owns, or does not disown the Societies Declaration, and that he be prosecuted before competent Judges, and not murdered *brevi manu* by a Soldier or Officer with a Council Power; and tho' the Lords of Session had given this as Law under their Hand, it would not have had any Weight with me, or, I believe, with the unbiassed World, as long as any Sense of Humanity, Reason, and the Nature of Society remains.

Neither does this barbarous Act seem to have passed the Council itself, without some Struggle and Opposition. Had it been unanimously voted, I question not but the Records would have born it, and used a stronger Term than, that it carried in the Affirmative.

I shall only remark further, that I am informed, Extracts of this Act signed by the Chancellor, Advocate, or Clerk, given to the Officers of the Army, and Powers from them again given to their Underlings, even so low as common Centinels, were reckoned Commissions sufficient for the executing of this horrible Act. What may be in this I shall not affirm. The People who passed such an Act as this, could easily give ample enough Commissions, if they pleased. However, 'tis certain, that Majors, Captains, and Soldiers, pretended all to act by virtue of this Act; and though I shall not say, that all the Murders we shall meet with in the Fields next Year, were committed by Warrants from the Council, which at this Distance can scarce be known; yet no doubt *Claverhouse*, *Balfour*, and others had them, and we shall meet with *Balfour* calling Witnesses to his Murder in the Terms of the Act, and private Centinels alledged Orders for what they did this Way; so that upon the whole, I cannot help thinking, that as several Murders in cold Blood committed before this Act, as we have noticed, and shall hear of, were thereby made the Council's Deed, so the Blood for several Years shed in the Fields and Houses, the Blood of many Scores of Innocents, is all to be charged upon this unnatural and unaccountable Act.

It is Time now to come forward to the Commissions the Council gave. The Day after this former bloody Act, November 23. they give a Commission to try, judge, and execute in the Parish where *Kennoway* and *Stuart* were killed, and others about, mentioned in their Instructions. As I abominate Murder in cold Blood as much as any, so I cannot but equally hate Cruelty and Oppression, under the Colour of Law; and I could not but be surprised,



to meet with such Instructions agreed on by the Council, especially when they were a Pattern by which the Soldiers were careful to act in other Places of the Country. 1684.  
The Commission with a Justiciary Power is given to the Lord Livingstone, Lord Ross, Lord Torphichen, Lieutenant Murray, Sir Mark Carse, and George Hume, Cornets of the Guards, the Lairds of Barbachlay, Pockemmat, Pottishaw, and Badds, or any Five of them, the Lord Livingstone, or commanding Officer being always present. The Commission is in the ordinary Stile of those formerly narrated; but the Instructions are every Way singular, and follow under this Title, as appears to me, to impower any of the Forces under the commanding Officer, to execute all these Severities.

*Instructions to the Forces to be sent to the Parish of Livingstone, Bathgate, Torphichen, and Calders.*

‘ You shall convocate all the Inhabitants, Men and Women, above Fourteen Years of Age, within the Parishes of *Livingstone, Bathgate, Torphichen, Calders, Easter, Wester, and Middle*, and ye shall examine every Person; and after the Oath of Abjuration, (we shall meet with it just now) such as take the Oath you shall dismiss, unless you have Grounds of Suspicion of their Guilt.’  
‘ And if any own the late traiterous Declaration, or Assassination of the Soldiers, you shall execute them by military Execution upon the Place.’  
‘ And such as refuse to answer or depone, or will not disown the said traiterous Declaration, and the Principle and Practice of Assassinations, you shall give them a Libel instantly, call Fifteen Men as a Jury, and let them judge them, and instantly execute the Sentence of Death on such as do so refuse to disown, or to answer to the Questions before the said Jury.’  
‘ And ye shall feize their Goods, delivering as much of them as will pay one Year’s Rent, to such Masters as either have, or will take the *Test*.’  
‘ And if any be absent, ye shall burn their Houses, and feize their Goods, unless their Master, or some other sponfible Man bind to produce them in a competent Time; the Master or Cautioner being always one who hath, or shall take the *Test* presently.’  
‘ You shall likewise examine all Persons upon their Knowledge of any accessory to the said Proclamation or Assassination, and such as refuse to depone upon their Knowledge you shall keep Prisoners.’  
‘ You shall examine all upon their Oath anent Harbourers, Refetters, or Concealers of the Assassimators, or such as were accessory to the Proclamation; and if any refuse, make them Prisoners, bring them into *Edinburgh*, and cause secure their Goods.’  
‘ And as to the Families of such as you condemn or execute, you shall make Prisoners of all Persons in their Families, above the Age of Twelve Years, in order to Transplantation.’  
‘ As also you shall take the Oaths of all who compear, that they shall not harbour, refet, or conceal any of those dangerous Rebels, whether pretended Ministers, or Adherents, but shall discover their Persons, and assist to the taking or pursuing of them, and shall discover who shall harbour, refet, or entertain any of them, to some Magistrate or Heritor of the Ground, that they may raise the Country, and pursue them, till they be apprehended; and who will not give Oath in the Terms abovementioned, you shall bring Prisoners to the Tolbooth of *Linlithgow*, there to be kept till further Order.’  
‘ You shall likewise apprehend all the near Relations of *Nimmo*, and bring them to *Edinburgh* for further Examination. For all which this shall be Warrant to you, and all Officers and Soldiers employed by you.’

Geo. Mackenzie, Perth Cancel.  
Geo. Mackenzie, Douglas,  
Jam. Fowles, Balcarras,  
Jo. Lockhart, Livingstone,  
And. Ramsay, J. Drummond,  
James Graham, Dav. Falconar.

Those Instructions speak for themselves, and as they want a Parallel, so they need no Commentary. We may look upon them as the Copy according to which the Country was to be handled at this Time, and this cruel Scene was exactly followed in several Places for some Months, bating some little Regularities here, which the Officers of the Army at some more Distance from *Edinburgh* did not always reckon themselves bound to follow. Reflections upon them may be very short, such who were Parties, I mean both in this Case, by being Officers in the Life-guard, and in other Cases, by sharing of the Spoil, are made Judges.



1684.

What terrible Hardships are here put upon the poor Country ! Boys and Girls of Fourteen and fifteen Years of Age have the Oath of Abjuration crammed down their Throat; and even such as swallow it are not free from Suspicion, but may be kept in Custody, and so are presumed to be perjured.

The Refusers of the Oath, and such who do not presently disown the Declaration, are instantly to be tried by a Jury, and that Jury by former Acts of Council must bring them in guilty, and they are to die upon the Spot under Colour of Law.

Such Masters as have the Tenderness to refuse a contradictory Oath, must lose their Rent, which is secured to those of Latitudé. Absents who incline not to come under this Inquisition, and, for any Thing known to the Council or Judges, are necessarily absent, must have their Houses burnt, if some *Testers* do not interpose.

And what Righteousness and Equity can there be conceived in punishing the innocent Families of such whom they think good to find guilty, even Striplings of twelve Years of Age with Transportation ?

How iniquous and heavy an Imposition was it, though now very common, that all should be imprisoned who would not engage upon Oath, to pursue Ministers and others abovenamed, and discover them and their Concealers !

Those Things cannot but stun Posterity, and make all who hear detest such wicked Oppression of the Rights of Men and Christians. And can any Thing but Ignorance of such Inhumanities, or the worst of Tempers, be at the Bottom of the Efforts too many are making (1715) to bring us back to those black Times ?

Procedure in the Parish of *Livingstone*, and those about, in pursuance of those Instructions.

I have before me a large Account of the Procedure of this Commission in the foresaid Five Parishes. The Soldiers came out the Day before, and charged all, young and old, to appear before the Judges, under Pain of Death. They sat first at *Livingstone*, where many Questions were put to some of the People anent the King's Authority, their keeping the Kirk, and other Matters quite extraneous to the designed Enquiry. The Soldiers sat on Horseback, with their Swords drawn, round about the Country People in the Fields. Old and infirm People who had not been from their Houses for many Years, were brought out, and those who were not able to walk, were brought on Horses, and such who were not able to sit, were tied to one another on Horseback; none were permitted to return till the Judges examined them. At Night, the Court adjourned to *Mid-caldor*, and all not examined were ordered to attend there, where the People were examined in the Church. But, passing these Circumstances, I only remark, that all this Trouble the Country was brought to, made no Discoveries I can hear of.

Form of the Oath of Abjuration, approved in Council, Nov. 25.

November 25. 'The Lords of his Majesty's Privy Council approve the Draught of the Oath underwritten, to be offered to all Persons whom they or their Commissioners shall think fit.'

'I A. B. do hereby abhor, renounce and disown, in the Presence of the almighty God, the pretended Declaration of War lately affixed at several Parish-churches, in so far as it declares a War against his sacred Majesty, and asserts that it is lawful to kill such as serve his Majesty in Church, State, Army, or Country, or such as act against the Authors of the pretended Declaration now shewn to me. And I do hereby utterly renounce, and disown the villanous Authors thereof, who did, as they call it, *statute and ordain* the same, and what is therein mentioned. And I swear, I shall never assist the Authors of the said pretended Declaration, or their Emissaries or Adherents, in any Point of punishing, killing, or making of War any Manner of Way, as I shall answer to GOD.'

This is the first Shape of the Abjuration Oath, we shall have it just now in the Proclamation a little shortned, and this was new Matter of severe Persecution to the West and South of *Scotland* next Year. That this might be the better pressed, the Council send West Lieutenant-general *Drummond*, and, besides him, name many particular Commissioners in the particular Districts in the South and West. They are mostly the Persons named in the Beginning of this Year, with some few others, some of whom will come in just now; it is their Instructions and Commissions will be of most Use to the Reader, to discover the Temper of this Period.

And December 2. I find the Council direct the following Letter to the Commissioners of the several Districts in the southern and western Shires.

Right Honourable,

'THE King's Majesty having granted an Indemnity, February 26. last past, and the Council considering there may be Persons within your Districts, who may fall in to share in that Indemnity, and being willing none should fall short of it, have sent you the following Instructions thereanent.'

PERTH. This



This is the first Time I meet with this Indemnity, tho' granted *February* last. What were the Motives in the Managers to keep it up till now, I shall not enquire, neither can I learn from the Registers it was published at all. In *February* or *March* next Year, an Indemnity is published at the Accession of King *James*, but till then I can learn of no other since the 1679. However, they now clog the Indemnity with the Abjuration Oath, and put it intirely in the Hand of the Commissioners, to apply the King's Pardon, or not, as they see Cause. The Instructions will best speak for themselves. 1684.

*Instructions for applying his Majesty's Indemnity.*

1. **Y**OU are, conform to his Majesty's Indemnity, to set at Liberty, and free all Persons imprisoned, or under Bond, by you not fined; and though they be sentenced to Banishment, they being under the Degree of Heritors, Liferenters, Wadsetters, or Burgesses of Burghs Royal, and vagrant Preachers.

Instructions for applying his Majesty's Indemnity, Dec. 3.

2. By vagrant Preachers you are to understand indulged Ministers, and such as are in Orders, but not licensed according to Law, whom you are not to dismiss or liberate, but upon their enacting themselves, or finding others Caution for them, that they shall not hereafter exercise any Part of the ministerial Function within this Kingdom, under the Pain of Five thousand Merks, otherwise find Caution under the same Sum to remove off the Kingdom within Twenty Days, and not to return without Licence, and mean while to live peaceably.

3. If any Persons already declared Fugitives, shall within Twenty Days after the Date of his Majesty's Proclamation, address to you, and testify their Acceptance of the said Pardon, by taking the Allegiance, or finding Caution to transport themselves out of his Majesty's Three Kingdoms, before the Twentieth Day of *May* next, after the Date of his Majesty's Proclamation, and to live peaceably till then, and not to return without Licence, on Pain of Death, you are to admit them.

4. But before you offer his Majesty's said Pardon to any of the foresaid Persons, you are to cause them swear the late Oath of Abjuration, and that they shall never take up Arms against the King, or any commissionate by him, upon any Pretext whatsoever; and if they refuse so to do, you are to secure them in Firmance, until you report to the Council, and have further Orders; and you are to give the ordinary Pass to all such as take the said Oath.

But to aw the Country the more, beside the former Commissioners, some are more especially appointed to traverse the Country with a Justiciary Power lodged in them solely. Thus, December 4. the Council send Lieutenant-general *Drummond* to the West and South. His Commission and Instructions will best shew his Powers. Lieutenant-General *Drummond* has Commission.

*Commission and Instructions to Lieutenant-general Drummond.*

**C**HARLES, &c. Forasmuch as We and the Lords of Our Privy Council are certainly informed, that there are certain fugitive Rebels now in Arms, in several Places in the south and western Shires, who by themselves, their Adherents and Accomplices, do daily commit great Aubses and Insolencies, to the Disturbance of Our Peace, and the Disquiet of Our loyal People.

We, to the effect that these Rogues and Villains may be reduced, do, with Advice of Our Privy Council, constitute Lieutenant-general *Drummond*, Master General of Our Ordnance, Our Justice in that Part, to the Effect underwritten, with Power to him to go to the said South and West Shires, or any Parts thereof, where the said Rebels and their Adherents do mostly resort, and then and there, as he shall think expedient, to affix and hold Courts of Justiciary, call Assizes, &c. (as in common Form before specified) and call any of the said Rebels or their Adherents, or Persons suspect, and cause Justice be done on them according to Law and Practick, and Acts of Parliament of this Realm, and Instructions given by Our Council of the Date thir Presents. Promitten. to hold firm and stable; and ordain this Commission to continue and endure till the first of *January* next.

*Instructions given with the above specified Commission.*

1. **Y**OU are to go to the southern and western Shires, where several Rebels and their Adherents are, or do haunt and resort, and do commit great Insolencies and Abuses; and for your Assistance in reducing and punishing them according to your Commission

And Instructions.



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on, you are to take with you the Forces following, Half of the Troop of his Majesty's Life-guard, Four Troops of *Claverhouse's* Regiment of Horse, the Earl of *Balcarras*, *Airly*, and Lord *Ross* their Troops, Six Troops of General *Dalziel's* Regiment, with Two hundred Foot out of the Earl of *Mar's* Regiment; and with them you are to pursue, take, and apprehend and kill the foresaid Rebels and their Abettors.'

'2. You are to call before you all such Persons who have been in the late Rebellion, and have not taken the Benefit of his Majesty's Indemnity, and their Resettlers, as also, all such who have been Actors in contriving, accessory to the publishing, or affixing, or do any manner of way approve of, or allow the late treasonable Paper and Declaration.'

'3. You are to quarter the said Troops under your Command, upon your March up and down the said Shires, either in Burgh or Land, as you shall find most expedient; and you are to settle Garisons of Horse and Foot, and Dragoons in such Places, and consisting of such Numbers, as are contained in a List given you for that Purpose; and to make such Alterations in the said Garisons as you shall find most proper for the King's Service, and the Peace of the Country; and you are to require all Sheriffs and Magistrates where the Garisons are to be established, immediately to convene the Commissioners concerned to provide them, and to certify the Sheriffs and other Magistrates, that if they prove negligent, they will be convened before his Majesty's Privy Council, and fined therefore; and if they be negligent, you are to allow the Forces in that Case to take what they want at their own Hand; and generally, you are to do every other Thing necessary, which may most conduce to his Majesty's Service, and the Good of the Country.'

At the same Time the Council write a Letter to the Duke of *Hamilton*, acquainting him, that they had sent West Lieutenant-general *Drummond*, with a Justiciary Power to go through the western and southern Shires, and try Rebels and Fugitives, and vagrant skulking Persons in the said Shires, and, where he finds it necessary, to establish Garisons, especially in *Lanerk* Shire; and desiring that his Grace may convene the Commissioners, who are proper to provide the Garisons with all Necessaries.

Commission  
for the Laird of  
*Orbistoun*, Dec. 8.

Besides those Powers granted to the Lieutenant-general, some other Commissions are granted to private Persons, who would undertake them, to search for, and take suspected Persons in Places which the regular Forces could not so easily reach. Thus I find a new Highland Host is brought down upon the Shires of *Renfrew* and *Dumbarton*, under the Laird of *Orbistoun*. The Commission is a little singular, therefore I insert it. Date December 8. 1684.

'**CHARLES**, &c. Forasmuch as We understanding there are several Rebels and Fugitives, who do haunt and skulk in the Shires of *Dumbarton* and *Renfrew*, and that there are several outed Ministers who reside within the same, to the great Disturbance of Our Peace, if a proper Remedy be not fallen upon for preventing the Abuses committed by the said Rebels and Fugitives, and Our People from being debauched into disloyal and seditious Principles by those outed Ministers.'

'Therefore We, with, and by Advice of the Lords of Our Privy Council, do give and grant full Power and Authority to *William Hamilton* of *Orbistoun*, to levy voluntarily Two hundred Highlandmen of the Shire of *Dumbarton*, and with them, or any Part of them, as oft as Our Service shall require, to march to any Part of the said Shires, and pursue, take, and apprehend the said Rebels and Fugitives, vagrant and skulking Persons and their Resettlers, and commit them to some Firmance or Ward till they be legally tried.'

'And in case any of the said Persons be in Arms resisting and refusing to be taken, We do hereby fully empower the said Laird of *Orbistoun*, and those with him, to kill, wound, and destroy them, and deliver such of them who shall be taken alive, to Our next commissioned Officer of Our Forces, to be brought in Prisoners to the Tolbooth of *Edinburgh*, in order to be brought to a legal Trial, or to be otherwise disposed of as Our Council thinks fit.'

'And in pursuance of the said Commission, We do authorize the said Laird of *Orbistoun*, to imploy Spies and Intelligencers to go in Company with the said Rebels and Fugitives, as if they were in their Party, the better to discover where they haunt and are reset; and, if they can, to apprehend and present them unto him for the Effect foresaid.'

'As also with full Power to the said Laird of *Orbistoun*, to take and apprehend the Persons of all outed Ministers, who shall be found within, or resort unto the said Shires, and send them in Prisoners to the Tolbooth of *Edinburgh*, or deliver them to the nearest Officers of Our Army, to be brought in Prisoners accordingly.'

'It is also hereby provided, that the said Laird of *Orbistoun* take Care that those Persons imployed by him, commit no Disorders, and the Country through which they pass, receive no Damage by them.'

'And



And for the better Encouragement of the said Laird of *Orbistoun*, and those with him, We indemnify him or them in case of Resistance, where Persons may be killed, wounded, or mutilated, and for conversing with Rebels and Fugitives to the Ends foresaid, and from all Pursuits criminal or civil in all Time coming; and do declare this Our Indemnity to him and them, to be as sufficient and valid as if the same were under Our Hand and great Seal: And this Our Commission is immediately to begin and take Effect, and to continue and endure till We or Our Privy Council shall recal the same.

The Hardships and Difficulties the poor People in the West and South were brought under by this Army sent upon them, are indeed inexpressible. Some particular Instances may come in afterwards, this and the next Year; but the Reader will easily perceive what furious and exasperate Soldiers would do, when they had so large Powers and Commissions. We shall presently meet with more Commissions given to some select Persons in every Shire, which perhaps superseded the giving them to particular Persons.

At length, *December 30.* after all those Steps taken to harass and persecute the Country, before any previous Warning given to them, of the Danger of the Societies *apologetical Declaration*, and the Necessity of the taking of the Oath of Abjuration, which, one would think, ought to have been the first Step should have been taken, the Council emit their Proclamation against the Declaration, which I have insert *App. N<sup>o</sup>. 100.*

Proclamation  
against the  
apologetical  
Declaration.

App. N<sup>o</sup>. 100.

The Names of the *Sederunt* are insert to make it the more remarkable, but why the Title of the Proclamation runs, *against the horrid Principle of Assassination*, the Framers best knew. The *Society People* expressly disown it. I do not at all offer to defend their Paper, yea, I really think Allowances may be made to the Managers, when they reckoned they had gotten such an open Affront; and I could bear with them in going further now than upon other Occasions, but the Reader must observe they go very far. I can scarce doubt, but some of the Managers knew the Nature of their Meetings: *Earlsfoun* had given a very fair Account of them, and yet they take it for granted, their Fellowships and Societies for Prayer and Conference, were a Form of civil Government, and levelled at bloody and assassinating Designs. I am apt to believe, some of the Managers knew other Things, tho' they speak thus.

Remarks on it

And upon this false Supposition, the Proclamation orders all that do own this Declaration, or do not disown it, to be tried and executed to Death. And that this was hard, will appear, not only from the Scruples we have heard, against owning or disowning Things, at the Order of the Persecutors, but will be yet plainer, if we charitably suppose, what, they say themselves, is true, that they were driven to this last Shift, not from any Design of Assassination, which they say they abhor, but merely in Self-defence, and they advance much to prove, that their Assertions go no further. But I leave their Defences to themselves.

This I know, that many poor Country People would not disown their Paper, not from the least Inclination to the Principles the Proclamation speaks of, but because they imagined the disowning of this Paper, was a disowning of the poor persecuted People, and an Approbation of the Cruelties and Hardships put upon them; and it was certainly unaccountable to butcher Multitudes of them merely for their Opinion, and that in a very few Minutes. I may take Notice further, that the Council, or rather criminal Court by their Direction, found the not giving poor Country People's Opinion upon this Paper, sufficient Ground to execute them, even before this Proclamation; and the Proclamation orders a 'Trial and Execution upon the Back of it: But the Soldiers would not insist upon this Nicety, but wherever they found People who would not answer their Questions, they immediately dispatched them; and in this the Act of Council appears to warrant them, tho' I don't observe that the Proclamation does.

It needs scarce be remarked, that the Proclamation involves the whole Subjects, in Assistance to Magistrates and Army, in those severe Courses, which was hard enough, but now very common, and then under a Pretext too, to ease the Country, whereas it was really to involve them. All above Sixteen Years are obliged to have Passes of their Loyalty, and these were only to be had upon their swearing the Abjuration Oath, as in the Proclamation.

I shall say very little upon this Oath; the more frequently Oaths, and that in different Shapes, upon every new Turn, be imposed, the less they are for the real Security of a Government, and the Design of them is lost. I own, for as short as the Oath is, it runs very oddly to me: The Swearer disowns, in the Presence of GOD, *this pretended Declaration of War, in as far as it declares War*; and it seems to need Explication as well as some Parts of the *Test*, and many Things might hinder Persons to swear such a Proposition as this, who were heartily against Assassination; and yet all must have this Pass, otherwise must be reckoned *Concurreurs with the said execrable Rebels, and Owners of the said Declaration*. This made a short Process, and, for any thing I can observe, all who wanted a Pass, might be murdered by the next Soldier who met them; and every one who refused to concur in harassing these poor People, is to be holden as guilty as the Refusers; and all Persons and public Houses who entertain any wanting this Pass, are laid under the Pains of being punished as Refettors of Rebels; and every Body who is required (by an Hostler, or Stable-keeper, for



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for any thing I know) to swear that his Pass is good and genuine, must do it; which, Ifancy, will be found a Clause peculiar to this Time, and no where else to be found. And lastly, the Proclamation offers 500 Merks to the Discoverers of any that had Accession to the Societies Paper, or any of the Members of the Societies or Fellowships. Their Price is much fallen. We have seen 9000 Merks set upon the Discovery of an intercommuned Minister, and 10000 Merks on the Archbishop's Assassimators; and yet but 500 Merks now is put upon the alledged Patrons of Assassination.

No Body can be more for a Government's discouraging all Things which tend to Assassination and Murder than I; but this is an odd Way of doing it, especially when disclaimed in the Paper it self: And every Body must observe, that the former Orders and this Proclamation, did, in the Event, open a wide Door to Multitudes of Murders and Assassinations of some very pious Persons, as we may afterwards hear.

In short, the Managers took Occasion, from this unhappy Paper of the Societies, terribly to renew their Oppression of the Country, and maliciously and slanderously to charge it upon the Body of suffering Presbyterians, who, as they knew nothing of it, so were very far from approving it: Yea, the Reader will find the Societies themselves, afterwards, in the informatory Vindication, disown it as a Declaration of War, almost in the very Terms the Government require it to be disowned, and asserting, that in this Paper they acted merely *ad terrorem*, and for Self-preservation, and expressly disclaiming all authoritative and magilstratical Power: However, dreadful was the Havock and Trouble the whole Country was brought under for it.

This will in part appear from the Commission given the same Day the Proclamation is emitted by the Council, to great Numbers in every Shire almost, to hold Courts, and bring every Body to Trouble, and the Instructions and Powers granted them, which I shall next insert. The Execution of those Commissions will come in next Year.

December 30. the Council give the underwritten Commission to the Persons named in it.

#### Commission.

**CHARLES, &c.** Forasmuch as, notwithstanding all the fair and legal Methods used by Us and Our Privy Council, for reducing those who have been debauched with schismatical and seditious Principles, yet several of them do not only continue in their former irregular Practices; but also considering, that several desperate Rebels and Fugitives, who have been still reset, sheltered, and supplied in the Country, since the Year 1679. have now of late erected themselves in a mock Form of Government, do disown Us, Our Authority and Laws, and have declared War against Us, and from that do infer, that 'tis not only lawful, but Duty on them to kill Us, and all who serve under Us; and yet such inhumane Monsters, who, in pursuance of their traitorous Declaration, are daily committing bloody and execrable Murders, are sheltered, supplied, reset, and connived at in several of Our Shires; and We being fully resolved, that those accessory to the late Rebellion 1679. or who reset any who was there, and that those bloody Wretches, and all who any manner of way have harboured, reset, sheltered, supplied, connived at, or has seen or heard of any of them, and hath not given timeous Advertisement to Our nearest Magistrates or Officers of the Forces, or have not observed the Prescript of Our Laws against Irregularities and Disorders in Ecclesiastical Matters, should be brought to due and condign Punishment: We, with Consent of the Lords of Our Privy Council, have thought fit to grant Our full Power, Authority, and Commission, to the Persons aftermentioned, for prosecuting the Persons guilty of the said Crimes, in the Bounds and Manner after specified.

For Clydsdale.

Likeas, We give and grant full Power and Authority, and Commission, to John Earl of Carnwath, William Hamilton of Orbistoun, Cromwel Lockhart of Lee, John Johnstoun Provost of Glasgow, and James Lundy of Strathardly, for the Shire of Clydsdale, the said Earl being Convener.

Renfrew.

To the Earl of Glencairn, Lord Cochran, Lord Ross, the said William Hamilton of Orbistoun, Houstoun younger of that Ilk, and John Schaw younger of Greenock, for the Shire of Renfrew, the said Lord Ross Convener.

Air.

To Lord Bargeny, Blair of that Ilk, Sir Archibald Kennedy of Colzean, Sir William Wallace of Craigie, Hugh Cathcart of Carlstoun, and Robert Hunter Provost of Air, for the Shire of Air, the Lord Bargeny Convener.

Dumbarton and Stirling.

To the said William Hamilton of Orbistoun, the Laird of Luss, Major-general Arnot, Lieutenant-governor of the Cattle of Dumbarton, the Laird of Araincaple, and John Graham of Dougalstoun, for the Shires of Dumbarton and Stirling, the said Laird of Orbistoun being Convener.

Nithdale and Anandale.

To the Earl of Anandale, Sir Robert Dalziel of Glenae, Sir Robert Grierson of Lag, Sir James Johnstoun of Wester-raw, Thomas Kilpatrick of Closburn, and Robert Lawrie of Max-



Maxwelltown, for the Shire of Nithsdale and Stewartry of Anandale, Earl of Anandale 1684.  
Convener.

To John Viscount of Kenmuir, the said Laird of Lag, David Dunbar of Baldunc, Sir Godfrey McCulloch of Miretoun, and Mr. David Graham Sheriff-depute of Galloway, for the Shire of Wigtoun and Stewartry of Kirkcudbright, Kenmuir Convener.

To the Lord Jedburgh, Lord Cranstoun, Mr. Doual of Mackerstoun, Sir William Douglas of Cavers, Sir William Ker of Greenhead, Sir William Elliot of Stobs, and William Ker of Chatto, for the Shire of Teviotdale, Lord Jedburgh Convener.

To John Riddel of Hayning, Sir Francis Scot of Thirlstone, Thomas Scot of Whitefield, Sir Robert Pringle of Stichel, James Murray of Dewchar younger, for the Shire of Selkirk, the said Laird of Hayning Convener.

As also to the commanding Officer of our Garisons, in the respective Bounds and Shires.

To meet and convene at the head Burgh of the respective Shires, and their first Meeting to be upon the Fifteenth Day of January next; and in case of Absence of the Conveners named, with Power to choose their own Convener.

Appointing them, or any Three of them, in the foresaid Shires and Bounds respectively, to proceed against, punish and sentence, according to Our Laws, such Persons therein as they shall find, by their own Confession, or other legal Probation, guilty of being present at House or Field-conventicles, withdrawing from publick Ordinances, disorderly Marriages and Baptisms, and other Ecclesiastical Disorders.

And We do further appoint the foresaid, or their Quorum, within the respective Shires and Bounds, to be Our Justices in that Part, with full Power to meet at such Times and Places as they shall find convenient, and then and there to affix and hold Courts, &c. (as in common Form) and this to endure until the first of March next.

January 13. next Year, I find the Council add another Commission to the Sheriff of Berwick, to Sir Archibald Cockburn of Lantoun, Sir James Cockburn of that Ilk, Hume of Lint-hill, and Mr. Charles Hume of Aytoun, with the Earl of Hume their Convener.

And to Sir Archibald Murray of Black-barony, David Murray of Stenhope, James Nasmyth of Possfo, James Geddes of Kirkid, Richard Murray of Spittlehaugh, and William Horburgh of that Ilk, for the Shire of Peebles, Black-barony Convener. The Day of their Meeting is January 22.

The Council, with this Commission, gave them very particular Instructions, which deserve a Room likewise here.

### Instructions to Commissioners to meet January 15. next.

1<sup>mo</sup>. You shall meet together, Three being a Quorum, the 15 Day of January, and according to the Proclamation, examine all in each Parish on Oath, upon the Interrogatories contained therein. And for so doing, each of you may examine a Parish apart, and secure such as refuse, and each of you may likewise give Passes, in the Terms of the Proclamation, to such as disown those horrid Principles.

2<sup>do</sup>. If any Person own the Principles, or do not disown them, they must be judged at least by Three. And you must immediately give them a Libel and the Names of the Inquest and Witnesses, and they being found guilty are to be hanged immediately in the Place, according to Law. But at this Time you are not to examine any Women, but such as have been alive in the said Courses in a signal Manner, and those are to be drowned.

3<sup>do</sup>. You are to proceed against the absent Men, not by denouncing them Rebels, but by holding them as confest upon a pecuniary Mult, and they being thereupon decerned, conform to the King's Letter, their Moveables are to be inventared and sequestrate.

4<sup>do</sup>. You must proceed against all who are guilty of having been at Bothwell-bridge, or were in Accession thereunto, except they have taken the Indemnity; but you are not to proceed so summarily, but give them Time. And if they take the Test, and be very penitent, let them find Caution, or enact themselves to appear when called.

5<sup>do</sup>. You must likewise proceed against Heritors guilty of Church-disorders, since their former Fining. And if any have not been adequately fined, you may proceed against them for the Superplus.

6<sup>do</sup>. You may examine Witnesses, as you see Cause, against such as are given in the List, to be pursued before the Parliament.

7<sup>do</sup>. If you find Probation against Heritors not yet delated, you may take them before you, both as to the Rebellion, and the late Conspiracy.

8<sup>do</sup>. You are likewise to cause the whole Pack-men, Cadgers and Drovers, within the Bounds of your Shire, find Caution not to carry Letters or Intelligence to the Rebels, or to sell to them, or give them Ammunition. or supply them any other manner of way.

9<sup>do</sup>. You are to cause the whole Merchants of your Shire, who have any Powder, Lead,



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or any Sort of Ammunition, or were in use to sell the same, give their solemn Oath as to the Quantity and Quality thereof, and find sufficient Caution that the same shall not be given or sold to Rebels. And if they fail to give the said Caution, all the Ammunition is to be secured and taken from them, until the same be called for by the Master of the Ordnance, and brought to his Majesty's Magazines.

10<sup>mo</sup>. If the foresaid Pack-men and other wandering Persons in your Shire, shall not appear, and shall refuse to find the foresaid Caution, that by Order of the said Commissioners their Packs be seized, and their Persons secured till further Order from the Council.

11<sup>mo</sup>. You shall call for, to your Assistance, such Parties of Horse or Foot in your District, as you shall have Occasion for, who are hereby ordered to obey you. And you are to meet at such convenient Times and Places, as may be most for the Ease of the People.

Magistrates of Burghs impowered to tender the Oath of Abjuration.

I meet with no more in the Registers relative to this Declaration, but what will come in next Year, under the rigorous Execution of those Commissions and Instructions, unless it be that, January 9. the Council empower the Magistrates of Burghs to tender the Oath of Abjuration to all concerned, conform to the Proclamation.

The last Thing I promised in this Section, was to give an Account of the criminal Prosecution before the Justiciary, and publick Executions of some Country People, who refused to disown this Paper of the Societies, about which so terrible a Bustle was made. I shall first give an Account of their Process, from the Justiciary Registers, and then give some further Hints of them from some other Papers.

George Jackson and others proccessed Dec. 8.

December 8. George Jackson, Thomas Wood, Alexander Heriot, James Graham, and Thomas Robertson, and with them Patrick Cunningham, John Watt, James Kirkwood, Alexander Vallange, and James Glover, are indicted, ' That upon the 28 of October last bypast, they did emit a most barbarous and hellish Proclamation, that they would begin their Assassination and War. Upon the 9 of November, after the Promulgation of this villanous Paper, and this Paper having been posted upon the Kirk-doors of Kilbride, Linlithgow, and other Places, the Pannels were taken, and at their Examination, owned ilk one of them, or would not disown that Paper upon Oath, in so far as it declares War against the King, and that it is lawful to kill the King's Officers of State, Counsellors, Justices, Soldiers, or Informers, or declare, if they had any Hand in emitting of that Paper. Wherethrough ilk one of them are guilty of contriving, emitting, and publishing the foresaid treasonable Declaration, at least are Adherers thereto, in refusing to disown and disclaim the same by Oath, and ought to be punished with Forfeiture of Life, Land, and Goods, to the Terror of others.

Five of them disclaim the Declaration, and the Diet is deserted.

The Five last named, as in Presence of almighty God, renounce and disclaim the Principles above mentioned, at the Bar, and their Diet is deserted *simpliciter*. The Diet against the other Five is continued till to Morrow.

December 9. the Lords find the Libel relevant, viz. that the Pannels own, or refuse to disown the traitorous Proclamation, whereby War is declared against his Majesty, and asserting, that it is lawful to kill those employed by his Majesty, to infer the Crime of Treason, as Art and Part of the said treasonable Paper, and remit the same to an Assize.

Diet deserted against Alexander Heriot.

The Probation adduced by the Advocate, is the Pannels judicial Confession in the Court Yesterday, whereby they refused to disown the said Paper when read to them, to which the Pannels adhered, and disowned the King's Authority. Alexander Heriot disowns the Proclamation, and at the Bar acknowledges upon Oath, that it is not lawful upon any Pretext whatsoever to rebel against his Majesty, or any in Authority under him; and the Diet is deserted as to him, *simpliciter*.

George Jackson, Thomas Wood, James Graham, and Thomas Robertson to be executed Dec. 9.

The Assize bring in the other Four guilty, by their own Confession. And the Lords sentence them to be taken to the Gallow-lee this Day, December 9. 'twixt Two and Five in the Afternoon, and hanged.

George Jackson.

Thus this Matter stands in the Records. I have some other Hints as to those good Men, from other Papers, which deserve a Room here. George Jackson lived in the Parish of Eastwood, and we have heard that this fervent zealous Country Man was taken at Glasgow, being overheard praying in a House. A little after he was seized he was carried before the Bishop, and by him examined upon several Questions very captious. It may not be unfit to point at some of them, that the Reader may have some further Taste of the bloody and bitter Temper of the Prelates, and the Methods they used.

His Examination by the Bishop.

The Bishop asked him, if he was at Bothwell-bridge. He answered, Yes. He was next asked if he was an Officer, and said, No; for he was but Sixteen Years of Age. The Bishop then asked him, if he was at Bothwell Rebellion. George answered, he allowed himself in no Rebellion against God. The Bishop asked, if it was Rebellion against the King. The other said, he had answered that already. The Bishop asked, if he would pray for the King. He answered, he reckoned it his Duty for all within the Election of Grace. The Bishop asked, is the King within the Election of Grace, or not. George answered, if you were such a Man as you pretend to be, you would not ask me such a Question. Then he was asked, if he owned Authority. He answered, he owned the King and inferior Magistrates, in as far



far as they were a Terror to evil Doers, and a Praise to them who do well. The Bishop asked, are they not so. *George* answered, when the Lord *Jesus* shall sit Judge, they, and you, and the like of you, will count for it, whether you be or not. He was asked, if the Bishop's Death was Murder; and answered, he was not concerned with those Matters. The Bishop left him, with saying in a considerable Heat, Sir, the Boots will make you free in your Answers.

All the last Winter he was kept in the Irons, without any Fire; and *May* last, he was carried into *Edinburgh*, where being called before a Committee of the Council, he came in with a Bible in his Hand; perhaps he would not leave it in the Iron-house, and had none to give it to till he came back. I would not notice this Circumstance, were it not to discover the jeering scoffing Temper of the Persecutors. The Advocate says when he came near, There comes he and his Bible, let us see where the Text is. *George* calmly answered, he was not a Minister. Put up your Bible, says the other, we are not for preaching at this Time. He answered, he was not come to preach, but since they insisted upon his Bible's being in his Hand, which was no Crime, he wished they would make it the Rule whereby he was to be judged; for they would ere long be judged by it. It was replied, he was now come to be judged, and not to judge them. And then the ordinary Questions were put to him, which he answered much the same way as above to the Bishop.

He continued in the Irons till the Bustle about the Societies Paper, and then was posed, if he owned that Declaration. He answered, as far as was agreeable to the Word of God; but he allowed of no Murder. The Council remit him to the Justiciary, where we have heard his Sentence. He died in much Comfort and Serenity.

*Thomas Wood*, we formerly heard, was taken after the Rescue at *Enterkin-path*. I have before me his Account of his Examination under his own Hand. *November* 12. when the Managers are in a Rage upon the Societies Declaration, he with others were called in, and had that Paper read to them; and *Thomas* was asked what he had to say of it. He answered, he never heard of it till now, and could scarce understand it, the Clerk read it so fast. He was asked, but do you adhere to it. He answered, as far as it is agreeable to the Word, but no further. But, added they, the *Covenants* are in it, do you adhere to these. He answered, I do. And, after some Questions, if he was at *Bothwell*, or *Airs-moss*, where he was not, he was dismissed.

*Thomas Wood*,

*James Graham* Taylor in the Parish of *Corsemichael* in *Galloway*, when coming Home from his Work to his Mother's House, he was overtaken in the high Way by *Claverhouse* and a Party of Soldiers. They knew him not, and had nothing to lay to his Charge, but searching him, and finding a Bible in his Pocket, they took it and his Tools from him; and, without asking any more Questions, no doubt reckoning him a disloyal Person, carried him with them to *Kirkcudbright*. From thence they took him to *Wigtoun*, and from thence to *Dumfries*, where he was some Time in the Irons, because he would not answer their Interrogatories. He was in a little Time taken in to *Edinburgh*, and questioned upon the Declaration of the Societies, and refusing to answer, was condemned, and died most comfortably.

*James Graham*  
in *Corsemichael*.

*Thomas Robertson* had fled out of the South Country, and lived some Time at *New-castle*; he was there imprisoned upon his refusing to take the *English* Oaths. By some Means or other he got out of Prison, and came to *Edinburgh*, where, at the general Search *November* last, he was taken; and, when brought before the Council, he was soon ensnared by their Interrogatories, and remitted to the Justiciary, where he was condemned with the rest. By his last Speech he appears to have been a serious pious Man.

*Thos. Robertson*;

Thus we see, none of those Persons were or could be concerned in the Societies Paper, they being in Prison and else where at the Time, and since: Yet precisely upon their refusing to judge about it, and condemn it, they are sentenced, and die, to be a Pattern to the Soldiers in their more summar Sentences up and down the Country, or to satisfy the present Rage the Managers were in from the Societies Paper.

None of these  
were or could  
be concerned  
in the Societies  
Declaration.

This is all I meet with from the Registers, relative to this Declaration; and the Reader will find other Instances of Severities through the Country, in the next Chapter. Upon the Whole, he will with me regret the lamentable Consequences of that ill-worded and ill-timed Paper, and observe the Activity and Vigilance of the Persecutors. They slip no Occasion given them of harassing and oppressing the Country, after all formerly laid upon it this and former Years. I come now to finish this Year and Chapter with



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## S E C T. VIII.

*Some general Hints of the Persecution, particular Hardships, and Murders in the Fields, with some other Accounts which came not so well in upon the former Sections, this Year 1684.*

**M**atter hath swelled so much upon my Hand, and I was so knit down by the large Subjects I thought needful to put together in the former Sections of this Chapter, that I chose to leave to this Place many general Accounts of the Persecution of this Year, and some particular Sufferings, of which I have not the distinct Dates, and several other incidental Things, which deserve the Reader's Notice.

Contents of  
this Section.

I shall first give some further Views of the severe Persecution in all the Corners of the Country, by Courts, Searchings, Finings, and Banishments, which I have in vouched Accounts from the particular Parishes, and they are supported by the Commissions and large Powers we have formerly seen were granted by the Government, and then I shall take in some other incidental Things from the Registers and other Papers, which tend to enlighten the History of this Year.

The former Courts, for which Commissions were given in the preceeding Years, continued very frequent, and their Severities increased, as appears, by the extravagant Finings, Searchings, Quarterings, Banishments, and Murders in cold Blood, now beginning. The Persons mentioned in the former Years, continued to squeeze the poor Country People most arbitrarily for alledged Refet and Converse, Noncompearance at former Courts, and other Things now made Pretexes for Oppression.

The Persecution  
on this Year  
goes as far  
back as Pent-  
land.

And when Matter began to fail them within the Compass of the foregoing Years, since *Bothwell*, they ran as far back as *Pentland*. Thus in *Galloway*, where that Rising began, I find the Soldiers exacting considerable Sums this Year in the Parish of *Dalry*, as the Rests of the Bonds extorted by *Bannantyne* and others. Much Money was exacted from the poor People, and the very Interest of those Notes and Bonds reckoned up, and their Cattle were taken away, and their Houses rifled, merely upon their pretended Accession to *Pentland*.

The Share of  
the Curate in  
*Tingwall* in the  
Fines.

In the Parish of *Tingwall* I find Finings most severe, and Papers before me bear, that the Curate of that Place made Money by them. He used to delate the Persons to the Courts, and upon pretext of the People's Inability and Poverty, he interceded and got down the Fine to a small Matter, which he paid down, and took a Right to the whole, and then took his own Methods to draw much more from the Persons concerned, before they got their Discharge. Many other Ways he had to share in the Fines of Persons of his own delating.

Courts held by  
the Laird of  
*Lag*.

I find the Laird of *Lag* holding Courts frequently in *Galloway*, the Beginning of this Year, and obliging those who did compear to declare on Oath what they knew of those who did not compear, and if they knew where any of the Wanderers haunted. In the Kirk of *Dalry*, he gathered all the Men of the Parish, without signifying what he was to do with them, and then brought a Party of the Soldiers and surrounded the Kirk, with express Orders to let none out till he gave Commission. Then he tendred the *Test* to them all, though none of them in Law were obliged to take it, assuring them in the most threatening Manner, none should get off till they took it. Many took it against their Inclinations. And when by fair Means and foul he had prevailed with them, he said, *Now you are a Fold-ful of clean Beasts, ye may go Home*. Yet afterwards getting new Informations from his Spies, about some of them, he afterward harailed severals who had sworn, and fined them, tho' they were legally purged from their alledged Faults, by taking the *Test*. I find he exacted upwards of Seven hundred Merks from three Men who had qualified.

As David  
Graham.

*David Graham*, about the same Time, held Courts at the Kirk of *Twinnam* and that Neighbourhood, mostly about Nonconformity. His great Interrogatory was, if they kept the Church, and when many could not depone in Terms of Law, they were fined, and the Fines exacted with all Rigour. Courts were held also in the Parish of *Anwick*, and the same Methods followed, only with this Difference, that the Day before the Court, Soldiers were sent to the Houses of those they chiefly had an Eye upon, to quarter there, and bring them with them to the Court to Morrow.

The Curate's  
Share in the  
Severities at  
*Kirkcudbright*.

At *Kirkcudbright* likewise there were Courts, not only about Nonconformity, but also Refet and Converse. The Curate caused almost the whole Parish to be cited, and sat in the Court, and excused and accused as he saw good, and gave Characters of the Persons appearing, and a secret Mark was put upon such as he alledged were backward in keeping the Church, though they declared or deposed in Court they were regular, that afterward they



they might be narrowly looked to. At this Court Masters were sworn, that as soon as they found their Servants kept not the Church, they should be dismissed, and Parents the same way as to their Children. 1684.

*James Martin* of *Dularg*, was brought to much Trouble at this Court. We have met with the Sufferings of his Son *William Martin*. I shall here take Occasion to insert an Hint of the old Man's Troubles. He had been fined most groundlessly by *Middleton's* Parliament, in Five hundred and Ten Merks; and when he refused to pay that Fine, being conscious of no Crime, that, and almost as much more, was taken from him by Force, as appears by a Discharge under Sir *William Bruce's* Hand. He lost much by Sir *James Turner's* Quarterings upon him for his Wife's Nonconformity. An Hundred Pounds were taken from him for baptizing a Child with a Presbyterian Minister. Some Time after, *John Maxwell* of *Milltown* fined him in a large Sum for his Wife's Nonconformity, and Three Yoke of Oxen and some Horses were taken away upon his refusing to pay it. At length, he raised a Process of Reduction against *Milltown* before the Council, which cost him upwards of an Hundred Pounds; and the Council were so sensible of this Persecutor's Exorbitancies, that for this and other Things for a Time they took away his Commission. Being this Year cited before this Court at *Kirkcudbright*, at the Instigation of Mr. *Colin Dalgleish* Curate, he was fined in a Thousand Pounds, for his Wife's not keeping the Church, and cast in Prison till he paid it. There by the Severity used, and Want of Accommodation, he caught a Cold; and took a violent Cholick, whereof he died in Prison.

*James Martin* of *Dularg* his Sufferings.

*Thomas Lidderdale* this same Year, held Courts likewise at *Kirkcudbright* of a more extensive Nature. To these all the Neighbourhood were cited, Women as well as Men, and interrogate upon Oath. After some Questions about themselves, anent the Names of all irregular Persons they knew, and Wanderers, and where they frequented in that Country; and particularly if they knew where any of their Goods and Gear were, or any Person who had any Thing that belonged to them; and, according to the Informations given, such Persons were presently harassed, and their Houses rifled.

Courts held by *Thomas Lidderdale*.

The Test was now generally pressed at the Courts which were held, and by the Persons mentioned in the Proclamation, as impowered to grant it as a Favour. A great deal of Rigour was used this way at *Glasgow*, whoever the People who held Courts were pleased to suspect, had it tendred to them; and if they refused, to Prison they must go, though no other Thing could be laid to their Charge; and not a few were prevailed with to take it over the Belly of their Light and Conscience, which gave Occasion to some bitter and sore Reflections afterward to severals of them. A few Instances of many that might be given, shall here suffice.

The Test imposed at *Glasgow* on Persons suspected.

*William Spaldie*, Taylor in *Glasgow*, took, and subscribed the Test, and in a little Time fell under great Remorse for taking the Lord's Name in vain, and swearing that contradictory Oath, as he now apprehended it to be. In this Trouble of Mind he continued some Time, and died not long after in great Distress. Some good People visiting him on his Death-bed, endeavoured to comfort him, but he refused all of that Nature. When he was desired to consider the Extensiveness and Greatness of God's Mercy in Christ, he answered, 'Speak not of Mercy to me, I have appealed unto God, and attested him to judge me, and he will do it. I have sealed and signed my Condemnation with mine own Hand.'

Remarkable and lamentable was the Expression of *William Muirhead* Vintner there, at his taking the Test. He was but a coarse Man, yet his Conscience got up upon him on the taking of it; and when he rose from his Knees, he said to the Administrators, 'Now you have forced me to take this Test on my Knees, and I have not bowed my Knee to God in my Family these Seven Years.' The poor Man went away much discouraged, and next Sabbath was taken with a sudden Illness, and died.

I only mention another Instance of the dismal Consequences of this violent pressing of this Oath. *John Anderson* Indweller in *Glasgow*, was prevailed upon, with many others, to take the Test, and not long after, his right Hand and right Knee broke out in a running Sore, commonly called the *Cruels*. For my Share I dare not fix Connections in Matters of this Nature, I only narrate Fact, and what the poor Man's own Apprehensions were. This Evil grew upon him, and not many Days after he died in great Terror, and used to cry out, *This is the Hand I lift up to take the Test, and this is the Knee I bowed.* We ought to be very sparing in making particular peremptory Consequences from Providences; but these Matters of Fact are known to severals yet alive, and many Things of this Nature were observed up and down the Country, but those Instances may suffice.

The Quartering of Soldiers for Non-payment of the Cess, was another Thing at this Time most vexatious to the Country. That Tax was imposed, and the Method of gathering it so ordered, as, one would think, an Occasion was sought to stumble the poor Country, and to give Room for the Soldiers to spoil and ravage. The Narrative of the Act imposing it hath been already noticed, and many honest People did think, that in paying it, they consented to all the black and foul Things committed by the Soldiers; and their Refusal became new Matter of sore Persecution. A Party of Soldiers was brought upon the Refusers

Oppre. not pay. Cess.



1684.

by the Uplifter of it, and they quartered till Ten Times the Value of the Cess was taken; and after all, oft-times the poor Man's Friends behoved to compound with the Publican, for a Sum a great deal more than the Cess came to, besides the Loss by quartering. Thus in the Parish of *Carjphairn*, Seven Cows were taken away from *Gavin Maclymont* upon his Refusal, after quartering, to pay the Cess, and all the Sum owing was not Five Pounds Scots. Vast Depredations were made in most Parishes this way.

Multitudes banished this Year.  
John Gate in Glasgow.

Multitudes were banished this Year from their native Country, many of whom never returned. We have heard of several Instances already, I shall add but one or two here. *John Gate* Thatcher in *Glasgow*, being at his Work upon an House, some Soldiers going out upon a Party, came to the House, being an Ale-house, and called for Ale and Brandy. The Officer called *John* down from his Work, to drink with them. He was unwilling, but durst not refuse lest he should be suspected. When he came down, he was ordered to drink the King's Health, this he modestly declined and waved; and it being insisted upon, and he refusing, he was straight sent to Prison, and in a little Time banished to *Carolina*.

Further Account of his and his Wife's Sufferings.

An attested Account is come to my Hand, since I wrote what is above, of the Sufferings of *John Gate* Wright in *Glasgow*, whom I take to be the Person just now named. When he was imprisoned, his Wife *Agnes Andrew*, yet alive, a religious and worthy Person, was likewise imprisoned in a different Room. Their small Family, consisting of Eight young Children, was scattered, several of them were at the Time sick of a Fever, and yet most barbarously turned out of the House, and the House locked up, and all in it seized. *Agnes* in a little fell ill of a Fever and Flux in Prison, and could not get out till a Surgeon gave a Certificate of the Hazard of her Life, she being with Child. When liberate, the Magistrates would not permit her to return to her own House, nor meddle with any Thing in it, and the Inhabitants being frightened with the Prosecutions for Relief of disaffected Persons, this afflicted Person had no Place but the open Street to lodge in with her sickly Children, till the excellent Lady *Ardry* allowed her a Brew-house to stay in, with no small Hazard to herself, and there Three of her Children died. Her Husband continued in the Irons many Months, till transported in the *Pelican* of *Glasgow*, with others, to *America*, where he soon died. Nothing was or could be laid to his or his Wife's Charge, but simple Nonconformity.

*George Ruffel* in *West Redmyre*, in the Parish of *Cannethan*, being informed against for baptizing a Child at a Conventicle some Years ago, without any Probation, was carried to *Lanerk* Tolbooth, and from thence to *Edinburgh*, where he was gifted for a Recruit, and sent to the Army abroad, where he died.

Instances of Severity this Year.  
John Smith shot in the Fields without Process.

No small Severities were exercised this Year upon the account of House-conventicles, and there were none in the Fields but what *Mr. Renwick* kept. *John Smith*, who had been at a Conventicle, in his Return falling sick, sat down in the Fields. A Party of Soldiers coming that Way, without any Probation or Process, or any further Ceremony, shot him in the Fields where they got him.

Another Instance of the Severity of this Period follows. Upon the last of December 1684. a poor Man in the Parish of *St. Mungo*, was taken out of his Bed by Captain *Dalsail*, merely because he acknowledged he did not hear the Curate. The Test was offered him, and upon Refusal, he was put in close Prison at *Dumfries*, and threatened with Death. In March he broke Prison, and got into *England*. His Wife and Seven small Children had all taken from them, and went likewise into *England*, begging. The Persecution there turning hot, she returned; and when she had waded the River many Times, bringing through her Children one by one upon her Back, she came to an Ale-house, and sitting there peaceably, *Wester-ran*, and some other Persecutors came in, and required her to take the Test, or immediately to go to Prison at *Dumfries*, and leave her Seven Children. She only begged they might allow her to take the youngest, a sucking Child of about a Quarter old, with her: By no Means would they yield to this, but allowed her till to Morrow, and bid her prepare to die, for they would drown her, if she continued to refuse the Oath.

Next Morning she was asked, if she would swear, she said, she would not. She was asked, if she approved Murder, she answered, she did not, it was not their Sort who were Murderers. They told her, that was enough to take her Life. However, they carried her Prisoner with them to *Dumfries*, and would not permit her to take her sucking Babe with her. There she continued Five Weeks Prisoner. The Lord moved some to look after the Infant, and the Six others who were able to walk came afterwards to *Dumfries*; and the eldest applied to the Bailies, that they might have but Liberty to see and speak with their Mother. This was refused, and they put out of the Place. One of them going by the Prison saw her looking out at a Window, but was not suffered to speak to her; when forced away, the Child blessed the Lord he had once more seen her. The Mother was sent in Prisoner to *Edinburgh*, whither the Children followed her, and the Council had some more Compassion, and at length liberate her.

Let me add another Instance of the Soldiers Carriage. Two Soldiers came from the Garrison of the *Sorn*, to lift the Cess or Locality in the Parish of *Dalmellington*, and were lifting



ing it in a Country Room called *Sloansloun*, possessed by *Andrew Mitchel*. This Place lying towards the mountainous Part of *Galloway*, the Wanderers and persecuted People upon their hiding, were some Times appearing in the Neighbourhood, the Two Soldiers meeting with Two of them endeavoured to seize them, and were wounded, but not dangerously. 1684.

When the Accounts of this came to the Garison, Lieutenant *Dundas* with all his Men, came to the Village of *Dalmellington*, and sent out some and seized *Andrew Mitchel's* whole Goods, amounting to Twenty Bolls of Corn, Twelve Cows, besides Sheep and Horses, though he was no way concerned in the Scuffle. The Soldiers continued there a Fort-night on free Quarter, to the great Charges of that Place. The Lieutenant called before him a great many People, he alledged had conversed with the hiding People. The Curate of the Place, Mr. *Lang*, was very useful to him in pointing out the Persons. Fifteen Persons, whose Names are before me, refusing to give Oath as to Converse, were sent Prisoners to *Glasgow*, and continued there Seventeen Days. They were fined in a Thousand Pounds Scots to the Fiscal, and Five hundred Merks to the wounded Soldiers, and gave Bond to answer there in June.

And one of them, *James Gibson* of *Erris*, was distressed for the whole Sum, and forced to pay it, and he allowed Retrocession upon the rest for their Proportions, as appears by the Bonds, Receipts, and Discharges, yet preserved; and their Loss one way and other, was really more than the Sum they actually paid; and yet no Crime could be charged upon them. Besides these, the Lieutenant, in February, seized some of the most substantial of the Inhabitants in the little Town of *Dalmellington*, and carried them Prisoners with him to the Garison, till, as he said, he should see if the Soldiers would recover; and kept them there Fourteen Days, though not in the least concerned in the Affair.

I am sorry I can give so short Accounts of the Sufferings of *John Corsan* of *Balmangan*, in the Parish of *Borg* in *Galloway*, last Year and this. That Gentleman was imprisoned for refusing the Bond of Regularity, and continued close Prisoner Nine Months. He was fined in 6000 Merks, and paid it every Farthing, as a Discharge, in his Grandson's Hands at present, bears. His Lady was imprisoned by Colonel *Douglas*, and, for refusing the Abjuration, received an Indictment; and it was given out, they designed to sentence her to be drowned within the Sea Mark, at the Ferry of *Kirkcudbright*; but King *Charles's* Death put a Stop to this and some other Processes of this Kind.

In the Kirk of *Borg Claverhouse* held a Court this Year, to which all the Parish were summoned, and ordered to bring with them all the Arms they had. All who came were forced to swear these were all they had, and they were taken from them, and carried to *Dumfries*, where, as was then said, they were given to the Earl of *Nithsdale* and other Papists. I doubt not but all the Protestants of that Country were disarmed, though I have not Accounts from other Parishes. Courts held by Claverhouse.

Another Instance of the Soldiers murdering in the Fields, I have before me, attested by several Persons yet alive. This Summer, about the Month of July, *Lewis Lawder*, a subaltern Officer in the Garison of the *Sorn*, was riding up and down upon some Scotch or other; and at the *Woodhead* of *Tarbolton*, in the Shire of *Air*, he meets *William Shirinlaw* in *Stairhead*, aged Eighteen Years or under, and consequently could not be either at *Pentland* or *Bothwell*; he was not in the porteous Roll, he was indeed of the Number of those who were given up to the Soldiers by the Curate, for Nonconformity. *Lawder* seeing him at some Distance cross the Road, he being about his Business, ordered one of the Dragoons, *John Guthrie* Flesher in *Air*, to apprehend him. When he was brought up to the Party, after a few of the ordinary Questions asked, *Lawder* ordered him to be shot, which was done on the Spot. More Instances of People killed in the Fields, without any Process.

The Party went straight to the *Stairhead*, where the said *William* had been Servant, and seized *Paul Lawmont* and *Matthew Bell* in *Stairhead*, with *Boswel* in *Stair*, against whom they had nothing I can learn but their Nonconformity, and keeping the said *William* as their Servant. Those Three were carried out to the Fields near by, after their Examination upon the ordinary Questions, and *Lawder* ordered them to sit down on the Ground upon their Knees, and cover their Faces, in order to be shot presently: But by the good Hand of Providence he was restrained, his Men positively refusing to obey his Orders, telling him, *One in a Day was sufficient*.

Thus we see, before the Council's inhumane Orders for shooting in the Fields, the Soldiers had made Experiments of this more than once. And we shall next Year, have a vast many Instances of this black Work. Such a Procedure obliged the hiding Persons to have Arms with them, go where they would; and such fearful Barbarities drew forth the Societies *apologetical Vindication*.

At this Time, the Death of *John Alison* Chamberlain in *Nithsdale* to *Queensberry*, made a great Noise; he had been an Apostate from a Profession he had taken up before the Restoration, and turned a bitter Persecutor. His Torment in Body made him rore, but he had heavier Torture in his Spirit for his bygone Ways. He died in the greatest Agony and Terror;



1684.

Account of the  
Rescue of the  
Prisoners at  
Enterkin-path.

Terror; yet *the living laid it not to Heart*, but the Persecution went on in its full Vigour.

In *July* or *August* this Year, the Rescue of the Prisoners at *Enterkin-path* fell out, and I promised in this Place to give some Account of it, which I now come to do, from some Papers writ about this Time. It brought much Trouble to *Nithsdale*, as we have heard, and Three good Men were executed upon this Score most unjustly.

Out of the Multitudes who were this Year cast in Prison in *Dumfries*, many Parcels were sent in to *Edinburgh*, as the Managers saw good, where they were banished, transported or executed, if they were not prevailed upon to make some Compliances to save their Lives. About this Time, Nine Prisoners were ordered in to *Edinburgh*, under a Guard of Twenty eight Soldiers; the Writer of this Account now before me, was one of the Prisoners, and *Locheat*, a Gentleman of a small Estate in *Glencairn* Parish, was another, a further Account of whom will come in presently.

Some of their Friends who were upon their hiding in the Country about, getting Notice of this, resolved to do what they could to rescue them, and chose the narrow Path of *Enterkin*, in the Road from *Dumfries* to *Edinburgh*, as the most convenient Place for their Purpose. There they posted themselves in the best Manner they could; and when the Prisoners came up, Two and Two tied together upon Horses, they demanded them; they were answered with a Volley of Shot, which they returned, and scattered the Guard, and unloosed Seven of the Prisoners, and took them with them. One of the Soldiers was killed, and several of them wounded. The Soldiers carried off one of the Prisoners, and *Locheat* was rescued after he had been miserably treated, as we shall hear. This Prisoner was *John McKechney* a singularly pious Man in *Galloway*: The Soldiers, according to their Orders, shot at him, missed his Body, but shot him through the Arm, which, through Want of Care about him at *Edinburgh*, putrified and gangrened, and he died of this after Thirteen Weeks patient enduring great Trouble.

The Soldiers with their Prisoner carried in the Accounts of this Scuffle to *Edinburgh*. Orders came from thence to all above fifteen Years of Age, in *Nithsdale*, to arm and meet the Gentlemen and Soldiers in their appointed Places, that they might search the whole Shire for Rescuers of the Prisoners, and Warning was given next Sabbath in the Churches. Accordingly every Parish met, having some Soldiers with them, searched Mosses, Muirs, and Mountains, Woods, and every Corner of the Shire, but I do not find they caught any Prisoners that Day of the general Search.

When this failed them, next Lord's Day Intimation is made from Pulpits in Ten or twelve Parish-churches nearest *Enterkin*, that all Persons above fifteen Years should meet at new *Dalgerno* next, and declare upon Oath what should be enquired at them. Multitudes came, and were interrogate as to Rescued or Converse, or if they knew any guilty of it, if they knew who rescued the Prisoners, or which Way they went, or where they are now.

It was but a few they could examine that Day, and so the Soldiers divided into the several Parishes, and appointed several Districts up and down the Country, and with them Mr. *James Alexander* Sheriff-depute. The Laird of *Stonehouse*, and other Heritors in the different Parishes accomplished yet a more diligent Search. The Sheriff-officers went from House to House, and they were appointed to return written Executions of their Summons, that there might be none omitted by Paction, Bribes, or the like, and the Episcopal Ministers in each Parish were obliged to give in their Rolls upon Oath.

At those Courts the forementioned Queries were proposed, and the strictest Enquiry possible was made, who kept not the Church, who heard, married, or baptized with outed Ministers, and the like; as to which many had been interrogate, I know not how oft, formerly. The Absents had Soldiers sent upon them, and Multitudes were imprisoned, or found Caution to answer. This Work continued about Six Weeks, and then the Circuit met, of which already. The Reader will easily guess what a vast Trouble this Inquisition brought upon that Country.

Cruelty exercised on the  
Laird of  
*Locheat* at this  
Time.

I promised to give some Hint at the Cruelty exercised upon the forenamed Laird of *Locheat*, at this Time. This Gentleman had been at *Pentland*, and was apprehended upon that Score, and imprisoned Half a Year. He came out upon the Bond of Peace, which afterward proved Matter of Disquiet to this good Man. He was at *Boswell*, and from that Time to this he was much upon his Hiding. The Laird of *Stonehouse* had got his Estate upon his Forfeiture, and some time before this he had been apprehended by a Soldier, and carried in to *Dumfries*, and was in great Straits for his very Subsistence in Prison.

He was among the Prisoners rescued at *Enterkin*, and after he was loosed, being in Confusion, and not retiring where he should, fell in among the Soldiers, who were barbarous to him. He received a Shot with small Lead in the Face, at some Distance, which deprived him of his Sight, and after that they wounded him cruelly in the Head and Body, and left him for dead. But the Rescuers coming up, the Soldiers retired, and he was sent to a Country House near by, and his Friends advertised, who came and took a care of him as privately as might be.



In a little Time, *Stonehouse*, who possessed his Estate, getting Notice he was in the Neighbourhood, came and held a Court. The Gentleman's Brother, among others, was obliged to compear, and being interrogate upon Oath, if he knew where *Locheare* was, confest he had him in his House, and told them, he was just a dying in every Body's account. Straightway a Party of Soldiers was sent, and the blind, wounded, and in Probability dying Gentleman, was brought to the Court; and his Brother, and all they could learn had shewed the least Act of Humanity to him, were made Prisoners.

When *Locheare* was in the Court, he was asked, how he liked his present Circumstances, by the *Test* which he once had in his Offer, and would have saved him. He answered, the *Test* was more terrible to him than all he had met with, or all they could do. *Stonehouse* said, he would not quit his old ill-natured thravn Principles for all that is come on him, and ordered him to be carried straight Prisoner to *Dumfries*; thence he was carried into *Edinburgh* where he lay long extremely weak. However his Patience outwearied them, and at length he was dismissed without any sinful Conditions.

While the Country about *Enterkin* was thus haralled, the Laird of *Lag* and others were not idle in *Galloway*. In Harvest he held a Court at *Carpsphairn* Church. Upon the Sabbath-day he came from *Sanquhar* with a Party of Soldiers, and in the Road, at the *Holm* of *Dunquhairn*, he seized a Young Man, *George Lorimer*, and would have him drink the King's Health. He refusing was made Prisoner, and sent to *Dumfries*, where in some time he broke Prison and escaped, and for any Thing I know, is alive still.

Lag's Court  
in August.

Upon *Munday* he called all the Parishioners one by one, and upon Oath made them declare what they knew about any Persons hiding or wandring in that Neighbourhood, what they were, where they were, and who harboured or conversed with them, and lastly, about their own keeping the Church. Mr. *Peter Peirson* Curate of the Parish sat with him in the Court, and informed him of the Characters of such who were present, and of all the Absents, and upon this Information Parties were sent through the Parish, who spoiled their Houses, and brought in many old and infirm People, Women with Child, and the Sick, who had not compeared before *Lag*, and they were treated rudely enough.

The Parishes in the South now had their Hardships very frequent, and one upon the Heels of another; and so a little after *Enterkin-path*, Lieutenant *Livingstone* came from *Nithsdale* to *Carpsphairn* with a Troop of Dragoons, and swore all the People about the Head of the Water of *Ken*, as above. *Claverhouse* came after him with Five or Six Troops, and went through all the Hills thereabout, searching for Persons on their Hiding, and made as many as he pleased answer his Interrogatories upon Oath.

Wonderful were the Preservations of the Persecuted about this Time. The Soldiers frequently got their Clothes and Clokes, and yet missed themselves. They would have gone by the Mouths of the Caves and Dens in which they were lurking, and the Dogs would snook and smell about the Stones under which they were hid, and yet they remained undiscovered. This was the Case of *Gavin Maclymout* at *Cairns-hill-muir*, and others.

One Instance of Cruelty to an old Woman of Seventy Three Years in *Carpsphairn*, deserves its Room here. Her Son had been cited to some Court 1680. for hearing Mr. *Cameron*, and upon his Noncompearance he is intercommuned, and her House at that Time spoiled when they missed him. This Year the Soldiers came again, and not finding the Son, they carried his Mother Prisoner to *Dumfries*. There they offered her the *Test*, which, through Advice of Friends, she was almost brought over to comply with; but when they saw her like to yield, they would further have her to swear she would never speak to, or harbour her Son. This she would by no Means comply with. Thereupon next Market-day the poor old Woman was scourged through the Town of *Dumfries*. This she bore most patiently, and after all, before she was liberate, she behoved to pay Two hundred Merks.

Many were the Severities now exercised in *Galloway*. *Macdoul* of *Gillespy* in the Parish of *Luce* was dead some time ago, and his Lady *Janet Ross*, Liferentrix of the Estate, had Corporal *Murray*, with thirteen Dragoons and their Horses, sent to quarter upon her at the Infatigation of the Curate, and for mere Nonconformity. They stayed Five or Six Weeks, and in the Harvest Time almost destroyed the whole Crop. They shot the Sheep in the Fields, and at length forced her from her Estate, and she retired to *Ireland* about Twenty Months. All her Tenants almost were obliged to appear first at *Air*, which is near Fifty Miles distant, and then cited into *Edinburgh*, which is about Ninety Miles; only to be Witnesses against the Lady for her Nonconformity.

Lady Gillespy's  
her Sufferings.

*Charles Stuart* now in *Knock*, in the same Parish, was apprehended by *Claverhouse* in the Throng of Harvest, and was cast into *Stranrawer* Prison, and got not out till he paid Three hundred Merks for baptizing his Child with Mr. *Samuel Arnot*. He was summoned likewise to *Edinburgh* as a Witness against Sir *James Dalrymple* of *Stair*, and his Lady for her Nonconformity, and obliged to wait on Seventy two Days at *Edinburgh* upon his own Charges. He had likewise a Journey to make to *Dumfries* and to *Air*, though he had nothing to witness against those excellent Persons. Great was the Trouble Multitudes were put to at this Time, by their being cited Witnesses hither and thither.

Charles Stuart of  
Knock.



1684.

Colin Alison.

The Persecution for bare Nonconformity was very violent every where, through the whole of this Year. In many Places they had rid themselves of the most Part concerned in the Rising; and they had not many of the elder Sort to exercise their Severity upon, but Noncompearers at their Courts, and Nonconformists to the Curates. Indeed every Day almost was casting up some new Snare or other, from which an Handle was taken to increase the Persecution. I only give one Instance. In September Major *Balfour* seized *Colin Alison* a Weaver in *Glasgow*. That same Day upon the Street *Balfour* had challenged his Son, but he escaped out of his Hands, and the Major went straight to his Father, though he had nothing to charge him with, and took him out of his House, and put him in Prison; there he lay till the 1688. and all for simple Nonconformity.

Robert Watson  
in Badernock.

I only add another Instance of the Barbarity of the Soldiers, in November this Year, upon *Robert Watson* in *Balmore*, in the Parish of *Badernock*, Five Miles North of *Glasgow*. This good Man had been paralytick for Six or Seven Years, so that he stirred not off his Bed, neither could he receive Meat or Drink without Help. Upon Information from the Curate, Mr. *Stirling*, this Man was seized as a disaffected Person. That same Day Mr. *James Gilchrist*, Chaplain to the Laird of *Glorat*, afterwards an useful Minister at *Kirkmichael*, was brought in Prisoner. About Eight a Clock at Night, the Party came into *Robert Watson's* House, and took one of his Horses and yoked in a Sledge, and carried *Robert* and his Couch he lay on, with his Head and Feet lying over the Sledge, and in that Posture under heavy Rain they carried him into *Glasgow* that Night. When he was examined at *Glasgow*, considering his Circumstances he was soon dismissed, and the Soldiers cursed the Curate for putting them to this Trouble.

Sufferings of  
William Hanna  
and his Son.

I shall shut up this general Account of the Persecution this Year, with the Sufferings of *William Hanna* and his Son, in the Parish of *Tunnergarth* in *Anandale*, of which a Narrative lies before me, attested by Persons who knew them, and indeed they are very remarkable.

*William Hanna* was taken October this Year. Since the Establishment of Episcopacy this good Man was a strict Nonconformist, and would never hear the established Ministers. In the Year 1667. he was imprisoned for hearing a Presbyterian Minister, and fined in an Hundred Pounds. He was a near Neighbour to the Curate of the Parish, who in the 1678. turned very severe upon him for his Nonconformity, having nothing else to charge him with. *William* was cited frequently to appear before the Session, and refusing to appear, the Curate was going on to Excommunication, and came the length of the first Prayer, but saw fit to stop there. A Child of *William's* died, and the Curate would not suffer it to be buried in the Church-yard, and set a Watch upon *William's* Burial-place. However, January 1. 1679. some came to make the Child's Grave. The Curate being informed, came out himself in great Fury, and took away the Spades and Shovels, and told them, if they buried the Child by Night or Day, he would cause trail it out again, since he knew not if it was baptized; so the Man was forced to bury elsewhere.

Mr. *John Welwood* came into that Parish where his Father had been Minister, and preached several Sabbaths. The Curate procured a Court to be held, at which many gave Bond to carry regularly, and not to go to Conventicles. This *William* refused, and was brought to no small Trouble. In the Beginning of the 1679. he was forced to go upon his Hiding. In November 1681. for not paying 13 Shillings Scots of Cess, he had an Horse worth Four Pounds Sterling taken from him. In the Year 1682. when the Courts turned throng and severe, he and his Sons were forced to wander, and endured great Hardships for some Time. By the Circuit 1683. he was denounced and declared Fugitive; and about that Time, the Curate hearing that a Gentleman in the Parish who did not hear him, and *William*, were both at home, sent to *Dumfries* for a Party who caught the Gentleman, and *William* very narrowly escaped.

This Year 1684. being weary with his Tossings, *William* went over the Border to *England*, hoping to breathe a little there; but ere long Colonel *Dacres* seized him, and sent him under a Guard; and October 26. *Sprinkel* with his Troop received him, and some more Prisoners, at the Border, whence they were brought to *Anan*, and next Day to *Lockerbridge*, when *Queensberry* ordered him to be carried to *Dumfries*, where he lay in Irons, till the Prisoners, as we heard, were carried into *Edinburgh* and *Leith*.

From *Leith* he was brought up to the *Canongate* Tolbooth, and cast into a dark Pit, where he had neither Air, nor the least Glimpse of Light for some Days. Here, and no Wonder, he fell very sickly, and begged the Favour to be let out to the Guard-hall, that he might have the free Air; which was refused. The Soldier who brought him in his small Pittance of Meat or Drink, when he opened the Pit Door to let him in, said, *Seek Mercy from Heaven, for we have none to give you*, adding other blasphemous Expressions, which I shall not repeat. Here he lay Nine Days without any Thing charged upon him but Nonconformity, at length he was brought up to the *Canongate* Tolbooth, where he lay till he was sent to *Dunnotter*, as we shall hear.

His Son's Sufferings deserve our Remark, and I know not where they come in better than here. *William Hanna* not yet Sixteen Years of Age, because he kept not the Church, was in the Year 1682. forced to flee to *England*, where he abode some Time. In September Year



Year he returned home, and fell sick of a very fore Ague. When he was under it, and so weak as he could scarce stand, the Soldiers fell upon him in their Searches, and carried him with them on Foot Three or Four Days in their Rangings up and down. 1684.

Coming to the Grave of one who had been shot, and buried in the Fields, they set him on the Grave, and covering his Face, bloodily threatned him, if he would not promise Regularity, and other Things then pressed, they would shoot him straight. The Boy told them, God had sent him to the World, and had appointed his Time to go out of it, only he was determined to swear nothing he reckoned sinful; he was now in their Power, and they might do as they would. When the Soldiers perceived his Composure and Stayedness, they took him to the Laird of *Wester-ran*, who sent him Prisoner to *Dumfries*. Thence next Year he was taken to *Edinburgh*, and after many Examinations he was put in the Thumbkins, and after that committed to the Irons, which were so strait, that his Flesh swelled out above them. In the Iron-house he was robbed of all his Money sent him by his Friends; and at one Time Eleven Dollars were taken from him. After a Year and a Half's Imprisonment, he was banished and sold in *Barbadoes*. I am informed this worthy Person returned after the Revolution, and is at present the reverend Minister at *Scarsborough*. His Mother endured great Fatigue and Hardships when waiting on his Father and him.

There were some Persons put to Death towards the Close of this Year, of whom I have not distinct Accounts, else I would have given them upon the third Section, above. However, any Hints I have of them I give here. *William Keagow* was executed upon the same Points with the others abovenamed, in *December*. 'Tis observed, that at some of their Executions, one of these, or the forementioned, happened to sing *Psalm* cxix. 84, &c. which so enraged the Soldiers, that they made a great Disturbance, chased off the Spectators, and would not suffer their dead Bodies to be dressed. *Arthur Bruce* in *Dalserf* Parish was executed some Time this Year. *George Shiels*, *Thomas Scot* in *Brunchefer*, *John Falla* in *Kelso*, and *Thomas Turnbull* in *Ancrum* Parish, were sent in Prisoners this Year to *Edinburgh*, at several Times, for mere Nonconformity, and, by the Severities and bad Treatment in Prison, died there.

Let me add, that *December* 18. *Claverhouse*, when ranging up and down *Galloway*, with a Troop, came to the Water of *Dee*; and at *Auchincloy*, came upon some of the People who were lurking and hiding, unexpectedly, and surprized Six of them together; for what I can find, they had no Arms. According to the Instructions lately given by the Council, he shot Four of them upon the Spot in a very few Minutes, *Robert Fergusson* and *James Macmichan* from *Nithsdale*, and *Robert Stuart* and *John Grier* *Galloway* Men: Afterwards their Friends carried off their Bodies to *Dalry*, and buried them. Some Accounts before me say, that by Orders from *Claverhouse*, a Party came and uncovered their Graves and Coffins, and they continued so open Four Days, till the Party went off: And it appears certain, that *James Macmichan's* Body, after it was buried, was taken up, and hung up upon a Tree. This was strange Barbarity and Spite.

The other Two, *Robert Smith* in *Glencairn* Parish, and *Robert Hunter*, *Claverhouse* carried with him to *Kirkcudbright*, and called an Assize, and made a Form of judging them, and caused execute them there. They would not permit these Two to write any Thing, not so much as Letters to their Relations. There were Two more in the Company who escaped, and happy it was for them it was so; for probably they would have gone the same Way. The Soldiers pursuing them had Notice of an House they had gone into, where they had not sitten down, but gone away immediately, and came to it, took all the Persons in it Prisoners, and immediately burnt it down to the Ground. It may be, the Rescue of some Prisoners at *Kirkcudbright*, by some of the Wanderers, a little before this, was the Pretext for all this Cruelty.

I come now to glean up a few Remarkables from the Registers, that may afford some Light to the History of this Year, though they have not so direct a Reference to the Sufferings.

*January* 1. I find an Order from the secret Committee, to Captain *Patrick Graham* and Sir *William Paterson*, to go and seal all the Lord *Maitland's* Papers in the late *Lauderdale's* Lodgings. It seems, a little before this, that once great Man, the Duke of *Lauderdale*, died; and notwithstanding his bright Parts, and long Favour with his Master, at length he fell into the utmost Neglect and Contempt: And now, it seems, the present Managers resolve to canvass his Papers.

*April* 11. upon Application from the Bishop of *Edinburgh*, the Council pass the following Act about a Fast. 'Forasmuch as the Lord Bishop of *Edinburgh*, having represented to the Council, that at the late Meeting of the diocesan Synod of *Edinburgh*, it was proposed that there might be Two religious Fasts kept yearly through the Bounds of that Diocese, to implore the Mercy of almighty God, for a comfortable Spring and Harvest, and the Synod had recommended it to him to acquaint the Council therewith; and he having desired their Authority for approving of the same, they do willingly agree to the said Christian Propo-

*William Keagow*  
executed in  
*December*.

*Arthur Bruce*

*December* 18.  
*Robert Fergusson*  
and *James Macmichan*, *Robert Stuart* and *John Grier* shot in the Fields.

*Robert Smith*  
and *Robert Hunter*  
were executed  
at *Kirkcudbright*.

The Duke of  
*Lauderdale's*  
Papers sealed  
up by the  
Council.

Two Fasts  
proposed to  
be yearly  
kept in  
the Diocese of  
*Edinburgh*.  
Act of Council  
authorizing  
them.



1684.

‘fal, and interpose their Allowance and Authority thereunto; and leave it to the Lord Bishop, to name the Days whereupon the said Fast is to be kept in the said Dioceſe.’ Whether this Method of a double Fast in the Spring, and before Harveſt, was kept up, I do not know; I wiſh never a worſe Propoſal had paſt through the Bishops Hands. I only notice, *April 17.* a national Fast is appointed by the Council; for a great Drought, it ſeems, fell out that Spring.

The curious Reader may perhaps be content to know, that upon the foreſaid Diet, the Council recommend *George Scot of Pitlochrie*, Son to Sir *John Scot of Scotſtarbet*, to his Maſteſty, for a Gratification for ſome Abſtracts of the publick Registers made by his Father.

Proclamation,  
*April 22.* con-  
cerning Diſci-  
pline and  
Kirk-ſeſſions.

*April 22.* I find a Proclamation with relation to Diſcipline and Kirk-ſeſſions, which I do not find ordered to be printed, for what Reaſons I ſhall not ſay; but one would think, that there was Ground to have printed it, ſince it concerns ſo many. However, I ſhall inſert it here.

## CHARLES R.

‘**F**Orasmuch as, by the Supremacy inherent in Our imperial Crown, as one of the Prerogatives thereunto belonging, it ſolely reſides in Us to emit ſuch Acts and Conſtitutions, and Orders concerning the Adminiſtration of the external Government of the Church, and the Perſons to be employed therein, as We, in Our Royal Wiſdom, ſhall think fit, as is more fully ſpecified in the firſt Act of Our ſecond Parliament; and therefore, We and Our Predeceſſors having always been careful, that the Diſcipline of the Church, by Kirk-ſeſſions and otherwiſe, be obſerved: For the Preſervation whereof, it being neceſſary, that Perſons of good Reputation, and known Loyalty, ſhould aſſiſt the Miniſters in the Exerciſe of eccleſiaſtical Diſcipline: We therefore, with Advice of Our Privy Council, do hereby impower the Miniſters of the reſpective Pariſhes, within this Our ancient Kingdom, to give in Liſts to the Bishops their Ordinaries, of ſuch as are fit to ſerve as Elders in the ſaid Pariſhes; and being approved by them, We hereby ordain and command the Perſons ſo named and authorized to ſerve as Elders, except they can offer ſuch ſufficient Reaſons to be allowed, as may excuſe them from ſerving in the ſaid Employment: With Certification to the Perſons who ſhall reſuſe, not being lawfully excuſed, as ſaid is, that upon Production of the ſaid Nomination, and Inſtruments taken upon Reſuſal, Letters of Horning ſhall be directed under the Signet of Our Privy Council, charging them to accept and officiate, within Fifteen Days, under the Pain of Rebellion. OUR WILL IS, &c.’

Remarks on it.

This Proclamation was undoubtedly deſigned to force Country People and Heritors to joyn in with the Epiſcopal Miniſters, in the Exerciſe of Diſcipline. Indeed in many Places, the Curates were hated for their Share in the Severities of this Period, by many, otherwiſe not very nice in their Principles; and others could not joyn with them from Conſciouſneſs of their unſcriptural Way of entering Pariſhes, when mean while the Neceſſity of the Times brought them now and then to hear them; yet they were peremptory in reſuſing to joyn with them in eccleſiaſtical Society. And ſo this Violence and Force is uſed to bring them into Church-offices, directly contrary to the Scripture-directory, that none ſhall enter by Conſtraint, but willingly. This was another Handle of perſecuting not a few.

The Miniſters in particular Pariſhes uſed to procure blank Commiſſions from their Bishops, and they inſert whom they pleaſed in it; and if Gentlemen or others reſuſed, then Letters of Horning were got out againſt them. One of thoſe original blank Commiſſions is come to my Hands, dated next Year, and the curious Reader will be pleaſed to find it here.

*Original Warrant by the Biſhop of Edinburgh, to the Miniſter of Ormiſtoun, to chooſe Elders.*

Warrant,  
Biſhop of  
Edinburgh, to  
the Miniſter of  
Ormiſtoun, to  
chooſe Elders.

‘**F**Orasmuch as I *John*, by the Mercy of GOD, Biſhop of *Edinburgh*, am informed by Mr. *John Cockburn* Miniſter at *Ormiſtoun*, that the Perſons afternamed, viz. [ they are blank in the Original ] all Pariſhoners within the Pariſh of *Ormiſtoun*, are Perſons apt and fit to be Elders in the ſaid Pariſh of *Ormiſtoun*, and to aſſiſt him in the Church-diſcipline; and he the ſaid Mr. *John Cockburn* having choſen them as Perſons fit and qualified for the ſaid Employment: Therefore I have approved, and by thoſe Preſents approve of his ſaid Choice of the foreſaid Perſons, to be Elders and Aſſiſtants to him in Church-diſcipline, within the ſaid Pariſh; and hereby require them, and every one of them, to accept and embrace the ſaid Employment, conform to the Act of Council made thereanent. In Witneſs whereof, theſe Preſents, written by *Alexander Cuning* my Secretary, I have ſubſcribed and ſealed with my Hand and the Seal of the Biſhopric of Edinburgh, this *22* day of *April* 1684.



want, are subscribed with my Hand, at *Edinburgh*, the Twentieth Day of May, One 1684.  
thousand six hundred and eighty five Years.

*Jo. Edinburgen.*

Upon the groundless Stories raised by the Duke of *Tork*, anent a designed Insurrection in *Scotland*, which was not projected till the Accession of a Papist to the Throne, to prevent the Earl of *Argyle*'s Attempt that way, which indeed was not yet concerted, the Lieutenantcy of *Argyle* Shire and *Tarbet* is changed, new Lieutenants established, and the Heads of the Clans in *Argyle* and *Tarbet* are ordered to attend the Lieutenants at their Call, with Quota's of Men and Provision for Thirty Days, with other Things, which the Reader hath in the Proclamation, for the Peace of the Highlands, dated *May 5*. See *App. No. 101. A.*

Proclamation  
May 5, for the  
Peace of the  
Highlands.

App. No. 101.  
A.

Remarks on it:

The Design of all this was not only to weaken the Interest of the Family of *Argyle*, which was very great in those Shires, and of all who were friendly to them, but to strengthen and increase the Duke of *Tork*'s Party in the Nation, by encouraging the Highland Clans, many of whom were Papists, and all of them hereditary Right Men, and Friends to arbitrary and oppressive Measures, as they have abundantly proven more than once. It was thought very expedient to have a good Body of these Clans still in Readiness in all Events, for securing the Popish Succession, and defending the Courses now taken, if Need were.

*July 25*. I find, the Council make Sir *Archibald Kennedy* of *Colzean*, Captain of the Militia Troop of the Shire of *Air*, in room of Sir *John Kennedy* of *Girvan-mains*, lately deceased, who wanted not his Share in the Persecution, next Year.

*September 16*. the Council order a new Election of the Magistrates of *Air*, and send a Nomination of Provost, Bailies, and Town-council. I find by the Registers, this Month and the following, that the Council engroueth the Power of nominating the Magistrates and Council of most Part of the Royal Burghs; and even in *Edinburgh* it felt, they order a Committee of their Number to be present, and oversee the Election of Magistrates at this Term.

Council Inventions, on the Election in 3 Royal Burghs.

*November 6*. a Patent is read and recorded, to *John Drummond* of *Lundin*, late Treasurer-depute, to be Secretary of State in conjunction with the Earl of *Murray*. He is sometimes, in Papers, termed Secretary before this: How it comes to be so I cannot tell.

*Drummond* of *Lundin* (afterwards *Melford*) made Secretary of State.

The Council, *November 26*. pass a pretty remarkable Act anent the Choice of Members of Parliament, which deserves a Room here.

### Act anent Election to Parliament.

‘**F**Orasmuch as there are severals of the Members who have served in the late Session of this current Parliament, who, it may be reasonably presumed, will not serve in the ensuing Meeting thereof, to be held at *Edinburgh* upon the Tenth of *March* next to come, upon the Terms of the Act of the said last Session thereof. Therefore, the Lords of his Majesty's Privy Council, do hereby require the Sheriffs of the respective Shires, at the next Meeting of the Freeholders appointed by his Majesty's late Proclamation, where such Members are, in face of the said Meeting, to enquire at them if they will serve in the Terms mentioned in the same Act. And if they shall refuse, do hereby authorize the said Sheriff and Meetings *respective*, to proceed to the Election of such fit Members as will serve at the said next Session of the current Parliament.

Act Council Nov. 26, about Election to Parliament.

‘And in regard there are some Members who served in the last Session of the current Parliament, who are under Citation for Treason; the said Lords do require the said Sheriffs, as soon as the Diets to which they are cited are elapsed, and they declared fugitives, to call and convene the said Freeholders, and proceed to the electing of other Members, to serve in their Room. And which Power is hereby given and granted likewise to the several Burghs Royal, in the Circumstances foresaid, that the said ensuing Meeting of Parliament may be full and frequent.’

The Act of the last Parliament spoken of here, I take to be the *Test*, and where there was any who had not, or would not comply with it, they were to be turned out; and agreeably to the arbitrary Measures at this Time used, we see the Council, as they take upon them the Power of modelling of Corporations and Burghs, so they assume a material Power of modelling the supreme Court of Parliament, in its elective Members. No more is needful, but the trumping up a Summons for Treason, Converse with any who had been at *Pentland* or *Bothwell*, was Ground sufficient for that; and then the Sheriff is impowered to make a new Election. Thus the Parliament was purged of some of the best of the Members of it, and by the Time they sat, which was lengthned out by King *Charles*'s Death, it was pretty well disposed for serving a Popish King, and advancing the Ruin of the Reformation.

Remarks on it:

Y y y y

To



1684.

Orders to the Advocate to raise a Process of Forfeiture before the Parliament, against Wellshells, Colclough, O. Hiltree, Mr. Stuart, Lord Melvil and others within written.

To secure all the better, *December 3.* the Council give Orders to the Advocate, 'to raise a Process of Forfeiture before the Parliament, by a Summons in Latin, after the old Way, under the Quarter Seal, upon a Charge of Sixty Days, against *Denholm of W. Ashbells, Stuart of Cultness, Sir John Cochran of Ochiltree, James Stuart Son to Sir James Stuart of Goodtrees, the Lord Melvil, the Laird of Polwart, George Pringle of Torwoodlie, Andrew Fletcher of Saltoun, Hume of Bassenden, the Heirs of Mr. Martin late Clerk to the Justice-court, the Heirs to the late Earl of Lowdon, Thomas Hay of Park, Sir James Dalrymple of Stair, Walter Lockhart of Kirkcubright, Montgomery of Lanshaw, John Weir of Newtoun, Mr. Gilbert Elliot Writer in Edinburgh, Campbel of Ardkinglas, Cessnock elder and younger, and Jerviswood.*' We shall meet with them next Year.

At the same Diet, *John Henderson*, suspect to be one of the Murderers of the Archbishop, appears, and is absolved, having given a good Account of himself, and having taken the Test.

Duke of Gordon Chancellor.

*December 11.* the Duke of *Gordon's* Patent for being Chancellor, is read and recorded; if he was not now a declared Papist, he was shortly so; and now that Set is getting in very fast.

Mr. Thomas Hay Dean of Murray made a Justice of the Peace.

*December 17.* the Council, 'considering how necessary and proper it is, that *Mr. Thomas Hay Dean of Murray*, be Justice of the Peace within the Shire of *Murray*, and particularly in his own Parish, do therefore nominate and appoint him to be a Justice of the Peace there, with full Powers, and that the Justices of Peace at their first Meeting receive him.'

I need scarce add, that in *December* this Year, at *Glasgow* and some other Places, Multitudes of People imagined they saw Bonnets, black, blue, and of several Colours, falling down from the Air upon them. Generally, by sensible Persons, this was looked upon as *deceptio visus*; and the Power of Imagination. It was odd however, that next Year when the Militia came to the West against *Argyle*, they had just the same Bonnets; and at the Cross, Green, and other Places, where the Bonnets were alledged to be seen, the Militia swarmed most.

This Winter, many Gentlemen and others at *Edinburgh*, were challenged by the Managers, for giving Charity to outed Presbyterian Ministers, and contributing to the Education of their Children. But I have said enough upon this Year, and come forward to the next.

## CH A P. IX.

### Of the State and Sufferings of Presbyterians, during the Year 1685.

Remarks upon Persecution.



PERSECUTION is so ill a Thing, that no Body almost owns it, though Multitudes in all Ages have been guilty, especially such fearful Acts of Wickedness as we have met with upon the former Years, and shall again find this Year; and readily the Parties most concerned will wipe their Mouths, and say *they are clean*.

But the Remembrance of Matters of Fact this Year is so fresh in the Thoughts of many yet alive, that there can be no Denial of them, without the greatest Impudence and Effrontery.

Particular Instances of Barbarities of all Kinds do now grow upon my Hand, and it is truly a Satisfaction to me, that I can tell the Reader I am now drawing towards a Close of those melancholy Things, which no doubt will grate the Ears, and weight the Spirits of such to whom they come, and were I once through this black Year, the following Three to the Revolution will take but little Time.

Subject Matter of this Chapter.

This Year affords Abundance of Matter. I have left to this Chapter the Narrative of the severe Persecutions, every where almost upon the Society's Declaration, and the Refusal of the Abjuration Oath. New Murders in the open Fields turn so frequent, that I shall scarce be



be able to give Account of them all. Multitudes were cut off every Month, without the tedious Formality of a Process, besides a good Number of publick Executions at *Edinburgh* and other Places, and the barbarous drowning of poor innocent Women within the Sea Mark.

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In *February* the Death of King *Charles* falls in, a Popish Prince mounts the Throne, to the Terror of all good Protestants, and the Joy of all Papists; and after he had given some smooth Words to lull all asleep, he quickly cast off the Mask, and some Branches of the Persecution of Presbyterians run very high.

A new Session of Parliament meets in *April* under this Popish Sovereign, and since little was left undone by the former Sessions, that could be done against Presbyterians, the iniquitous Procedure and Acts of the Council are all ratified, and some new Advances made.

In the following Month, the Attempt of the noble Earl of *Argyle* falls in, which was soon quite broken, and issued in his Death, and that of some excellent Persons with him, and we need not doubt was carefully improved by our Managers, for a new and general harassing of the Country.

The Summer affords us some more Murders in the open Fields, and upon Scaffolds, and the inhumane Treatment of some Hundreds of Prisoners at *Dunotter* in Harveit, and toward the End of it; we have, besides some more publick Executions, the Transportation of a great many to *America*, with *Pitlochy*, beside some other incidental Things. These will afford Matter for a good many Sections.

## S E C T. I.

### *Of the Persecution this Year upon the Score of the Societies Declaration.*

HAVING in the last Section, gave one, of the former Chapter, given a large Account of the Societies Declaration, emitted by them *October* 28. last Year, I begin my Account this Year with the Severities of the Soldiers, in different Places of the Country, in pressing the Abjuration of it, which we heard was appointed by the Council. It is but a few Hints in several Parishes up and down which I can point at, as a Specimen of the Methods now used. Other Instances will come in ere I end this Chapter.

Matter of this Section.

In *Nithsdale* *James Corsbie* was seized, and, upon his Refusal of the Abjuration, his Ears were crompt, and was sent to *Jamaica*, and sold as a Slave. Whence the Persecutors borrowed this Practice of cutting off the Ears of such as fell among their Hands, which, as we shall hear, turned pretty ordinary, I know not.

James Corsbie's Ears crompt and banulced.

Toward the Beginning of this Year, I find Captain *Strachan* harassing many in the Parish of *Dalry* in *Galloway*. He commanded sometime in the Garison kept in the House of *Earlsfoun*, and held Courts round about him in that Neighbourhood, and pressed the Abjuration with a great deal of Cunning and Cruelty upon all, and many Families were obliged to dislodge and wander upon their Refusal.

Persecution in Dalry.

At the same Time Courts were held by the Laird of *Lag*, and such as he deputed in other Parts of *Galloway*, where the foresaid Oath was most violently pressed in every Parish, and the Women, as well as Men, and the younger as well as these more advanced, were forced to take it.

In other Parts of Galloway.

Throughout all the large Shire of *Air* it was most violently imposed. In the Parish of *Auchinleck* one *William Johnstoun* was cited to one of the Courts where it was appointed to be taken. He did not compear, and a Party of Soldiers were sent to his House, who intirely rifled it. He and his Wife having retired, left a Maid in the House to attend and look after their Family of small Children, who could not be transported. The Soldiers were so inhumane as to carry her away with them to the Garison of the *Sorn*, leaving five or six small Infants destitute and helpless in the House their alone.

In Air Shire.

When the Servant was brought to the Garison nothing could be laid to her Charge, and yet the Oath was put to her, which she peremptorily refusing, never having taken any Oath, and declaring to them she did not understand it, and could not swear it, they put kindled Matches twixt her Fingers, and burnt off the Flesh to the very Bone. She endured all with the greatest of Patience, and such Composure as astonished her Tormentors, and in the Issue they dismissed her.

Great Cruelty to a Servant-maid.

Indeed at this Time, there was no Peace to him that went out or came in, and the Fury of the Parties, as they went up and down seeking their Prey, was unparalleled.



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In Lanerk Shire.

In the Parish of *Stonehouse* in *Lanerk* Shire, a poor Man was at his Work in the Fields, and when he saw the Soldiers coming, he stepped out of the Way, not being willing to come into their Hands. Upon this they followed him, and shot at him, and overtaking him at length, without asking him one Question, knocked him down with their Muskets, and wounded him with their Swords, leaving him for dead upon the Spot. Then coming to his House near by, they took away Two Horses, and left some of their Number in the House to see his Corn threshed out; so the poor Man, besides the grievous Wounds he got without any Reason given, at a modest Calculation lost upwards of Three hundred Merks. Those left to dispose of his Corn were so unmerciful, as to turn his Wife and several small Children from the House in the Night-time, during a violent Storm of Frost and Snow, so that they were almost killed with Cold.

And in the neighbouring Parish of *Dalserf*, about this same Time, many Families were scattered. *John Harvey*, *Walter Ker*, and *Andrew McKillen* were seized and banished. The first of them had all his Goods seized, and his Wife was imprisoned a long Time, and very cruelly used. *John Stuart* in the same Parish, had his Doors burnt by his Master, and his Wife was carried Prisoner to *Hamiltoun*, with an Infant not a Month old, with a Design to carry her further; but when she came that length, she fell so ill with travelling in her Circumstances, that she was left for dead; and all this for Noncompearance, and declining the Oath now pressed.

In Cambusnethan.

*John Marshal* Tenant to *Cultness*, in the neighbouring Parish of *Cambusnethan*, for refusing the Abjuration had Two Cows and all his Crop taken from him by one *Ogilvy*, who for some Time kept a Garison in the House of *Cultness*, and his Family was scattered. At the same Time they took from *John Torrence* in the same Parish, upon the same Score, a Cow, Six Sheep, and all his Corns, and spoiled his House, carrying off all that was portable.

In Twinam.

Captain *Douglas* and his Soldiers oppressed terribly, in the Beginning of this Year, the Parish of *Twinam*. A poor Tenant there, after many Severities, was prevailed with to swear the Oath, and so the Soldiers left him for a little; but after Eight or Ten Days returned, and forced him to go with them to a neighbouring Parish, and assist them in searching for some Wanderers. Upon the Road thither they met with a poor Man who would not answer their Questions, nor swear; him the Captain ordered immediately to be shot. The other Country Man modestly intreated the Captain to examine the Man a little further, and to give him some more Time before they dispatched him, for this they beat and bruised him, so that in a few Weeks he died.

This same Captain came through a good Part of *Galloway*, with some Militia under his Command, and spoiled all Places whithersoever they came, as they had been in an Enemy's Country. *Claverhouse* and he subcommitted their Power to Gentlemen, in every Parish, when they went off, and those Deputes at their Leisure harassed every Body in those Parishes.

In Balmacellan.

So strict and severe were the Soldiers upon every Emergent, that in the Parish of *Balmacellan*, a Country Man who had somewhat suddenly broken about his Plough, was running home to bring some Instrument wherewith he was to mend it, came near a Party of Soldiers before he got to his House, who, seeing him running, seized him, and forced him to swear presently.

In Corfmichael.

A Party of Soldiers came about this Time into *Corfmichael*, to look after such as had been absent from the Abjuration Court; they made dreadful Havock, and destroyed every Thing, and took Beds, Ploughs, Harrows, and made Fire-wood of them where they stayed, though they wanted not abundance of other Fuel. They seized several Women, and carried them from Prison to Prison, because of their refusing the Abjuration. Some of them were sent to the Plantations, others to *Dunotter*, and some continued in Prison till the Toleration.

In Tongland.

In the Parish of *Tongland*, Lieutenant *Livingstone* with a Party of Dragoons harassed very severely. After Courts had been held there for pressing the Oath, they made very strict Searches for Noncompliers. A Youth about Eighteen Years, named *John Hallome*, seeing the Party at some little Distance, stepped out of the Road in which he was travelling. This they quickly observed, and pursued and wounded him, first with a Shot, and then with a Sword in the Head, never once asking him one Question. They carried him Prisoner from one Place to another, till at length they brought him to *Kirkcudbright*. There they put the Abjuration to him, which he refusing, an Assize was called, made up of the Soldiers, and he was condemned, and executed there.

Cruelties committed by the Soldiers at this Time.

Every Person that endeavoured to get out of their Clutches at this Time, was reckoned as confessedly guilty, and straight dispatched. *William Auchinleck* in the Parish of *Buttle* had been conveying a Friend of his to *Ireland*, and was returning to his own House on Horseback. Unhappily for him he fell in with a Company of *Douglas's* Foot coming from *Kirkcudbright*, who called to him to stand. The Man complied with every Thing that came about, and was a full Conformist, but he had no Mind to lose his Horse, which he suspected the Soldiers would take from him.

And



And therefore rode a little off from them; taking a Compass he got by them, and came on his Way, till he came to a publick House on the Road, called *Carlin-work*; there he called for some Ale, which he took sitting upon Horseback, thinking he was out of their Reach. But the Soldiers, some of them at least, had taken a nearer Way, and came up when he was drinking, discharged their Pieces at him, and killed him outright. Another Boy happened to be at the House, at that Minute when the Soldiers came up, was mounting his Horse to go with the former, at the Shot the Horse being frightened, threw the Boy from him, the Soldiers came up and knocked him in the Head with their Pieces, and took his Horse from him, and any Money he had, without asking him a Question.

It would be endless to set down the Ravages and Severities of the Soldiers, and therefore I shall add another Instance to shew the Share which the conformable Clergy had in them, which can be attested by several Witnesses yet alive. It is no Pleasure to me to expose People of this Order, but their Hand was so deep in every Trouble that came about, that it would be Unfaithfulness to pass them.

In the Parish of *Catchcart* near *Glasgow*, there was a good old Man, *John Watson*, who lived in *Langside*. This Man fell very poor, and was obliged to beg his Bread from House to House, besides, he was almost wholly lame. The Curate Mr. *Robert Finnie* was much embittered at this Man because he would not hear him, and at this Time he likewise refused the *Abjuration Oath*. Mr. *Finnie* gave in an Information against him as a dangerous and disaffected Person, and got an Order to a Party of my Lord *Ross*'s Troop to apprehend him.

*John Watson in Carlin's sufferings at this Time.*

The Party came to *Langside* where any Dwelling the Man had, was, and were informed that he was at *Glasgow* waiting on for an Alms, it being the Day of the Week upon which Sir *James Turner* used to give somewhat to the Poor at his Lodgings. So for that Time he escaped.

Mr. *Finnie* continued in his Rage against the poor, lame, aged Man, and procured another Party to be sent in quest of him, with strict Orders to apprehend him. When they came, he was at home in his Cottage, and they were really ashamed so many of them had come for so small a Prize. When they saw him, they found he was neither able to flee from them, nor travel with them. And some of them failed not to curse the Minister, who had bound them out upon such a Prey.

They urged him hard to swear the *Abjuration*; *John* told them in much Calmness, that it was now a long Time since he had sworn the Covenant, and resolved to swear no more Oaths.

The Soldiers knew not how to get him to *Paisly*, and were ashamed to go along with a Baggard and Cripple too. His Neighbours, out of regard to the honest Man, and it may be fearing worse, offered to send him on a Sledge to the *Hawk-head*, my Lord *Ross*'s House. My Lord getting an Account of the Matter before *John* came up, sent out a Servant, and ordered him home again, blushing at Mr. *Finnie*'s Malice and merciless Temper, and sent Half a Crown to him as a real Object of Alms.

There is but one other Instance, with which I shall end this general Account of the Persecution upon the Score of the *Abjuration*, which I have well attested from the Parish of *Penningsham* in *Galloway*, by the late worthy and learned Mr. *Robert Rowan* Minister there, and it is the Case of the *Milroys* in that Parish. I give it all together in this Place, though it relates to several Years, and from it we may have a new View of the Severities of this Time, and an Estimate may be made, what a black Account we might have had of them if Care had been taken to get such circumstantiated and attested Narratives as this is. I give it mostly in the Words of my dear Friend, though I must shorten them.

The Case of *Gilbert and William Milroys* in the Parish of *Penningsham*.

There were Two Brothers in that Parish, *Gilbert* and *William Milroys*, living at *Kirkcaldy* in *Castle-stuart*'s Land. Last Year when the *Test* was pressed violently, *William* took it, and *Gilbert* compounded with the Sheriff-depute to get his Name out of the Rolls, and actually gave him Twelve Pounds, and got off.

But this Year when all were obliged to abjure, these Two, with their younger Brother *Patrick Milroy*, having no Clearness to swear, were obliged to abscond and wander. In June or July this Year, the Earl of *Hume* sent his *Merse* Militia to their Houses, and rifled them, and drove away all the Cattle they could reach. And Two Days after Seventy Horsemen came under Cloud of Night upon them, continued all Night, and destroyed all the Foot had left committing great Severities upon the Women who were in the Houses, particularly upon *Gilbert*'s Wife, when she offered to detain from them some wearing Clothes of her own, which, she said, Men had no Use for; they seized her and put lighted Matches twixt her Fingers, and grievously tormented her and several others.

Early next Morning they searched the Fields about the House, and seized *Gilbert Milroy*'s Brother *William*, with a Servant of about Sixteen Years of Age, who were lying hid among the Corn, and carried them Prisoners to *Monnigaff*. They likewise took with them the Remains of the Cattle, and Household-stuff which had been put out of the Way before.

The Number of Cattle taken from them at both Times, was eighty black Cattle, besides



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a great many young ones which were with them, not numbred, Twenty Four Score of Sheep, Eight Horses and Mares, some of them worth an hundred Pounds. The Destruction of Corns by eating, treading down, and their frequent ranging the Fields, cannot be computed; and what was not destroyed their Families durst not stay to reap, and so it was intirely lost: Their Crop was Twenty Four Bolls of Sowing each, of *Galloway* Measure.

Next Day *Gilbert* and *William* were brought before the Earl of *Hume* at *Monnigaff*, and were examined as to their keeping the Church, Converse with Whigs, and who among their Neighbours used to reset them. When they declined to answer upon those Points, they were put to the now ordinary Torture of lighted Matches betwixt their Fingers, but through God's Grace they endured all, and would make no Discoveries.

Here they were kept Six Days, and every Day threatned with present Death, if they would not comply, conform, and delate such whom they knew in the Neighbourhood did reset persecuted People.

As the Severities of the Officers and Commanders were great, so the Impiety of the common Soldiers deserves our Notice. *Gilbert Milroy's* Wife was come to *Monnigaff* to wait upon her Husband; she had gone out to the Fields to pray, and one of the Soldiers overhearing this good Woman, came up to her, and drawing his Sword threatned to kill her for praying; however he was restrained, and only brought her Prisoner to the Captain of the Guard, bawling out against her Prayers, and swearing they were Treason. The Captain saw good to dismiss her.

Her Husband and his Brother with several others, were carried under a Guard to the Church of *Bar*, tied together Two and Two, like Beasts for the Slaughter; there they were kept Three Days and examined by Major-general *Drummond*, who hector'd and threatned them terribly, telling them, if they would not comply, and inform where the Whigs haunted, and who used to reset them, he would send their Dittay with them, so that they should be hanged without an Assize as soon as they came to *Edinburgh*: But nothing prevailed upon them to act against their Conscience.

Thereafter they were sent to *Hamiltoun*, where they stayed one Night, and from thence were carried to *Edinburgh*, and imprisoned at *Holy-rood-house*, all the rest of the Prisons being fully packed.

There they were examined by some of the Counsellors and the Advocate, as to their not keeping the Church, their haunting Field-meetings, keeping Company with Rebels, and as to their Knowledge of the Persons who used to reset such; and not answering their Interrogatories to Satisfaction, they were severely enough handled.

Mr. *James Colquhoun*, Episcopal Minister at *Penningham*, had no small Share in their being thus treated. *Gilbert Milroy* found Means to treat with him when he was apprehended, and sent him a good Wedder upon his Promise to speak and act in his Favours. *Gilbert's* Wife afterwards went to Mr. *Colquhoun*, and asked a Line in her Husband's Favours; accordingly, he wrote a Letter and sealed it, giving it to herself to carry in with her to *Edinburgh*. In this Line, instead of acting in the Prisoner's Favours, he informed the Judges that he was a disloyal Person of rebellious Principles.

This, together with their refusing to comply and swear the present Oaths, brought on their Sentence, which was to have their Ears cut off, and to be banished for Ten Years; and when their Sentence was intimated, they were put in the Iron-house. In a few Days some of the Counsellors came in to them with a Chirurgeon, who cut off the Ears of all the Prisoners who came from *Monnigaff*, except *Gilbert Milroy*, who was then so fatigued and weak, that he appeared to be in a dying Condition; and after the Chirurgeon had his Scissors about his Ear, he passed him as a dying Man.

Since I have brought them this far, I shall go through their Troubles, and place them here all together, as a flaming Instance of the Rigidity of this Period, toward Persons who had never carried Arms against the Government, or been in any Opposition to it, merely for their Opinion, and refusing what they reckoned an unlawful Oath; and from those attested Relations the Reader will easily form a Notion of the heavy Sufferings of many who were thus dealt with, of whom no Accounts are now preserved.

About Five or Six Days thereafter, *Gilbert Milroy* with the rest of the sentenced Prisoners in the Iron-house, were taken out, and Six and Six of them tied together, and such of them as were not able to walk, which was the Case of several, were carried upon Carts to *New-haven*, put into a Ship lying there, and thrust under Deck, Two and Two of them fettered together, to the Number of an Hundred and Ninety.

While at Sea, they were kept close together Night and Day under great Distress, for Want of fresh Air, starved with Hunger, and tormented with Thirst, so that several of them were put to drink their own Urine, and Two and thirty of them died. They were Three Months and Three Days at Sea, and had no Favour shewn them by the Master of the Ship or Seamen.

When they landed at *Port Royal* in *Jamaica*, they were put in an open Prison, and had very much Friendship shewn them from several People in the Island; particularly by one Mr. *Hicks*



Hicks, who was afterwards in this Popish Reign prosecuted at Law, and vexed by evil minded Persons, for shewing Kindness to those suffering People. After Ten Days Continuance in open Prison, they were sold to be Slaves, and the Money paid for them was given to Sir Philip Howard, who had got a Gift of them from the King. 1685.

Gilbert Milroy suffered very hard Things in *Jamaica*, after he was sold. His Master would have him to work on the Lord's Day; this he peremptorily refused. After he had been beat several Times, one Day his Master drew his Sword, and had well nigh killed him; but afterwards finding him faithful and conscientious, and very diligent, he altered his Way, and made him Overseer of all his Negroes. The Blacks mortally hated him for his Fidelity to his Master, and made various Attempts to murder him. One of them struck him on the Head with a long Pole, whereby he lay dead for some Time, and lost a great deal of Blood, so that ever since he is a little paralytick. At another Time he was poisoned by another of the Negroes, but was saved by timely Application of Antidotes. In short, he was continually in Hazard of his Life by those Savages.

Many of the Prisoners died in their Bondage, but Gilbert lived till the happy Revolution, and then was liberate, and came safe home to his Wife and Relations; and when my Account was written December 1710. he was alive, a very useful Member of the Session of *Kirkcowan*, in the Presbytery of *Wigtoun*.

Providences were very closely observed by him, and he kept an exact Account of the Lord's Way with him in Writing, out of which the above Particulars are taken; and he had very singular Steps of Providence to remark, as to the Lord's Methods with the Persons concerned in the Ship which carried him and the rest to *Jamaica*, and such as were active in their Hardships and Troubles, some of which will not be unacceptable to the serious Reader.

He notices, that Sir Philip Howard an English Gentleman, who procured a Gift of the Hundred and Ninety Prisoners from King James, and designed to come over to *Port Royal*, never had the Satisfaction of enjoying the Price of their Liberty; just when taking his Leave of his Friends and Companions, and coming over the *Thames*, he fell down 'twixt Two Ships, and perished.

When they were at Sea on their Voyage to *Jamaica*, he observes, that about Forty of the Soldiers and Crew in the Vessel, who were so very cruel to them poor Prisoners, turned mad, and leaped over Board, and many others of them were trysted with a pestilential Fever.

The Master of the Ship, Mr. Evans, fell sick, and his Body gradually rotted away before his Death, so that no Body almost could come near him; and it would seem he had some Terror likewise upon his Mind for the Hardships he had done to the Prisoners, for he called for several of them, and begged them to forgive him, and pray to the Lord for him, which they very cheerfully did.

He remarks lastly, that this Ship wherein they were carried to *Jamaica*, was sold for Three hundred Pounds Sterling, and lost in her Voyage homeward; and he who commanded in her, William Love, was brought to such Misery, as the said Gilbert was informed when he came home 1690. that he was become Under-cook in a Man of War.

To end this Section, the Troubles of the Country were really inexpressible by the violent pushing of this Oath in January and February this Year. The Imposition of it was much more rigid in some Places than others. Where the Heritors were not for Severities, and there happened no Soldiers to come, Things went tolerably easy: But in most Places of the South and West it was urged most unaccountably upon Lass and Lad, young and old; and Multitudes of poor Women were sent to the Plantations, several of them from their Children and small Families, for no other Reason but their refusing it.

However, it is noticed by some, that in the Event, this Method increased the suffering Party, and the Number of Wanderers; for it was crammed down with such Haste and Violence, that many through present Fear fell in with it; and afterwards, when they came to be affected with their Sin in so taking it, they quit Conformity altogether, and joyned with the persecuted Party.

Providence put a Stop in part to this general Violence, by King Charles's Death; and the Imposition of this Oath slackned a little toward the End of February. The Murders in cold Blood increased rather after the King's Death, for some Months; but the universal pressing of the Oath ceased, tho' still this was carried on by the Soldiers throughout this Year, and even afterwards, as we shall hear.

These Sufferings move many to the persecuted Party.



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## S E C T. II.

*Of the Procedure of the Council and their Committees, till the King's Death.*

Matter of this  
Section.

**T**HE Death of King Charles II. falling in February 6. this Year, makes it not unfit that I give the Persecution of Presbyterians by the Council, in Two Sections; and here I begin with what past in Council before that remarkable Event, tho' the Consequences of this will lead me to some Things which happened some little Time after this. I begin with the Effects of the Council-commissions with Justiciary Power, granted, as we have seen, December 30. last Year, in the different Shires; and then I shall insert what I meet with in the Council-registers this Year.

Terrible Na-  
ture of the  
Courts held  
by Commissi-  
on, January  
and February  
this Year.

By the Powers and Instructions above insert, granted to such as constituted those terrible Courts, we may easily perceive how frightful they were to the southern and western Shires. They were horrid Inquisitions, and in several Things they went even beyond their severe Instructions: While the Soldiers were almost every Week murdering some in the Fields, those Commissioners, or any Two of them, had the Power of Life and Death in their Hand, and were to pick up any who were overlooked at former Courts, and went back as far as *Bothwell* and *Pentland*, yea, even the Restoration, for Nonconformity.

They were  
likewise a  
Kind of Pre-  
cognition be-  
fore the Parlia-  
ment met.

We may likewise consider those Courts as a Kind of Precognition before the Parliament sat down. The Commissioners were to gather up all that could be found against the Gentlemen in Prison, in the Close of the last Year, and others, who, we heard, were cited before the ensuing Parliament, in order to Forfeiture. They were ordained to meet, *January 15.* and had different Sessions in *January* and *February*. There were no Registers kept of their Procedure, as far as I know; and it is but a lame Account I can give of what they did, from a few Hints come to my Hand. One Instance or Two from *Dumbarton* and *Renfrew* Shires, may suffice.

John Zuil of  
Darleith his  
Suffrages  
from the Court  
at Dumbarton.

To begin with the Commission for *Dumbarton*. In February, *Orbistoun*, Major *Arnot*, and the other Commissioners, met; and, among many others, they had before them that worthy Gentleman *John Zuil* of *Darleith*, whose Treatment I shall give from an attested Account I have from one of his nearest Relations, who knew all the Circumstances of it.

*Darleith* had been cited in *October*, and not compearing by reason of Sickness, he was denounced. At this Court he appeared, though he remained sickly, and very much indisposed, and was fined in a Thousand pounds *Sterling*, merely because he refused to depone upon his Libel as to Reset and Converse, and for his Refusal of the Test offered to him: He was cast into Prison in the Castle of *Dumbarton*, to continue there till he paid his whole Fine.

In *March* thereafter, his Lady fell ill of a Fever, whereof she died; and though it was but a small Distance from the Castle, her Husband, for a good while, was not suffered to come out to see his dying Wife. At length, his Son *Robert Zuil*, since the Revolution Bailie and Dean of Gild in the City of *Glasgow*, with his Son in Law, were admitted to give Bond with himself, for a Thousand Pounds *Sterling*, that he should return to Prison in Four Days after the Interment; for this mighty Favour was not allowed till the Lady was dead, and he was denied the Satisfaction of seeing her.

He returned at the Time appointed, and was continued close Prisoner Eighteen or Twenty Months, till the Persecution slackned a little. However, by this harsh Treatment, and Want of Accommodation in Prison, this excellent Gentleman contracted a Consumption, whereof he died *January 1688*.

Decreet against  
him, *Kilmahew*,  
and *John Camp-  
bell* of *Carrick*,  
&c.

Since writing what is above, I have sent me the just Extract of a Decreet, past at this Court, which deserves a Room here, and it relates to a good many others besides *Darleith*. At *Dumbarton*, February 19. 1685. Sederunt, *William Hamilton* of *Orbistoun*, Sheriff-principal, *Humphrey Colquhoun* Fiar of *Luss*, Major *George Arnot* Lieutenant-governor of *Dumbarton* Castle, and *Archibald Mauley* of *Ardincaple*, Commissioners of Council and Justiciary. The which Day, anent the Libel pursued by his Majesty's Advocate, and Thomas Wallace Sheriff-clerk, having Commission from him before the said Commissioners, against *John Campbel* of *Carrick*, and *Christian Elliot* his Spouse, *John Zuil* of *Darleith*, and *Anna Fisher* his Spouse, *John Napier* of *Kilmahew*, and *Lillias Colquhoun* his Spouse, *Isobel Buchanan* Relict of umquhile *Archibald Buchanan* of *Drumhead*, *Claud Hamilton* of *Barns*, and *Stuart* his Spouse, *Hugh Crawford* of *Cloverhill*, and *Hamilton* his Spouse, *John Douglas* of *Mains*, and *Hamilton* his Spouse, *William Colquhoun* of *Craigtoun*, and *Stirling* his Spouse, *William Semple* of *Dalmock*, and



and *Dennistoun* his Spouse, and *William Noble* Fiar of *Ardardan*. The Commissioners foresaid, having seen and considered the Libel, and Acts of Parliament whereupon the same is founded, together with the forenamed Persons Defenders, their Valuations; and the foresaid Libel being found relevant, and admitted to the foresaid Pursuer's Probation, and by him referred to the haill Defenders Oaths, DECERN as follows, viz. the said *John Napier* of *Kilmahew*, for his Noncompearance, is holden as confest, and is fined in the Sum of Two thousand Pounds, Sterling Money of *England*, for himself and his Lady; *John Zuil* in a Thousand Pounds Sterling, having appeared and confessed Two Years withdrawing from his Parish-church, since the Indemnity, as likewise an House-conventicle, and other Church-disorders, he refusing to give a Testimony of Loyalty by taking the Test, when required by the Commissioners; also, fine the said *John Campbell* of *Carrick*, for himself and his Lady, in the Sum of Fifteen hundred Pounds, because of his Contumacy in not compearing when lawfully cited, at which Day his Spouse *Christian Elliot* compeared, and acknowledged she had heard outed and unlicensed Ministers preach and expound Scripture in her Husband's House several Times, but cannot be positive how oft; and the foresaid *Isobel Buchanan* in a Hundred Pounds Sterling: And ordain the Magistrates of *Dumbarton* to imprison them instantly, or when apprehended, till they pay the said Sums, or otherwise give Satisfaction to the noble and potent Princee *William Duke of Queensberry*, Lord High Treasurer. For which this shall be to them or any of them a sufficient Warrant.

1685.

Let me go over the River *Clyde* to the Shire of *Renfrew*, and we shall yet meet with greater Severities. Most part of the Presbyterian Gentlemen of that Shire we left in Prison at *Edinburgh* last Year, so that the Commissioners there, had only some meaner Persons to exercise their Severities upon.

The Commissioners in Renfrew Shire.

Upon the 3 of *February*, I find *John Park* and *James Algie* executed at the Cross of *Paisley*, by Sentence of the Commissioners for this Shire. I have a distinct Account of them from the late Reverend Mr. *Matthew Crawford* Minister at *Eastwood*, where they lived, whose Piety and Learning make his Memory savoury to all who knew him.

They condemned and execute John Park and James Algie in Eastwood, Feb. 3.

Those Two Men lived in *Kennishead* in the foresaid Parish, and were joynt Tenants in a Bit of Land there. I am informed that *James Algie* was an ordinary Conformist, and heard the Episcopal Minister till within a few Weeks before this, when through the Influence of the other he gave it over.

Occasion of their being taken.

It is certain that both of them gave over that Land they had joyntly a Tack of, upon some Reason or other, which one who had been instrumental in bringing them thither took very ill, and drove his Resentments so far, as to inform against them, and sent a Nephew of his upon the Lord's Day, *February* 1. with a Letter to Mr. *John Cochran* of *Fergusley* at *Paisley*, Bailly of the Regality of *Darnley*, under which they lived, informing him, that those Two were Persons of rebellious Principles, disowned the King's Authority, and defended the Declaration of the Societies, adding, that it was his Business, as Judge ordinary, to notice them as he would be answerable.

The Bearer of the Letter was put in close Custody until the Forenoon's Sermon was over, and then a Party of Soldiers were ordered out, and the Two Men were seized in their own House just when about Family Worship, and carried down to *Paisley* that Night, and examined there upon the common Interrogatories. In which they not giving full Satisfaction, were left in Prison. And the Commissioners having a Justiciary Power for that Shire, met on *Tuesday*, and sentenced them in the Forenoon, and they were executed that same Day about Two of the Clock.

While they were in Prison, Mr. *James Hay*, afterwards Minister at *Kilsyth* since the Revolution, was sent to them by Mr. *Matthew Crawford*, who was much concerned in them, being some way Part of his Charge, but being denounced durst not go himself. Upon Conversation with them, he found they knew very little as to the debatable Points upon which they had been interrogate, only they had lately drunk in some of the Tenets of those who denied the King's Authority: But upon Conversation and further Instruction, they appeared very willing to quit them. And after some Pains taken upon them, they came to be satisfied to take the *Abjuration Oath*.

By Pains taken upon them in Prison they are brought to consent to take the Abjuration.

But it seems their Death was resolved on, whatever Condescensions they should make. And when an Offer was made, in their Name, in open Court, that they would swear the Oath required in the Council's Proclamation, the Laird of *Orbistoun*, who now managed Matters here and in *Dumbarton* Shire, according to the bloody imposing Spirit of the Times, answered, directing himself to the Two Pannels, *The Abjuration Oath shall not save you; unless you take the Test, you shall hang presently.*

This is offered in their Name, but the Test is pressed on them.

The Two plain good Men, having a just Abhorrence at the Test, replied, *If to save our Lives we must take the Test, and the Abjuration will not save us, we will take no Oaths at all.* And upon this qualified Refusal of the *Abjuration*, they were sentenced to die presently. Had the poor Men peremptorily demanded the Benefit of the *Abjuration*, even by the then

Upon the Refusal of which they are sentenced.



1685: Laws they could not have taken their Life, for they had no Facts at all against them, and the *Test* could not in Law be required of them; but they had neither Skill nor Courage to plead before Courts, and no Lawyers were allowed to argue for them.

This made the fore-said Gentleman, one of their Judges, after the Sentence was passed, boast in the Wickedness, and vauntingly say, *They thought to have cheated the Judges, but by I have tricked them.* So dreadful was the Thirst after innocent Blood in some entrusted by the Government with the Execution of the present iniquous Laws.

I have given a particular Detail of this Matter, because my Accounts are from Persons of the best Credit, who had Occasion to know it exactly, and it is a melancholy Proof of the Stretches made by the Executors of the wicked Laws now in Force, even beyond their own bloody Rules.

And executed  
that same Day.

Those Two pious Youths were executed that same Day, within a few Hours of their Sentence, I might have said, of their apprehending, and they ly buried near *Paisly*. If it were worth while to remark it, this may serve to correct a double Mistake in the Account of these Two Men, in the *Cloud of Witnesses*, Pag. 286. that they are buried in the Parish of *Eastwood*, and that they suffered for refusing the *Abjuration*, which ought to have been qualified as above.

At their Burial  
the Soldiers  
attempt to  
force People to  
approve of their  
Death.

I am informed by some yet alive, who were present at their Execution and Burial, that the Soldiers there present endeavoured to make the People who concerned themselves in their Burial, to approve of their Death, and declare they died justly, threatening them with present Imprisonment if they did not so, which is a new Instance of the Barbarity of this Period.

Unaccountable  
Severity to  
Robert King in  
Shaw-mill that  
same Day.

Another Instance of unaccountable Severity at this Court, upon the same Day, was in the Case of *Robert King Miller* at *Poliock-shaws*, in the same Parish of *Eastwood*, which may let us in to a further View of the Treatment Country People met with at those Courts.

Who had been  
formerly fined.

This good Man died but lately in a good old Age, and I have several Times had the Accounts of his severe Treatment from himself. Before this he had been twice fined for mere Nonconformity, in Forty Pounds *Scots*, and at both Times much more than the Sum was exacted by the Soldiers when they came upon him at different Times.

Remarkable  
Firmness in his  
Wife Janet  
Scouler.

The Firmness and Composure of his Wife *Janet Scouler*, under the Severities of the Soldiers, was truly remarkable, and in my Opinion deserves a Room here. This excellent Woman was far beyond the common Size of Country People, for good Sense and solid Knowledge, and was really extraordinary for serious exercising Religion. I could insert several very singular Instances of it in her, and of the Lord's Manifestations of his Covenant to her, were this a Place for it.

One Day a Party of Soldiers came to their House and rifled it, taking away Two or Three Horses, and Five or Six Cows, and had plundered the House of any Thing portable. When they were doing all this, *Janet* was perfectly easy and composed, not in the least ruffled, so that the Soldiers could not but take notice of it. When the Cattle were driving along the *Shaw-bridge*, at the End of which their House was, *Janet* came to the Door, and looked after them. One of the Soldiers observing her, and being a little more merciful than the rest, turned about and said, *Poor Woman, I pity thee.* *Janet* answered him with a great deal of Gravity and Cheerfulness, *Poor, said she, I am not poor, you cannot make me poor, God is my Portion, and you cannot make me poor.* This was to glory in her Tribulation, and to rejoice at all Times, and bless the Lord continually.

Robert was car-  
ried Prisoner  
Feb. 3. to Paisly.

To return to her Husband; a Party of Soldiers upon the 3 of February pretty early, came to his House, and brought him down Prisoner to *Paisly*. Nothing could ever be laid to his Charge but mere Nonconformity, he having never born Arms. He was presented before the Commissioners met upon the former Occasion, whose Severity was chiefly owing to the Violence of the Gentleman last named.

What passed  
before the  
Commissioners.

When *Robert King* is before them, he was interrogate, if the Death of the Archbishop was Murder. He answered, he did not understand the Matter so far, as to determine in it. Again he was asked, if the King sinned in rescinding the Covenant. He told them, he would not answer to such Questions as these. After they had put several more to him, they put the *Test* to him, which he peremptorily refused.

In the Time of his Examination, the Two forenamed young Men, his Neighbours and Acquaintances, were hanging upon the Gibbet, before the Tolbooth of *Paisly*, where the Court sat. *Robert* was bid look upon these Two before the Window, and assured (the Threatning was illegal as well as barbarous) that if he took not the *Test*, immediately he would be knit up with them.

He refused for a good while. To fright him the more, they shut him up in a Corner of the Prison, permitting no Body but his Guard of Soldiers to be near him, and told him, he had but an Hour more to live; and the Trumpet was to be sounded thrice, and if he sat the third Summons at the expiring of the Hour, there was no Mercy for him. When he was sent off the first Blast was given, and in less than Half an Hour the next.



The poor Man, brought to this Pinch just from his Work, was much frightened, and no great Wonder, and fell into very great Confusion, and as he himself used to express it, was perfectly out of himself; and in his Fright, when warned before the last Sound of the Trumpet, he complied, and took the *Test*. This was Matter of heavy Vexation to him for many a Year; and the Lord gave him Repentance not to be repented of for this involuntary Fall, which was more the Sin of his Persecutors than his. This is a very affecting Instance of the Fury of this Time, and the barbarous Methods taken to bring poor People to Compliance with their Impositions.

I shall only add one other Instance of the Severity of this Court at *Paisly*, come to my Hand since writing what is above. Rolls of all the Inhabitants were called for, and because *Thomas Crawford*, then younger of *Crawfords-burn*, was not so timeous in giving a List of the Inhabitants of his Lands, as they would have had him, he is fined in an Hundred Pounds. Indeed it was afterwards remitted; and because *Robert Shearer*, Sailor in *Crawfords-dyke*, (yet alive) did not compare before them, the Commissioners ordered his Goods to be sequestrate, and his Wife to be imprisoned in *Dumbarton Castle*. The Execution of which was put upon their Master, the forementioned present Laird of *Crawfords-burn*; which invidious Work when he did not do, he was severely threatened to be represented to the Government; but this was happily prevented by Favour of the Lord *Ross*.

No further Accounts are come to my Hand of the Procedure of the Commissioners in other Shires, save those in the North, which will come in from the Council-registers, whence I come now to give a Detail of what concerns the Sufferers till the King's Death.

January 7. a Letter is read from the King, appointing the underwritten Noblemen and Gentlemen to be processed before the ensuing Parliament, and the Council form the following Act.

The Lords of his Majesty's Privy Council having a Letter from the King, dated *Whitehall December 24.* signifying, That his Majesty having indicted a Session of Parliament to meet at *Edinburgh* the 10 of *March* next to come; and seeing his Majesty's Royal Brother cannot stay so long, nor is it fit to keep the Members so long together, as Sixty Days may run from their first Meeting, before the Process, necessary to be raised against such as are accessory to the late treasonable Conspiracy, and other Crimes of Treason, can come in; and it having been ordinary in the Reigns of his Majesty's Royal Predecessors, to issue out Procellies in such Cases, for citing those who are to be accused; and therefore commanding his Advocate to raise Procellies before the said Session of Parliament, immediately at Sight hereof against the whole Persons aftermentioned, viz. *Denholm of Westbiels*, *Stuart Son to Culnefs*, *Sir John Cochran of Ochiltree*, *James Stuart Son to Sir James Stuart Provost of Edinburgh*, the Lord *Melvil*, *Sir Patrick Hume of Polwart*, *George Pringle of Torwoodlee*, *Andrew Fletcher of Saltoun*, *Hume of Bassenden*, *Hay of Park*, *Sir James Dalrymple of Stair*, *Walter Lockhart of Kirkcoun*, *Montgomery of Langshaw*, *John Weir of Newton*, *Mr. Gilbert Elliot Writer in Edinburgh*, *Campbel of Ardkinglass*, *Sir Hugh Campbel of Cesnock elder*, *Sir George Campbel younger thereof*, the Heirs of the deceast Earl of *Lowdon*, the Heirs of the deceast Mr. *Robert Martin*, late Clerk to the Justice Court. The Lords give Warrant accordingly.

And January 9. I find, upon what Reason I know not, the Lords appoint the Advocate to begin a Process of Treason against Mr. *Robert Martin*, Mr. *Gilbert Elliot*, Mr. *Robert Fergusson*, *Sir William Scot younger of Harden*, *Sir James Dalrymple of Stair*, and *Montgomery of Langshaw*, notwithstanding they are cited to the Parliament. How far this is consistent with Rules and Forms, I leave to Lawyers to determine. We shall hear more of some of them just now from the Justiciary-registers.

January 8. the Council send a Commission North, and write the following Letter to the Bishop of *Murray*. 'My Lord, his Majesty's Privy Council having commissioned the Earls of *Errol* and *Kintore*, and *Sir George Monro*, to prosecute all Persons guilty of Church Disorders and other Crimes, in the Bounds betwixt *Spey* and *Ness*, including *Strathispey* and *Abernethy*, and their first Meeting to be at *Elgin*, the 22 of *January* instant, the Council have thought fit to recommend to your Lordship to advertise all your Ministers within the Bounds foresaid, to attend the said Commissioners the said Day, and to bring with them their Elders, and Lists of Persons guilty of Church Disorders, or suspect of Disaffection to the present established Government in Church or State, whereupon they are to depone. I am, &c.'

Perth Cancel.

And at the same Diet, they order my Lord *Duffus*, with the Militia Troop, to attend them; and January 9. their Commission is extended to *Inverness*, *Ross*, *Cromarty*, and *Sutherland*.

The Seed sown by the Banishments, after the first Introduction of Prelacy, of Mr. *David Dickson*, Mr. *Robert Bruce*, and others, and more lately by Ministers and Gentlemen banished thither by the high Commission, and by the Labours of Mrs. *Hog*, *McGilligen*, and others, were not yet worn out from that Country; and though there were but few comparatively

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Account of the Council's Procedure till the King's Death.

Act Jan. 7. for processing the underwritten Persons before the Parliament, to meet March 10.

Jan. 9. a Process ordered to be begun against several of them.

Council Commission to the Shires of *Murray*, &c. Ordered to the Episcopal Ministers to attend Jan. 22. and 9.

Nor a few Nonconformists to Prelacy in the remotest Shires.



1685.

Report from  
the Shire of  
Murray.

with the West and South, yet there were more, than many imagine, dissatisfied with Prelacy and the present Methods. To bear down any such, that Commission is sent North.

The best and most satisfying Account I can give of this northern Commission is from the Registers, and I wish there had been as distinct Accounts of the rest there; but I find not one Word from any of them save this. Their Report is made to the Council, March 2. which, with the Council's Approbation of their Procedure, is as follows.

*Report from the Commissioners for Murray.*

Forasmuch as there being this Day given in to the Lords of his Majesty's Privy Council, the Address and Report following, of the Commissioners appointed by the King and Council, for pursuing and punishing of Delinquents within the District of *Murray*, as the same in it self, in Manner underwritten, at length bears. Follows the Tenor of the said Address and Report. Unto the Right Honourable, the Lord High Chancellor, the Lord High Treasurer, and remanent Lords of his Majesty's most honourable Privy Council, the Report of the Right honourable *John* Earl of *Errol*, and Lord High Constable of *Scotland*, *John* Earl of *Kintore* Lord Treasurer-depute, and Sir *George* *Monro* of *Culrain*, Commissioners of his Majesty's Privy Council and Justiciary, for the District of *Murray*, sheweth, That, in pursuance of the Commission and Instructions given to them, they, upon their first Arrival in *Murray*, issued forth Precepts for citing such disorderly Persons within the Shires of *Banff*, *Ross*, and *Sutherland*, (as being most remote) as were given them in their Instructions, and whereof they had got Information; and commanded the respective Sheriffs to cause summon all the other disorderly Persons, within these Shires, to appear at a certain Day. The Lords having proclaimed Protection to all Persons concerned, they discharged any to go out of the District without their Licence, and ordained all who came in to the District from the South Hand, to appear before them, and produce their Letters and Papers, and be examined. The Lords caused make up complete Lists of all the Heritors, Liferenters, and Wadsetters, within the District, and allowed them to meet and make Address of what they would offer for the Security of the Peace and Government; and accordingly, they all unanimously gave in a very loyal Address, and voluntary Offer of Three Months Supply to his Majesty, and the Burghs gave in the same. The Heritors likewise, and Burghs within the District, did all unanimously sign a Bond for securing the publick Peace, and for their regular Living. The Heritors also and Burghesses did take and swear the Test, and Oath of Allegiance, and asserted his Majesty's Prerogatives, except a few Heritors to whom the Lords thought fit not to tender the same at that Time, but who appeared to be willing to take it, and some loyal Persons absent on Excuses. The Lords did very strictly examine all the Ministers and Elders within the District, with several Persons of Honour and Loyalty, anent the Condition and State of the Country, and the disaffected and disorderly Persons therein, and libelled all Persons delated, banished some, fined others, and remitted a few to the Council, a List of all whom is herewith given in. The Lords were at much Pains, and took great Trial anent *James Nimmo*, Mr. *Robert Martin*, *Pitgavie*, and *Park Hay*, and anent the Plot, and contributing Money, and doing Favours to Rebels. The Lords ordered to imprison the Laird of *Fowlis* elder, (a disorderly Person not able to travel) at *Tayn*, and the Laird of *Fowlis* younger at *Inverness*, in case he refused the Bond of Peace; and gave Orders to apprehend, and send Mr. *William Mackay*, a vagrant Preacher in *Sutherland*, Prisoner to *Edinburgh*. The Lords cleansed the Country of all outed Ministers and vagrant Preachers, and banished Four of them for not taking the Oath of Allegiance, keeping Conventicles, and refusing to keep the Kirk, and fined one of them, being an Heritor, in Ten thousand Merks, and ordered them to be transported Prisoners to *Edinburgh*. The Lords ordered to apprehend the few Delinquents that were absent, and to commit them to Prison till they should sign the Bond of Peace and Regularity, and engage to keep the Kirk in Time coming. There being a good many Commons, and very mean People, delated and libelled for Church Disorders and Irregularities, and being all formerly fined, and almost all of them since regular, and the few had not been so, having sworn to keep the Kirk, and their Masters and Husbands having engaged for them, the Lords assolied them, and left Orders with the respective Sheriffs to put the Laws vigorously to Execution, against all Church-dissenters, and especially against such as were formerly disorderly, and were now engaged to live regularly, and to report their Diligence to the Council. The Militia Regiment and Troop did attend the Lords, whom they did view, and caused put in Order. The Bishop and Clergy of the Diocese of *Murray*, attended the Lords in a Body, and gave them their hearty Thanks for the great Pains and Diligence they had used to the Good and Encouragement of the Church and Clergy in that Place, and begged the Lords would allow them to represent their Sense and Gratitude thereof to the Lords of his Majesty's most



most honourable Privy Council. Follows the List of the Persons banished, viz. Mr. James Urquhart, Mr. John Stuart, Mr. Alexander Dunbar, Mr. George Meldrum Ministers, Alexander and Mark Mavers Portioners of Urquhart, Donald and Andrew Monro's of Elgin, Alexander Monro sometime of Main; likeas a married Woman, Jean Taylor a Servant. List of the Persons fined, viz. the Laird of Grant in the Sum of Forty two thousand five hundred Pounds Scots, the Laird of Brody in Twenty four thousand Pounds, the Laird of Lethin in Forty thousand Pounds, Francis Brody of Miltoun in Ten thousand Pounds, Francis Brody of Windyhill in Three thousand three hundred thirty three Pounds, six Shillings and eight Penies, Mr. James Brody in Kinlee, in Three hundred thirty three Pounds, six Shillings eight Penies, Mark Maver Portioner of Urquhart, banished, and fined in Three hundred Pounds, Mr. George Meldrum of Crombie, banished, and fined in Six thousand six hundred sixty six Pounds, thirteen Shillings four Penies. Summa is One hundred and twenty thousand, nine hundred thirty three Pounds, Six Shillings, Eight Penies Scots. List of Persons cited to appear when called, viz. Thomas Dunbar of Grange, the Laird of Innes younger, William Brody of Coltsfield, William Brody of Whitewray, and Mr. Robert Donaldson in Arr. Nota. The Lords were at much Pains, and took great Enquiry anent a fiery Cross sent through the Country, to alarm the People, and hinder them to go out to the King's Host, against the Rebels at Bothwell-bridge; and as anent a Combination and Club, kept for carrying on and bringing in an Indulgence to Murray, the Depositions anent all which are herewith reported. Subscribed, Kintore, for himself, in name of the Earl of Errol, and Sir George Monro. And whereas the Consideration of the said Report, having been remitted to a Committee of the Council's Number, and they having, conform to the Reference made to them this Day, made Report thereanent, the Lords of his Majesty's Privy Council, upon Consideration of the foresaid Address, and Report of the said Commissioners, with the Report of their own Committee aforesaid, do thereby declare, that they are very well satisfied with their Procedure and Diligence, and do approve thereof; and besides, did return their hearty Thanks to the Earl of Kintore, for himself and the other Commissioners, upon that account.

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No Observations are necessary upon such Procedure against so many excellent Gentlemen; the Unaccountableness of this Treatment will appear much better from a Petition given in to the Council by the Laird of Grant, in April, desiring that Part of the Commissioners Sentence against him may be recognised, than from any thing I can say; and therefore I shall add it here, with the Council's Refusal, which is another Evidence of the Severity of this Period.

Petition Laird of Grant, for reviling the Sentence against him, with the Council's Act refusing thus.

**E** *Edinburgh, April 16.* Anent the Petition presented by Ludovick Grant of Freughie, shewing, That the Petitioner is charged by virtue of Letters of Horning, rait at the Instance of his Majesty's Cashkeeper, to make Payment to him of the Sum of Forty two thousand five hundred Pounds, Scots Money, conform to a Decreet obtained at the Instance of his Majesty's Advocate, against the Petitioner, before the Lords Commissioners of his Majesty's Privy Council, met at Elgin the Eleventh Day of February, One thousand six hundred and eighty five Years, within Fifteen Days next after the Charge, &c. And since the said Decreet is founded upon thir Grounds, viz. That the Petitioner's Wife confessed Two Years and a Half's withdrawing from the Ordinances, the having and keeping an unlicensed Chaplain, hearing outed Ministers preach several Times, and that the Petitioner confessed the keeping of the said unlicensed Minister, and hearing an outed Minister preach once, and pray several Times; it was humbly craved, that his Grace and the Council might resume the Consideration of the said Decreet, upon thir Grounds, *1mo.* The Petitioner, with all Submission, conceives, that by no former Law, an Husband is declared liable for his Wife's withdrawing from the Ordinances. *2do.* It is notourly known, that the Parish Church was vacant for one Year and an Half of the Time libelled, that the next Parish Kirk is Six or Seven Miles distant, and that the Petitioner's Wife, for the most Part of the remanent Time, was valetudinary, and given over by Physicians. *3tio.* The Petitioner's Wife deponed expressly, That it was never her Principle to abstain from hearing upon the account of any Disloyalty, Disrespect, or Disaffection to the Government, and before and after the Time libelled she is a constant Hearer. *4to.* It cannot be pretended, that any Conventicle was ever holden in any House or Fields belonging to the Petitioner, and neither the Petitioner nor his Wife did even hear any outed Minister preach, pray, except in the House of Lethin, when the Lady Lethin (the Petitioner's Mother in Law) was on Deathbed, there being none present but Five or Six of the same Family, which Hearing was merely accidental, without any Design, the Petitioner and his Wife being, by the Ties of Nature and Charity, obliged to attend their said dying Mother, in Time of her Sickness. *5to.* Albeit the Petitioner and his Wife, upon Oath confessed, That Mr. Alexander Frazer, (who in the Decreet is called an un-

B b b b b b

\* licensed



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licensed Chaplain) was their Servant, yet the said Mr. *Alexander Frazer* was an actual Minister under Bishops, who took the Oath of Allegiance, and subscribed the Declaration against the Covenant, being instituted by Bishop *Murdo Mackenzie*, into the Kirk of *Daviot*, which is one of the mensal Kirks of the Diocese of *Murray*, and thereafter dimitted his Charge by reason of his Infirmary, nor was he ever the Petitioner's fee'd Servant, but a Tenant, and was actually removed before the Act of Parliament ordaining Chaplains to take the *Test*, and before the Proclamation dated the Fourth Day of *June* 1683. discharging Chaplains in any Family without Licence from the Ordinary, neither was he ever pursued, charged, or sentenced, for any Cause whatsoever to this Hour; and in regard the Petitioner is most desirous, and cheerfully offers to give all the Evidences and Demonstrations of his Loyalty and Affection to the Government that can be demanded, and to assert the same with the deepest Protestations imaginable, and from which no Event whatsoever can be able to discharge him, declaring from his Heart all Thoughts in the contrary most nauseous and abominable; and therefore humbly supplicating that his Grace and remanent Lords of Council, would revise the said Decree, Grounds, and Warrants thereof, and in the mean Time stop further Procedure, it being hoped by the Petitioner, upon Perusal of the whole Matter, he would be found totally innocent. Which Petition being upon the 16 Day of *April* instant read in Council, his Majesty's high Commissioner and Lords of Council did remit to a Committee of the Council's Number, to consider thereof, and Decree foresaid for the District of *Murray*, and Grounds and Warrants of the same, and to hear the Earls of *Errol* and *Kintore*, Two of these Commissioners in the Affair, and to report, (Execution in the mean Time against the Petitioner being sisted.) And the said Committee having, upon the 18 of the said Month, met and called the Laird of *Grant* Petitioner, and heard him and his Advocates, and considered the foresaid Petition and Reasons therein mentioned, together with the Oaths of the Petitioner and his Lady, before the said Commissioners, and this Day made their Report in the haill Matter, his Majesty's high Commissioner and Lords of Privy Council do find that the Lords Commissioners of the District of *Murray*, have proceeded legally, and conform to their Commission and Instructions, in fining the said Laird of *Grant* Petitioner, in the foresaid Sum of Forty two thousand and five hundred Pounds, Scots Money, and the Letters and Charges at the Instance of his Majesty's Cash-keeper, against the said Laird of *Grant*, orderly proceeded; and ordain the same to be put to further Execution, conform to the Tenor thereof, ay and while the said Fine be fully satisfied and paid.

Further Account of this Court in *Murray*, from a Letter to the Author.

After what I have already inserted, I need scarce add any Thing from private Hands; but that the Reader may have a full View of this fore Persecution, I shall subjoyn a particular Narrative sent me by a worthy Gentleman in *Murray*, upon whom the Reader may depend for the Truth of it. 'The Members of the criminal Court which sat at *Elgin* of *Murray*, in the Beginning of the 1685. were the Earls of *Errol* and *Kintore*, with Sir *George Monro*, commonly called Major-general. As soon as the Commissioners came to Town, they caused erect a new Gallows *ad terrorem*. Most of the Presbyterians in this Country were summoned before them, tho' they had no Crimes to charge them with, but Absence from the Kirk, and being at Conventicles; none here having been at *Bothwell*, or in any Thing termed Rebellion.'

Laird of *Brody* fined.

'They fined the Laird of *Brody*, this *Brody's* Grandfather, in Forty five thousand Merks, merely upon his having a Conventicle in his House. That Gentleman went to *London* to get, if possible, some reasonable Composition made for his Fine: After much Pains and Expence he was forced to give Bond for Twenty two thousand Merks, to one Colonel *Maxwel* a Papist, to whom that Sum was paid, and the Colonel's Acknowledgment of it is yet among the Papers of that Family.

*Brody* of *Lethin*.

'*Alexander Brody* of *Lethin* in Forty thousand Pounds, and a Fifth Part more in case it were not paid in a Year. All they had against him was, that he would not depone he had not heard a Presbyterian Minister preach. His Fine was gifted to the *Scots* Popish College at *Doway*; and an Adjudication was led against his Estate, which yet stands in the Register of Adjudications. A Composition was made, and a great Sum paid to the Earl of *Perth*; and this *Lethin* yet hath the Earl's Receipt, if I remember, for Thirty thousand Pounds, which he hath promised me to send to you, if needful.'

*Brody* of *Miltoun*.

'*Francis Brody* of *Miltoun*, on the same Score was fined in Nineteen thousand Pounds, which was near the Value of his Estate, then perfectly free. This was given to *Gray* of *Crichy*, who adjudged the Estate, as appears yet in the Registers. The happy Revolution delivered him and many others.'

Of *Pigganvie*.

'*David Brody* of *Pigganvie*, was fined in Eighteen thousand Pounds by *Tannachie*, who was Sheriff-depute under my Lord *Down*, made Sheriff of *Murray* by the King, the heritable Sheriff at that Time being removed, as judged to favour Presbyterians. His Crime was the same with the Two former. A good Part of his Fine was paid.'

Francis



Francis Brody of Windyhill, was fined in a Sum near the Value of his Estate, which being but small, he got it down. A great many others were called before this Court, and imprisoned in Elgin Tolbooth, and some of them fined, of which I cannot give the Particulars, as Mark Mavor, Donald Monro Baxter in Elgin, John Montfod Chamberlain to Park, Jean Brody Relict of Alexander Thomson Merchant in Elgin, Christian Lestly Daughter to Lestly of Aikenwall, Beatrix Brody Relict of Lestly of Aikenwall, and many others I cannot name, were put in Prison; but King Charles's Death falling in, the Court rose, and they were liberate. Mr. James Urquhart, Mr. Alexander Dunbar, and some other Ministers were sent South to Prison, and continued in the Bass and Blackness.

1685.

Of Windyhill and others

Mackenzie of Siddy, by virtue of a Council Warrant, did likewise persecute a great many honest People. Mr. Hay, and others in the west End of this Country suffered by him, and he made an unhappy End, being killed by Coil McDonald. I am, &c.

I return to the Council Proceedings. January 17. the Council order the Advocate to pursue the Parishioners of Anworth, for Affronts done to their Minister, and the Parish of Carsphairn, for the Murder of their Minister by some skulking Rebels. I know nothing anent the Affront done to the Minister of Anworth, and say no further about it. But the Murder of Mr. Peter Peirson at Carsphairn at the Manse there, is a Fact, whereof no just Account, as far as I know, hath been yet given to the publick; and this, with the Murder of Bishop Sharp, are generally charged upon Presbyterians as Proofs of their practising the hellish and Jesuitical Principle of Assassination. I have said enough already upon the first, and here I shall give a plain Account of the Matter of Fact at Carsphairn, which I have from a Gentleman of undoubted Credit, who had the Detail of this Matter from the Persons concerned in this Wickedness, and another concurring Narrative from John Mathison, a very judicious and worthy Elder in the Parish of Glencairn, lately dead, who had his Information likewise from the Persons present.

The Parishioners of Carsphairn pursued for the Murder of their Minister by some skulking Rebels. Some Account of Mr. Peirson's Murder.

The regular and orthodox Clergy, as they were now termed, in the southern Shires, had various Treatment from People in their Parishes, in a Proportion to their Temper and Management. The Clamours made about the Insults made upon them, with the Acts of Council thereanent, I have noticed upon the former Book.

It is certain, several of them, who were violent Instigators of the Persecution, and active Informers of the Persecutors, met with proportioned Treatment, in itself uncivil and rude enough; but none I can hear of were wounded, far less murdered, as is given out, save this Man at Carsphairn.

Some Notice hath been already taken of Mr. Peirson's violent Measures, and how serviceable he was to the Laird of Lag, and other violent Oppressors of the People of Carsphairn, and in this he came, in his narrower Sphere, the nearest the Primate who met with the same Fate, of any I have heard of.

He was a surly ill-natured Man, and horridly severe. Several of his Brethren about the Time of the Societies Declaration, had the Caution to retire for a little; but he would needs brave it out. By the many Murders in cold Blood in the Fields, and the severe Commotions and Orders given out against them, it is certain the Wanderers were exasperated more than ordinarily. And I much suspect some of them were put upon the Heights and Extremities they ran to, by some wicked People who mixed themselves with them; and we shall meet with somewhat of this in the Matter before us.

Mr. Peirson's Temper.

Mr. Peirson was an unmarried Man, very blustering and bold, and used openly to provoke the poor People, by saying in publick Companies, He feared none of the Whigs, nor any Thing else but Rats and Mice. He lived at the Manse alone, without so much as a Servant with him, and kept still a Number of Fire Arms charged in his Chamber. He was openly a Favourer of Popery, and gave shrewd enough Signs of his being popishly inclined, by defending not a few of their peculiar Tenets. One Time in particular, in the House of James M'Virk, in the Holm of Dalquhairn, he defended Purgatory openly, and some other such Doctrines; and frequently, in publick Companies, he maintained that Papists were much better Subjects than Presbyterians, and other Positions abundantly irritating. He was a notorious Informer and Instigator to all the Violences in that Country.

Those Things I do not at all notice to vindicate the Fact I am going to relate, for I abhor and detest it; but that the Reader may know the true State of this Matter, and what unwarrantable Provocations this ill Man gave. Those, with what preceeded it, are so far from vindicating this Attempt, that I do not so much as plead them as Alleviations, but only narrate them as vouched Matters of Fact, which went before this Attempt.

Towards the End of the last Year, some few of the Wanderers, who were upon their Hiding in that Neighbourhood, entred into a Concert, with an express Proviso of doing no Harm to Mr. Peirson's Person, to meet together and essay to force him to give a written Declaration, that he would forbear instigating their Enemies, and other violent Courses, and deter him from them in Time to come, still expressly declaring they would do him no bodily Harm.



1685.

Persons concerned in the Attack on him.

Accordingly there met at the House of *John Clark* in *Muirbroke*, Three Miles from the Kirk of *Carphairn*, *James M<sup>c</sup>Michael* Fowler to the Laird of *Maxwelltown*, *Roger Padzen* in the Parish of *Sanquhar*, *Robert Mitchel* in the Parish of *New Cumnock*, *William Herron* in the Parish of *Glencarn*, and other Accounts add, *Watson*, with some others; and one Night, having Notice that *Mr. Peirson* was at home, they came to the Manse, and sent those named above to desire *Mr. Peirson* to speak with some Friends, who were to do him no Harm. One Account says, and it is not inconsistent with the other, that Two of them who were sent, got in, and delivered the Commission, which put *Mr. Peirson* in a Rage, and drawing a broad Sword, and cocking a Gun or Pistol, he got 'twixt them and the Door; upon which they called, and *M<sup>c</sup>Michael* and *Padzen* came to the Door, and knocked. The other Account makes no Mention of this Circumstance, but says, when they knocked at the Door, *Mr. Peirson* opened it himself, and with Fury came out upon them with Arms; and *James M<sup>c</sup>Michael*, as he said, laying his Account with present Death if he had not done it, resolved, if he could, to be before Hand with him, and firing a Pistol at him, shot him dead in the Spot.

The rest at some Distance hearing a Noise, came running up, crying, *Take no Lives*; but it was too late. However, they expressed their Detestation of the Fact, and separated from the Four or Five whom they had sent up. This Account I have all Reason to believe is true Matter of Fact, and I have candidly set it down as it comes from Persons who were present, and may be depended upon.

Remarks upon this Murder.

The Body of Presbyterians are no manner of way concerned in it, and the wandering Sufferers who bore Arms, and distinguished themselves from the rest of the Presbyterians through the Nation, as soon as they heard of it, discharged any of the abovenamed Persons to be admitted to any of their Societies, and would not be in their Company; which was all the Testimony they could bear against what was done, and so this Fact can no more be charged even on that Party, than the personal Faults on the other Side can be laid to their Door.

I only remark further, that *Mitchel*, *Herron*, and *M<sup>c</sup>Michael* were all of them killed one way or other this Year, *Watson*, if he be the same Person we shall afterwards meet with, shewed himself to be a Spy sent in among the Wanderers, and a Tool of the other Side, and *Roger Padzen*, when cast off by the rest, went in to the Army, and in a very little Time was taken on to be a Dragoon in *Captain Strachan's Troop*, and by his after wicked Carriage, made it very probable, that all the Time he was among the Wanderers, he was under Pay, and informed their Enemies of their Haunts and lurking Places. This is the fullest Account I can give of this Matter, and I make no Question but the Hand of *Joab*, and the Influence of such Villains as mixed themselves in among the People upon their Hiding, had we full Accounts, would be found to be in those Things, that look worst, done by them.

Council's Letter January 28. to their Commissioners to process three Persons concerned in a Scuffle where *Captain Urquhart* was killed.

To return to the Registers, *January 28.* the Council direct a Letter to those they had commissioned for *Wigtoun* and *Kirkcudbright*, about their processing such who had killed *Captain Urquhart*, and some with him; I know no more about it than what is in the underwritten Letter. It seems to have been some Engagement some of the Wanderers had with the Captain and his Party, wherein, it seems, the Soldiers have been worsted. The Letter runs.

Right Honourable,

His Majesty's Privy Council being certainly informed, that *Captain Urquhart* hath been killed, and some others of his Majesty's Forces killed and wounded, by some desperate Rebels in your Bounds, who had the Boldness to attack them, whereof Three were taken alive and made Prisoners.

The Council thinking it fit that Justice may be done upon those notorious desperate Rebels, upon the Place, for greater Terror and Example to others, do therefore require you, immediately upon the Receipt of this, to proceed and do Justice on them according to your Commission, you being first convened to this Purpose by *Colonel James Douglas* Colonel of the Foot-guards, whom we have added to your Commission, and punish them according to Law and your Instructions. And where they shall be found guilty, you shall forthwith cause burn their Houses and the Materials thereof, and secure their Goods for his Majesty's Use. And particularly if you find any of those Rebels have been maliciously and wilfully reset at the Houses of *Star* or *Loch-head* lying towards *Kilrine* and *Craig-malloch*, enquire into it. Your punctual and exact Obedience is required.

PERTH.

An Act Feb. 3. classing the Prisoners.

Upon the 3 of *February* the Council make an Act classing the Prisoners, which will let us in a little to the Way of their Procedure at this Time; and therefore I insert it. The Lords of his Majesty's Privy Council resolve, that the Prisoners in the several Tolbooths, shall be classed as follows.

Those



Those already sentenced to the Plantations for not taking the *Oath of Allegiance*, and will now take the *Test*, be liberate.

1685.

That those who are not sentenced, and will take the *Oath of Allegiance*, be in another Class, and liberate upon Caution and enacting themselves to live regularly, and appear when called.

That those who were in the Rebellion, or will not disown the late *treasonable Declaration of War*, be in a third Class, and remitted to the Justices.

That those who refuse the *Allegiance*, be libelled before the Council in order to Banishment.

And in regard the Prisons are already crowded and thronged with those who are already banished, and will not take the *Test*, the said Lords order them to be liberate upon Caution, as follows, *viz.* The Heritors above an Hundred Merks Rent, upon Caution to be found by the Persons who shall transport them, under the Penalty of a Thousand Merks, to take them off the Kingdom betwixt and the first of *May* next. And in the mean Time until the said Day they shall live peaceably, and compear before the Council if called, under the same Penalty. And all others under the said Rent, to be liberate, as said is, on Caution for the Penalty of Five hundred Merks *Scots* for ilk one of them.

I do not find that this Act of Council brought any great Relief to the Prisoners. However in pursuance of it, a Committee is appointed to inspect the Prisons of *Edinburgh* and *Canongate*, and their Report follows in the Registers.

February 5. The Council, having considered the Report of their Committee appointed to consider the Case of the Prisoners in *Edinburgh* and the *Canongate*, give Order to liberate Five or Six who have taken the *Test*, as likewise some others not banished who take the *Oath of Allegiance*. *John Mossman* in *Caldermoor* is remitted to the Justices, in regard he will not abjure the late *Declaration of War*, and in regard there is a seditious Letter found with him. They ordain *Quintin Dick* and *Robert Slofs*, fined by the Commissioners at *Air*, and banished, *Duncan Fergusson*, *John Kellie*, Mr. *William Wisheart*, Mr. *George Room*, *Alexander Heriot*, *John Wallet*, *John Malcolm*, *Andrew McKartney*, and *William Sprout*, banished by the Council, *James Kirkwood*, and *Alexander Wallace*, under Sentence of Death by the Commissioners at *Air*, who all refuse the *Abjuration* or *Test*, to be sent to his Majesty's Plantations. And some others are to be processed in order to Banishment. And others are referred to further Examination.

Report of the Committee to consider the Case of the Prisoners.

*John Mossman*

*Quintin Dick*, and *Robert Slofs*

Mr. *William Wisheart*, Mr. *George Room*, with others are ordered to the Plantations.

But the King's Death falling in to Morrow, altered their Measures with many here named.

King's Death altered these Measures.

### S E C T. III.

Of King Charles his Death, February 6. the Accession of his Brother, with the more general Procedure of the Council, during the following Part of this Year.

The great Turn of Affairs by the Death of King Charles II. falls now in my Way; and I shall give some short View of that, and the Duke of York's Accession, before I come to narrate what was done through this Year, by our *Scots* Council, under a Popish King.

Matter of this Section.

A deep-laid Plot of Hell and Rome, for overturning the Religion and Liberties of Britain and Ireland, and introducing Popery and Slavery, hath been making great Advances now for many Years: And ever since the Duke of York had the Management of Things at Court, in Conjunction with French Milles and Pensioners, this Design went on very fast. The English Nation took the Alarm, and roused themselves in brisk Efforts to exclude the Duke of York from succeeding; and more than once their noble Attempts this way were crushed, as hath been noticed.

The Succession of a Papist opposed by the English.

When thus the Succession of a Papist is secured, the Duke and his Party turned uneasy that their bloody Measures went so slowly on. In Scotland indeed every Thing was carried as they would have it, and nothing was stuck at to weaken the reformed Interest, destroy and banish the best Protestants, and to pave the Way for bare-fac'd Popery. And this Nation was so far sunk, that the Opposition made to those Measures was very inconsiderable. It was not so in England, and therefore it was seasonable, not to say necessary, for that Party, King Charles should die.

When that Opposition is not through, Papists gauge that their Designs go on so slowly.



1685.

Especially when the King began to open his Eyes a little before his Death.

Especially when the King's Eyes began to open towards the Beginning of this Year, and it appears more than probable, he had resolved to alter his Measures, and make himself easy all his Life. The Bill of Exclusion had been stopped by the French Court, who struck up a Bargain to give more Money upon refusing to pass the Bill, than had been offered for a Consent to it: And now that the Duke's Succession was safe, his uneasy Temper began to discover itself; he was advancing in Years, and there was no great Prospect of his having any Children, and all the Hopes of the Roman Catholics centred in him, and no Time was to be lost for ripening the grand and extensive Work they had to do: Therefore the Duke's Party at Court lost no Time, and concerted such Measures, as, when the King came to smell them, effectually awakened him, but too late! Some Changes were made. Lord Lucas had the important Command of the Tower given him, but enjoyed it not long. The Manner of his Death is not unknown; it was very sudden, and when the King heard of it, he said, *God have Mercy upon me, I may be the next.*

King Charles dies, Feb. 6. at Whitehall.

In a very few Days his Death followed, February 6. and that in such a Manner, and such Circumstances, as (to express it in the Words of one of our Sufferers) must remain a Pro-blem to Posterity, whether he died a natural Death, or was hastened to his Grave by Treachery. This same excellent Historian Dr. Wellwood, in his Memoirs, balances the Facts and Appearances upon both Sides, and to him I shall refer the Reader in this nice Point, and only add here the Account of it published by Authority, London Gazette, N<sup>o</sup>. 2006.

Account of it published by Authority.

Whitehall, February 6. 1685. On Munday last in the Morning, our gracious Sovereign King Charles II. was seized with a violent Fit, by which his Speech and Senses were for some Time taken from him, but, upon immediate Applications, he recovered to such a Condition, as gave some Hopes of his Recovery, till Wednesday Night, at which Time his Disease returning upon him with greater Violence, he expired this Day about Noon.

Duke of York proclaimed.

Upon this the Privy Council met, and the Duke of York is declared King. In the Proclamation he is declared, by his Brother's Death, their only lawful, lineal, and rightful Liege Lord James II. to whom they acknowledge all Faith and constant Obedience. A Phrase, in my Opinion, which needs an Explication, before it can be well applied to any Creature, much more by Protestants to a profest Papist.

Proclamation continuing all in Places of Trust under the late King, with a singular Clause.

The new King, that same Day, issues a Proclamation, with a pretty singular Parenthesis in it. *All in Places of Trust under his Brother, are continued in his princely Wisdom and Care of the State, (reserving to his own Judgment hereafter, the Reformation and Redress of any Abuses in Misgovernment, upon due Knowledge and Examination thereof.)* This Reservation I leave to the Reader to interpret; I can only do it from this Prince's After-practice, from whence we may gather, that when the Reformation and Redress of a Protestant Kingdom is left to a Popish Prince's own Judgment, it will be by raising a standing Army of Papists, reducing Charters, corrupting of the Universities, and other Methods well known and felt under this Reign.

King James his Declaration at the first Meeting of the English Council.

At the first Meeting with the Privy Council, the King made a Declaration, which hath been more than once published, 'That he will endeavour to follow his Brother's Example, especially in his Clemency and Tenderness to his People. He observes, That he (the King) was reported to be for arbitrary Power, but that was not the only Story made of him; that he would endeavour to preserve the Government both in Church and State, as it is now by Law established; that he knows the Principles of the Church of England are for Monarchy, and its Members have shewn themselves good and loyal Subjects, therefore he would always take Care to support and defend it; that the Laws of England are sufficient to make the King as great a Monarch as he could wish; and as he will never depart from the just Rights and Prerogatives of the Crown, so he will never invade any Man's Property; that he had often ventured his Life in Defence of the Nation, and still would go as far as any Man, in preserving it in all its just Liberties.

Those Assurances, at the humble Suit (so it was concerted) of the Lords present, were made publick; and how well they were kept, the Historians of this Reign do largely enough shew us: And now when we have the infallible Commentary of an After-practice, we may safely conclude all was calculated to gull and cheat the Protestants of England.

This seems to be the Model and such the first and second Declaration are since formed.

For the Benefit of such as have not the Declaration by them, I have insert the Words of it, on which this natural Remark arises, That it appeareth in its very Phrases and Expressions, which are capable of more Senses than one, to have been the Model according to which the Declarations of his pretended and attainted Son are formed, which his Party have spread since King George's happy Accession to the Throne. And all sincere Protestants may easily conclude, that the last Professions are so much the less to be depended upon, than those of his Father, by how much his Obligations to those Lands have been less, and his Education more deeply Jesuitical and tyrannical.

Tho' a Papist the King takes the English Coronation Oath, probably with some Changes.

Besides this Declaration, Care was taken at London, that this King, Popish as he was, should take the English Coronation Oath, but with what Alterations and Changes I will not take upon me to say. Firm Protestants at this Time had a violent Suspicion of unfair Dealing in this Matter, and it was publicly asserted by the chief Baron Aitkins, upon no meaner



meaner Occasion than his administering the Oaths to Sir William Ashurst Lord Mayor of London, 1693. 'That as Alterations were made by Bishop Laud, in striking out those Words which were a Part of the old English Coronation Oath, That the King should consent to such Laws as the People should choose, when he crowned King Charles I. so at the Coronation of the late King James II. there was much more struck out of the Coronation Oath, which might be well worth enquiring how it came about.' I doubt not the chief Baron had Reason for what he said so publickly.

1685.

Yea, the Jest of his good Inclinations towards the Church of England, and Liberties of the Nation, was carried so far in his Speech to the Parliament of that Nation, and he and they were like to be so well for some Time, that King James's Friends over the Water were brought to a Stand, so that one of the prime Ministers in France wrote over to the Ambassador at London, June 29. this Year, in Terms no lower than these. 'The King's Speech is of a Strain that looks quite contrary to what we expected. The King (of France) can scarce believe there is any Change in the Affections of that Prince, yet knows not what to make of that new Manner of expressing himself on so publick an Occasion. If he and his Parliament come to a cordial Trust in one another, it may probably change all the Measures we have been so long concerting for the Glory of our Monarch, and Establishment of the Catholic Religion.' But they were quickly eased of their Fears, and fully satisfied of King James's good Intentions. I must leave those Things to the English Historians.

And his Profession of Regard to the Church and Liberties of England, are carried so high in his after Speech to the Parliament, that France is alarmed thereby.

That I may return to Scotland, February 10. our Managers have an Express bearing the King's Death, and a Letter from the Secretaries with the Draught of a Proclamation to be published immediately. The Secretaries Letter I have inserted App. N<sup>o</sup>. 101. B. and need not make Remarks. On so extraordinary an Occasion we see the suffering Party are not forgot; and, it seems, the King's faithful Servants at Edinburgh, cannot be entrusted with the Form of the Proclamation, but it is sent down from London.

Letter from the Sec. Secretaries to the Council, giving Account of the King's Death. App. N<sup>o</sup>. 101. B.

That same Day, February 10. the Council publish the Proclamation, which is added App. N<sup>o</sup>. 102. It is singular enough, yet I need not make many Remarks upon it. Their Compliments run so high upon the late King, as to place him assuredly in Heaven. And to the present King, after a Recognition of his Title by an Order from himself, they take an Oath of Allegiance and Supremacy in the very Proclamation, and involve all present with themselves in those. Those Methods are new; only I am of Opinion, the Prelatick Hierarchy in Scotland is now at its right Fountain, when owning the absolute Supremacy of a Papist. I shall only notice further, that in the Registers after this and the Proclamation, the Chancellor stands before the Archbishop of St. Andrews.

Proclamation of King James Feb. 10. App. N<sup>o</sup>. 102. With Remarks.

In the Afternoon the Council, after they had taken the Oaths, write a most loyal Letter to the King. And February 12. they send up the Earl of Drumlanerk to congratulate the King upon his Accession, and condole the Death of his Brother. I have before me the congratulatory Address of the Town of Edinburgh upon this Occasion, with the King's Answer. Both are, in my Opinion, so flat, that they need not be preserved in this Collection.

Congratulatory on the Accession of the King's Accession.

It is more worth while to notice, that our Managers at Edinburgh took no Care to have the King taking our Scots Coronation Oath. For any Thing I know, he might have swallowed it as well as the English. His loyal Servants here did not give him the Trouble of it, either as being intirely satisfied with the King's good Intentions, or willing to go along with his Designs be what they would. The Loss was not very great to Scotland, since his Religion, which led him to keep no Faith with Hereticks, could have furnished him with a Dispensation from his Oath, tho' he had taken it.

Our Managers at Edinburgh take no Care about the King's swearing the Coronation Oath.

However, his never taking any Coronation Oath for Scotland, made a good many question his Right and Title to govern, and reckon him, abstracting from his Religion, which by our fundamental Laws incapacitates him to rule, King *de facto*, but never *de jure*. Yea, this made his Forfeiture very easy to our Convention of Estates, April 11. 1689. and they very justly declare and find, that

And his not taking the Oath may question his Right to govern.

'Whereas he being a profest Papist, did assume the regal Power, and acted as King, without ever taking the Oath required by Law, whereby the King at his Access to the Government is obliged to swear to maintain the Protestant Religion, and to rule the People according to the laudable Laws; and did, by Advice of wicked and evil Counsellors, invade the fundamental Constitution of the Kingdom, and altered it from a legal limited Monarchy, to a despotick Power, &c. and hath exercised the same to the Subversion of the Protestant Religion, and Liberties of the Kingdom, inverting all the Ends of Government, that by all this he hath forfeited the Right to the Crown, and the Throne is become vacant.'

Declaration of the Convention of Estates as to this, April 11. 1689.

Plain it is then, that in Scotland we needed not concern our selves with the Debates our Neighbours had about Abdication; as in England he was found to have abdicated, so in Scotland, being a profest Papist, and never having taken the Coronation Oath, he was found to have assumed the regal Power, and only to have acted as a King, and by our Scots Law he was never King *de jure*.

Thus the Wicked were snared in the Work of their own Hands. His Servants in Scotland, for so I may call them, being intirely at his Disposal, even under his Brother's Reign,

pro:



1685.

The Protestant  
Succession and  
our present  
Sovereign  
King George's  
Accession stand  
upon the same  
Foot with  
King William,  
Queen Mary,  
and Queen  
Anne, by our  
Scots Law.

projected to please their Matter, and unhinge our Constitution, by waving the King's taking the Coronation Oath, and huddling over this important Matter, made so plainly necessary by our fundamental Laws, and hereby they framed the Net wherein he was taken, and laid the Foundation for a Process of Treason against themselves, had they been dealt by as they dealt with others, as well as of the Throne's being declared vacant.

And since I am fallen in upon Rights and Titles, the Reader will permit me to remark, as a Consequent of what is above, that our excellent Sovereign King George had a legal undoubted Right and Title to the Kingdom of *Scotland*, in case of Queen Anne's Demise, even antecedently to the Union of *Scotland* and *England*, and comes in by the Laws of *Scotland*, whereby all Papists are excluded upon the Queen's Decease, as our only rightful and lawful King, upon his taking the Coronation Oath, as King William and Queen Mary did upon King James's Forfeiture and Abdication, and succeeds upon that same Revolution and parliamentary Foot and Bottom, upon which Queen Anne succeeded upon the Demise of Queen Mary and King William.

And as none, who own the Revolution, can in the least hesitate upon his most excellent Majesty, his Royal Highness the Prince of *Wales*, and their Issue, their Right and Title, so happily recognized and fixed by the explicate Declarations of the separate Parliaments of both Kingdoms, upon Foundations preceeding the Treaty then in View; so no Body who considers Matters, can have any Difficulty to believe and declare, that the attainted Pretender hath no Right or Title whatsoever to those Realms; and to be sure, no *Scotsman* who values our Reformation, Liberty, and unalterable Constitution confirmed by so many Laws and Oaths, can set up for that Nursling of Popery and Tyranny. If his pretended Father never had any legal Right, if the Throne by our Law was in a Manner vacant during his Assumption of the Royal Power, if by being a profest Papist, and not taking the Coronation Oath, whereby the mutual Relation twixt Sovereign and Subject is fixed, the Father had no Right, where in all the World can the Title be acclaimed by his pretended Son, not only a profest, but nicely educated, and carefully confirmed and bigotted Papist? Nothing certainly can make a *Scotsman*, and much more a *Scots* Protestant, fond of this Son of *Rome*, and Nursling of the late *French* Tyrant, with a View to his grand Project of the universal Monarchy, but plain Infatuation, and strong Delusions for not receiving the Love of the Truth. Our present Circumstances (*November 1715.*) made this natural Remark, from this Matter of Fact, offering itself in the Detail of this History, appear necessary at this Juncture.

The King continues all in Places of Trust.

To return again to the proper Subject of this History, King James after his Accession to the Throne, continued all the civil and military Officers in their Posts for some Time, and no other could be expected, since they were, generally speaking, of the Duke of *Tork's* Faction in his Brother's Time, and Matters went on much in the former Chancel. The publick Management, especially as to the Persecution, having been now for a good while in the Hands of the Duke's Servants, and such who were Papists or Favourers of them; and the Presbyterians, as we heard, found this sensibly.

Detail of the more general Actings of Council this Year.

When the Council is thus allowed to act by their new King, let me give some Narrative of their Procedure this Year. It is only their general Actings I'll reach in this Section, and shall reserve what relates to particular Persons to the following, and several of their Actings will come in upon their proper Subjects in the following Sections. We see they begin their Persecution very soon, or rather just go forward with it.

Letter Feb 12. to the Commissioners in the several Shires.

February 12. the following Letter is directed by them to the Earl of *Carnwath* for *Clydsdale*, *Glencairn* for *Renfrew*, Lord *Bargeny* for *Air*, the Laird of *Orbistoun* for *Dumbarton* and *Stirling*, Earl of *Anandale* for *Nithsdale* and *Anandale*, the Viscount of *Kenmuir* for *Wigtoun* and *Kirkcudbright*, Lord *Jedburgh* for *Teviotdale* and *Jedburgh*, Laird of *Hayning* for *Selkirk*, Earl of *Hume* for *Berwick*, and Laird of *Blackbarony* for *Peebles*. 'It having pleased Almighty God, to call from this temporal Life to his immortal Glory, our late dread Sovereign, his present Majesty King JAMES VII. having by his Royal Proclamation allowed all his Judges and Officers to act as formerly, until they receive new Commissions, the Lords of his Majesty's Privy Council have ordered us to signify to you, that you continue to act by virtue of your former Commission in all Points.'

William Paterson, Col. Mackenzie.

Thanks given for a Defeat of Eighty Rebels, Council Addition to Passes.

The Letter to *Carnwath* bears Thanks to him, and Lieutenant-colonel *Buchan*, for their Activity against Rebels lately in Arms. And February 13. the Council record their Thanks to those for defeating Eighty Rebels in Arms, and killing one of them, and sending in Three Prisoners under a Guard. And February 10. the Council order all Passes, given according to their Act December 13. last, to have this Clause added in the Oath of Abjuration. I do solemnly swear not to take up Arms against the King, or any commissioned by him; and that the Passes be reprinted with this Addition. That same Day the Sheriff of *Dumfries* is appointed to convene the Shire, and provide for the Garison of *Blackwood*. I imagine that ought to be the Sheriff of *Lanerk*.



February 26. the following Letter is written to the Council Commissioners. ' Right honourable, His Majesty's Privy Council are well satisfied with the Accounts they have of your Procedure in prosecuting the Commission and Instructions given by them to you; and finding it fit for his Majesty's Service in the present Juncture, that you vigorously prosecute what remains by you undone, and particularly those Instructions relating to the Justiciary Part of your Commission, have recommended for that end, that you meet with all Diligence, and give over keeping particular Meetings, until the whole Business intrusted to you be perfected; and as to the Prisoners now in your Hands, you are forthwith to proceed against them according to Law, and report.'

1685.

Another Letter by 26. to the Commissioners.

To give the Country a good Idea of the new King at his Entry to the Exercise of the Government, an Indemnity is published at *Edinburgh*, very narrow and limited. We have heard, that somewhat of this Nature had been upon the file since last Year about this Time. It bears Date *February 26.* and is published *March 2.* The Name of an Indemnity was enough to fill People's Mouths with the Encomiums of the Tendernefs, Lenity, and what not of the King's Reign; but it was so clogged, that the common People could receive very little Ease; and the Improvements made upon it in the Favours of a Popish King, could make few Protestants, being flatly contradicted by Experience, and the daily Barbarities of those who bore his Commission.

Indemnity agreed to Feb. 26. and published March 2.

The Copy of this Indemnity, such as it was, the Reader will find *App. No. 103.* and I need make but few Remarks upon it, after what is already set down in this History. It is so narrow, that it scarce deserves its Name, and very much agrees with the Nature of these Favours Protestant Subjects may expect from a Popish Prince.

App. No. 103. Remarks upon it.

The King is made to commend his Brother's Clemency, as what aggravated what is now called Rebellion. I am apt enough to suppose, that King *Charles's* Government might have been much more easy than it was, had it not been for the Duke and Bishops; but the Virulence of the high-flying Prelatists, who really in some Things go beyond the more moderate Papists, with the violent Measures of the furious and bigotted Party, headed by the Jesuits and the Duke, forced the late King to Courses and Extremities perhaps otherwise he would not have gone to. And as a Pretext to clog the Indemnity as much as might be, the King declares, *That Prudence and his Care of his People oblige him to inform himself of the chief Movers and Instruments of the present Commotions.*

These are scored off and excepted from the Indemnity, and to bear them Company, all Heritors, Liferenters, Wadsetters, Burgettes, and vagrant Preachers, so very few remain, save Tradesmen, and Tenants in the Country, Cottars and vagrant Beggars, to participate of this Demonstration of the innate Clemency of his Majesty, which, he is made to add, *both shined in the whole Line of his Royal Race*, witness the Compassion shewn in the Matter of the *Palatinate*, to their own Flein, and the *Irish* Massacre, with the Procedure these Twenty Years and upwards since the high Commission.

This Indemnity seems to have been chiefly for Treason, &c. against the King's Government, which is but Three Weeks old or thereby, unless what followed, and the Laws of our Kingdom extend it further. In short, all who have any Benefit by it, are to be so loaded with Oaths, that, for what I can learn, very few pleaded it. The ordinary Exception of the Murderers of the Archbishop is continued, and those of Mr. *Peirson* Minister at *Carlsruhe*, *Kennoway*, and *Stuart*, are now claud with them.

*March 2.* the King's Letter is read, desiring the Lord Chancellor and Treasurer to come up to Court about Matters of great Importance, and requiring the Counsellors to continue at *Edinburgh*, but allowing them, upon any Emergency, to permit the Officers of the Army to go to the Country. *March 6.* the Advocate is ordered to process the Heritors of *Irongray*, for an Abuse committed upon their Minister; I know no more about it. And the Commissioners of the Shire of *Lanark* are appointed to meet and call together the Militia, and fine the Absents.

The Chancellor and Treasurer, since, came to Court March 2.

A Letter from the King is read *March 8.* which deserves a Room here. ' Right trusty, &c. Our dearest Royal Brother of ever blessed Memory, having upon a Letter from you, dated *September 27.* last, impowered his Advocate to refer to the Oaths of such as should be pursued for Conspiracies, Refet or Intercommuning, or Accession to those Crimes in so far as their Guilt might infer an arbitrary Punishment, and pecuniary Mulet; which being only to continue till the first of *April* next, we finding it expedient, very useful for detecting Crimes already committed, and deterring others from entering to such Combinations, do therefore renew the said Warrant, with those Alterations and Additions only, that this Our Warrant shall extend to concealing of Treasons, as well as to the other Crimes therein specified; and that the said Power shall be extended to such as derive Commissions from you, and shall continue till the Sitting of our Parliament, approving what is done by you, or any who had Power from you. *Whitehall, March 3.*

Letter from the King continuing the Power extending Crimes to the Oaths of Parliament March 3.

D R U M M O N D.

Observations have been already made upon this Power given to the Advocate, and this Letter is designed to prelimit the Parliament in the Processes to be before them, when they meet

Regulations about the Prisoners March 14.

D d d d d



1685.

meet *March 14.* 'The Council order all the Commons, liberate by the Indemnity, to be passed, if they take the *Abjuration*, even though under Sentence of Banishment. But such as refuse to swear the Clause *not to rise in Arms*, are to be detained as having committed a new Crime, and against whom the Government can have no Security. They order likewise all Prisoners, even Heritors, imprisoned for not taking the *Allegiance*, to be liberate upon their taking the *Test*. And all Women imprisoned for Refet and Converse, or wicked Principles, are to be liberate on their taking the *Abjuration*. 'This Day several renounce their being Heritors, plead the Indemnity, and are liberate.

The Country  
harassed upon  
the Appearance  
of some in  
Arms.  
Commission to  
Colonel Doug-  
las and others.

*March 24.* 'The Lords of Council being informed, that a Number of desperate Rebels in Arms hath gone through the Shire of *Air*, and no Notice is taken of them, Colonel *Douglas*, or the Commanders of the Garisons, are impowered immediately to punish the Commons who did not inform against them, according to Law, and to take Bonds of the Heritors on whose Ground they appeared, to compear before the Council in *April*. 'These termed desperate Rebels, now going up and down, were only a few of Mr. *Renwick's* Followers, coming and going to his Sermons in Arms. However an Handle is made of every Thing for establishing new Courts, and harassing the West and South. 'So *March 27.* a Commission with a Justiciary Power is granted to Colonel *James Douglas*, and others he deputes, in high Terms. It is annexed, *App. N<sup>o</sup>. 104.*

App. N<sup>o</sup>. 104.

No Observes on it are needful, after what of this kind we have met with formerly. And *April 16.* a Proclamation is issued, ordering the Soldiers to pay what they take on in their Quarters. But this was of little Use, because there was none to execute it.

Commission to  
Lieutenant co-  
lonel *Drummond*,  
*April 25.*

The Council send West Lieutenant-general *Drummond April 25.* to harass the West and South, and that only for pretended Refet and Converse, when no other Thing could be laid to their Charge. His Powers are very large, as appears by his Commission, the Tenor whereof follows.

• **JAMES**, by the Grace of GOD, &c. Greeting. Forasmuch as, notwithstanding of all the Endeavours used by Us, for suppressing and punishing Rebels, Fugitives, vagrant and skulking Persons, who disturb Our Government, and Peace and Quiet of Our good and loyal Subjects, in the southern and western Shires; yet, by reason of the Refet, Supply and Harbour which they have, and is afforded from some Persons disaffected to Our Government in these Shires, their Number and Insolence still increases; and when any of Our Forces do march in Search of them, as they draw together in Companies and Bodies, nevertheless they dissipate and evanish, and are hid, sheltered, and maintained privately in the Houses of wicked and disloyal People, without being pursued, expelled, or Intelligence given of them, conform to Our Laws, and Proclamation of the Date of the Day of , to the high and manifest Contempt of Our Authority, and Affront of Our Government: And We being resolved to extirpate such Rebels, Fugitives, skulking and vagrant Persons, as disturb the Peace and Quiet of Our Government, and to punish severely, conform to the Prescript of Our Laws and Proclamations, all such Persons, whether Magistrates, Heritors, or others, as have been negligent in their Duty foresaid, have therefore thought fit, with Advice of Our Privy Council, to commissionate; likeas, We do hereby make and constitute Our trusty and well-beloved Counsellor, General-lieutenant *Drummond*, Master General of Our Ordnance, to be Our Commissioner and Justice in all the southern and western Shires, to the effect underwritten; with Power to him to call and hold Courts, at such Times and Places as he shall think expedient; and there to create Clerks, Sergeants, Dempsters, and all other Members of Court needful, to call Assizers and Witnesses, Absents to amerciate, Unlaws and Amerciaments to uplift and execute; and if he finds any Persons, Heritors, or others, guilty of Refet, Harbour, and intercommuning, or corresponding with Rebels, that he cause Justice to be done forthwith upon them, conform to the Laws and Acts of Parliament of this Our Realm; with Power also to Our said Commissioner, to call and convene before him all Persons, whether Heritors, or Commissioners, upon whose Ground Rebels have appeared, and no Intelligence nor Advertisement thereof given, and to proceed against and punish them, according to the Laws of this Our Realm, and particularly conform to the foresaid Proclamation, of the Date

And to the effect these desperate Rebels may be totally reduced and expelled forth of this Kingdom, We hereby fully impower you Our Commissioner foresaid, to call to your Assistance all Magistrates, Heritors, Officers of Our standing Forces, and of Our Militia on the Place, and all fencible Men within the said Shires, from Time to Time, as you shall have Occasion, conform to your Instructions; and particularly by you are to take under your Command, those Highlanders now to be employed in Our Service, who all are hereby strictly required and commanded to march, concur with, fortify and assist you in this Our Service, and obey your Order, as they will answer the contrary on their Allegiance: And generally you are to do all and every other Thing which may conduce to Our Service, and the Peace and Tranquillity of this Our Realm: For doing all which



which this shall be to you and them and all others concerned, a sufficient Warrant, and to continue and endure in full Force, until the First Day of June next, in case the same be not sooner recalled. And further, We hereby declare all former Commissions granted by Us or Our Privy Council, for trying or punishing the said Crimes in the Country, either to Noblemen, Gentlemen or Officers of Our Army, to be void and extinct. Given under Our Signet at *Edinburgh*, the Twenty first Day of *April*, 1685. and of Our Reign the First Year.

1685.

<i>Queensberry Commissioner,</i>	<i>W. Dumfries,</i>
<i>Perth Cancel.</i>	<i>Southesk,</i>
<i>Arch. St. Andrews,</i>	<i>Panmure,</i>
<i>Alexander Glasgoun.</i>	<i>Tweddale,</i>
<i>Hamilton,</i>	<i>Kintore,</i>
<i>Douglas,</i>	<i>Livingstone,</i>
<i>Drumlanerk,</i>	<i>Tester,</i>
<i>Errol,</i>	<i>Jam. Falconar,</i>
<i>Marishal,</i>	<i>Jam. Fowlis,</i>
<i>Mar,</i>	<i>J. Lockhart,</i>
<i>Glencairn,</i>	<i>Will. Hay.</i>
<i>Linlithgow,</i>	

At the same Time they give him the following Instructions.

*Instructions to General-lieutenant Drummond, in prosecution of a Commission given to him by His Majesty's High Commissioner, and Lords of Privy Council, of the Date hereof, for marching to the southern and western Shires.*

*Edinburgh, 21 April, 1685.*

- 1<sup>mo</sup>. You are to imploy all his Majesty's standing Forces in the southern and western Shires, or so many of them as you shall find expedient, for pursuing, suppressing, and utterly destroying all such fugitive Rebels as resist and disturb the Peace and Quiet of his Majesty's Government, and his loyal Subjects; and you are to cause immediately shoot such of them to Death, as you find actually in Arms.
- 2<sup>do</sup>. You shall give Order to apprehend all Persons suspect for Harbourers or Refetters of Rebels and fugitive Vagabonds, and punish such as you find guilty, according to Law.
- 3<sup>tho</sup>. You are to cause examine in every Parish where you shall think fit, who of them have not taken the late Oath of Abjuration, or are guilty of withdrawing from the Church, or other Irregularities, and punish them accordingly.
- 4<sup>tho</sup>. You are hereby warranted and authorized to take free Quarters for all under your Command, ( they not being of his Majesty's Forces ) in all Places and Parishes where Rebels, Fugitives, and Vagabonds are suspect to be harboured, refet, and connived at, and from whence no Intelligence of them has been given to the Officers of the Army, or Magistrates.
- 5<sup>tho</sup>. If any Fugitives or Rebels make Application to you for the King's Mercy, or supplicate for the Benefit of his Majesty's gracious Indemnity, ( even after the Time thereby allowed, is elapsed ) you are to transmit such Addresses to his Majesty's High Commissioner, and to the Council, and to allow them safe Conducts until you receive their Pleasure.
- 6<sup>tho</sup>. If any Proposals be made by the Heritors in the said Shires, for securing the Peace of the respective Shires, to the end the present Burden of Quartering may be taken off them, you are to receive and report the same, as above said.
- And lastly, and generally, you are to do every thing for securing the Peace, and promoting the Interest and Advantage of his Majesty's Government, as you shall judge convenient.

<i>Queensberry Commissioner,</i>	<i>Linlithgow,</i>
<i>Perth Cancel.</i>	<i>W. Dumfries,</i>
<i>Arch. St. Andrews,</i>	<i>Southesk,</i>
<i>Alexander Glasgoun.</i>	<i>Panmure,</i>
<i>Hamilton,</i>	<i>Tweddale,</i>
<i>Douglas,</i>	<i>Kintore,</i>
<i>Drumlanerk,</i>	<i>Livingstone,</i>
<i>Errol,</i>	<i>Jam. Falconar,</i>
<i>Marishal,</i>	<i>Jam. Fowlis,</i>
<i>Mar,</i>	<i>J. Lockhart,</i>
<i>Glencairn,</i>	<i>Will. Hay.</i>



1685.

I stay not on Remarks upon the Severity of those, now under a Popish Reign. The Earl of *Argyle's* Attempt gave the Lieutenant-general and Managers other Work for some Time. However, by virtue of this and other Commissions, the West and South were sorely harassed this Year.

Orders to  
Lord Carmichael  
on a Conven-  
ticle.

May 25. 'The Lords of his Majesty's Privy Council, being this Day certainly informed, that there was a considerable Meeting of Persons hearing that supposed Preacher, ( a Disturber of the Peace and of all honest Men ) Mr. *James Renwick*, between the *Kings-bill* and *Durmond*, upon the Borders of *Carlouk* and *Cambusnethan* Parishes, in *Clydsdale*, where there were an Hundred armed Men, who were exercised betwixt Sun-rising and Eight of the Clock in the Morning, upon *Friday* last, and then after Sermon began again, and continued the rest of the Day. At which Meeting there were several Persons made their Repentance for their Offences, in taking the Oath of Abjuration, the *Test*, and hearing and communicating with indulged Ministers; and so were by him received into their Society, and some were delayed to a new Occasion, their Offences being many.' The Council send a Copy of their Information to my Lord *Carmichael*, with a Letter desiring him to enquire into it, examine and call all suspect Persons to an Account, and report. They add, that if *Argyle* take the main Land, 'tis probable he may fix in *Carrick*, and therefore desire my Lord may endeavour to keep the Country in Peace, and send Intelligence, and secure the Arms and Houses of all suspect Persons.

Order for  
burning on  
the Cheek,  
and whipping  
Women at  
Glasgow.

July 14. the Magistrates of *Glasgow* present a Petition to the Council, shewing, ' That their Tolbooth is pestered with many silly old Women, who are a great Charge to the Town. The Council order them to be whipt, and burnt on the Cheek severely, who are guilty of Refet and Converse, and such as are guilty of ill Principles, that they be whipt, and all dismissed.'

Committee for  
publick Affairs  
July ult.

That same Day the Lord *Carmichael* is appointed to enquire into a Conventicle held in the Confines of the Parish of *Carlouk*, where there were some in Arms on *Munday* last, and report with all Speed. And upon the last of *July* they give Commission to the Lord Marquis of *Douglas*, Earl of *Wintoun*, Earl of *Linlithgow*, Viscount of *Tarbet*, Lord *Livingstone*, Lord *Testar*, General *Dalziel*, Advocate, Lieutenant-general *Drummond*, *Abbotshall*, *Drumelzier*, *Gosford*, Sir *William Bruce*, or any Three of them, to be a Committee for publick Affairs in the Intervals of Council.

Proclamation  
August 11.

A Proclamation is published *August* 11. discharging all to meddle with the Goods and Gear of forfeited Persons, the Tenor whereof follows. ' *James*, by the Grace of God, &c. Greeting. Forasmuch as We, notwithstanding that several Persons do at their own Hand intronit with the Goods and Gear of these Rebels lately forfeited by Our Parliament and Justice-court, and others Fugitives and Rebels from Our Laws, and more especially cut and destroy the Wood, Trees, Plantings, and Orchards of the Lands lately belonging to them, in high Contempt of Our Authority, and to Our enorm Prejudice, these Lands being annexed to the imperial Crown of this Our ancient Kingdom; and We being resolved, that the former Transgressors, as well as these who may hereafter be guilty of the said Crimes, may be brought to condign Punishment, do, with Advice of Our Privy Council, hereby strictly require and command all Our Sheriffs and other Magistrates, within whose Jurisdiction the foresaid Abuse and Crimes have been committed, to make strict Enquiry and Trial anent the Delinquents, and sentence and punish them as well for their bygone Guilt aforesaid, as what may be done by them or any others in Time coming, according to Our Laws and Proclamations, as Committers of Theft, and for Refet of Theft, certifying hereby Our said Sheriffs and other Magistrates, that if they fail in their Duty herein, they themselves shall be liable, for concealing, to the same Pains or Penalties which might have been, or may be incurred by the said Transgressors, besides being otherwise punished as Our Council shall think fit: And for Encouragement of such as shall any wise discover either the Negligence, Tolerance, or Connivance of Our said Magistrates, or the Transgressors, so as they may be found guilty by Sentence, We hereby declare, that these Informers and Discoverers shall have for their Reward the one Half of their Fines, the other Half thereof being to be paid to Our Cash-keeper for Our Use. And that Our Pleasure in the Premises may be known, Our Will is, and We charge you strictly and command, that incontinent, these Our Letters seen, ye pass to the Market-cross of *Edinburgh*, and all the other Market-crosses of the head Burghs of the Shires of this Kingdom, and there by open Proclamation, in Our Royal Name and Authority, make Publication of Our Pleasure in the Premises, that all Persons concerned may have Notice thereof, and give Obedience accordingly, as they will be answerable; and ordain the Sheriffs of the several Shires to cause publish this Proclamation. Given under Our Signet at *Edinburgh*, the 11 Day of *August* 1685. and of Our Reign the first Year.'

*September* 9. the Chancellor being called up to Court; recommends it to the Committee for publick Affairs, to meet every Week, and call a Council, if need be. *October* 29. Information being given of Two Field-conventicles in *Camnethan* Parish, at which several Persons were present with Arms, and Mr. *Renwick* preached, Major *Wedderburn* of *Gosford* is order-



ordered to enquire into the Persons present, and the Heritors, through whose Lands they passed, and report. In November, I find the Magistrates of *Lanark* and *Glasgow* ordered to be prosecuted for suffering Persons, in their Prisons for publick Crimes, to escape. And *Alexander Hume*, Sheriff-depute of *Renfrew*, sends in a Letter to the Council, giving Account of some Conventicles, and hath a Letter of Thanks sent him, with Orders to enquire who were present, and upon what Heritors Lands they were.

1685.

I am sorry I cannot, after this Year, give any more Extracts from the Council-registers, which end *December 31*. I am told the Warrants are all yet preserved, but from this Year to the Revolution none of them are booked. No doubt very remarkable Things might be found among them, but they are not sorted, and perfectly in Confusion. How no further of the Council's Procedure came to be recorded, I cannot say. Whether this came from the Surprize of the Revolution, or Negligence, or Shame, I do not determine. I am of Opinion, tho' what followed had been booked, we could scarce have met with worse than we have already.

Council-registers end with this Year.

## SECT. IV.

*Of the Sufferings and Treatment of particular Persons this Year, before the Privy Council.*

**T**He more general Actings of the Council have swelled the former *Section* so much, that I have chosen to give the Treatment of particular Persons by itself in this; and it must relate to such as were made Prisoners last Year and this, together with great Multitudes banished toward the End of this Year. I just give it in the Order of Time from the Registers.

Subject Matter of this Section.

To begin with the Gentlemen in the West and South, who, we heard before, were brought to no little Trouble for pretended Reset and Converse, Church Irregularities, and the like, before the Council and Circuits, and upon their refusing the *Test*, imprisoned and fined to the Value of their Estates: Some Hints of their Case have been given upon the former Chapter, and here I only take Notice of what I meet with, concerning them this Year, in the Council-books.

The Treatment of the Gentlemen imprisoned last Year.

*James Hamilton* of *Aikenhead* we have once and again met with in this History, and *February 13*. he is liberate on Bond of Two thousand Pounds *Sterling*, to appear the 19 inst; and *March 10*. I find him liberate under the same Penalty, to appear when called. *Mr. Andrew Kennedy* of *Clowburn*, *March 5*. is liberate upon a Bond of Twelve thousand Marks to re-enter the Prison *April 15*. *May 8*. I find it represented to the Council, that he is sore afflicted with the Gravel, and they confine him to his own House, upon Bond to appear when called. It seems in a little he was called, for *August 25*. I find him ordered to the *Canongate Tolbooth*, because of the Throng of Prisoners; and *September 11*. the Council grant him Liberty to go out of Prison some Hours in the Day Time, but ordain one of the Keepers still to be with him.

*Aikenhead.*

*Mr. Andrew Kennedy of Clowburn.*

*March 12*. *Mr. Andrew Hay* of *Craignethan* falling under Sickness in Prison, the Council allow him to be liberate, but confine him to the Town of *Edinburgh*, under Bond of Ten thousand Marks to compare when called, and order his former Bonds granted at *Glasgow* to be given up. That same Day *William Fairly* of *Brunsfeld*, who had been under Certificates from Physicians, liberate for a Fortnight under Bond of Three thousand Pounds *Sterling*, hath his Liberty prorogate by the Council under Bond, with the former Penalty of Three thousand Pounds *Sterling*; and *April* last, he is continued under Bond till he be called. *March 14*. the Laird of *Kilmahew* in *Dumbarton* Shire, of whom we have heard this Year already, is before the Council, and discharged from his Sentence.

*Mr. Andrew Hay of Craignethan.*

*William Fairly of Brunsfeld.*

*Napier of Kilmahew.*

*Sir John Maxwell* of *Nether-pollock* petitions the Council, *May 17*. to be liberate, that he may attend the Funerals of his only Sister the Lady *Calderwood*. They grant him till *April 2*. under a Bond of Ten thousand Pounds *Sterling*, to re-enter that Day. He re-entred, and *September 11*. he is again liberate under Bond to re-enter *October 12*. under Penalty of Eight thousand Pounds *Sterling*.

*Sir John Maxwell of Nether-pollock.*

*March 22*. *John Porterfield* late of *Douchal*, and *Alexander Porterfield* his Son, supplicate the Council for Liberty. The first is refused, because under a Sentence of Forfeiture. His Son is let out, on Bond for the Sum in which he is fined. *July 23*. *Douchal* is allowed the Liberty of the Town of *Edinburgh* upon his Petition, but confined thereunto. And *September*

*John Porterfield of Douchal, and Alexander Porterfield his Son.*



1685.

ber 3. the Council transmit the following Petition from him to the Secretaries; ' That where-  
 as the Petitioner being desired by Sir John Cochran to give some Charity to the Lord Argyle,  
 did heartily refuse the same, and having concealed the Design of the said Sir John, and  
 not timeously revealed the same, which he did out of Ignorance, and not out of any evil  
 Design, but did freely confess the same, which otherwise could not be proven against him,  
 wherefore your Petitioner is forfeited, and hath a long Time been Prisoner; and seeing  
 his Life is near at an End, I being of the Age of Seventy Two Years, and under many In-  
 firmities contracted in the said Prison, it is therefore humbly desired that your Lordships  
 would recommend your Petitioner to his most sacred Majesty, for a Remission to be passed  
*gratis*, containing Rehabilitation, &c. And it is hoped his sacred Majesty will be so gracious  
 (considering that the Petitioner's Crime was not intentional, but in a manner ignorantly) out  
 of that gracious Benignity and Goodness which Princes have been in use always to bestow  
 upon the worst of their Subjects, being penitent, and allow your Petitioner a Competency  
 to live upon, out of his own Estate, and take some seen Course with his Debt, which is  
 very grievous to his Spirit; and your Petitioner shall ever pray. ' John Porterfield. And I  
 find, September 16. an Address to the Council from Alexander Porterfield his Son, shewing  
 that he hath nothing to pay his Fine with, seeing his Father is forfeited, and begs his Fine may  
 be remitted, considering his long Imprisonment. The Council transmit this Address to the  
 Duke of Queensberry.

Bannantyne of  
Craigmuir.Hamilton of  
Brown-castle.

Crawfordland.

Fairly.

Ashen-yards.

John Whiteford  
of Balquhan.

Halrcraig.

Craigends  
younger.Caldwell of  
that ilk, Hart-  
wood, Overtoun.

Bradisholm.

Bannantyne of  
Carlinfife.Sufferings of  
several Gentle-  
women.

Lady Colvil.

Lady St. Ford.

May 19. Bannantyne of Craigmuir is by the Council ordered to be liberate, upon his Bond  
 to leave the Kingdom, under the Penalty of his Fine. And June 12. George Hamilton of  
 Brown-castle, petitions, ' That having satisfied his Majesty's Cash-keeper, for the Sum of Two  
 thousand Merks imposed upon him as a Fine December last, and being orderly and regular,  
 and willing to take the Allegiance, he may be liberate. ' He is liberate upon Bond of Two  
 thousand Merks to compear when called, and to live peaceably and orderly.

July 9. John Crawford of Crawfordland, upon his Petition, is liberate upon Bond, under the  
 Penalty of a Thousand Pounds Sterling, to live orderly and regularly, and to compear when  
 called. That same Day, the Laird of Fairly is liberate on the same Terms. And July 30. Wil-  
 liam Cuninghame of Ashen-yards supplicates the Council, ' That having now been in Prison  
 Nine Months since October last, and resolving to live loyally, as he has still done, and his  
 Health being much broken, and his Estate within Seventy two Pounds Scots valued Rent,  
 he may be liberate. ' He is let out upon Bond, under Penalty of an Hundred Pounds Ster-  
 ling. August 25. John Whiteford of Balquhan, liberate out of Prison formerly, and confin-  
 ed to the Town of Edinburgh, in regard nothing is proven against him, tho' many Witnesses  
 have been examined, his Confinement is now taken off, and he gives Bond, under Penalty of  
 Five thousand Pounds Sterling, to compear when called.

September 9. John Hamilton younger of Halrcraig, is, upon his Petition, liberate, having  
 been Ten Months Prisoner, and his Father being in a dying Condition, under Bond to re-  
 enter Prison October 9. under the Penalty of Twelve thousand Merks. And September 11.  
 the Laird of Craigends younger, is allowed to be liberate from Prison under a Bond of Four  
 thousand Pounds Sterling to re-enter November 1. November 19. he is liberate, under Bond  
 ' with the same Penalty, to re-enter the first of January next, that he may attend on his Af-  
 fairs in the Session, and use Means for procuring his Fine.'

September 11. Petitions are given in by John Caldwell of that ilk, James Stuart of Hart-  
 wood, and William Hamilton of Overtoun, Prisoners; and the Council transmit them to the Se-  
 cretaries. Hartwood, being valetudinary, is liberate under Bond, with his Fine for the Pe-  
 nalty to re-enter September 24. And September 11. Muirhead of Bradisholm is liberate under  
 a Bond of Four thousand Merks, to re-enter October 12. And Mr. John Bannantyne of Core-  
 house is liberate, upon Bond, under the Penalty of his Fine, to re-enter that same Day with  
 the former.

These are all the Hints I have observed in the Registers as to those worthy and religious  
 Persons, and can follow them no farther for Want of the Records in the following Year.  
 Those of them who were liberate under Bonds equal to their exorbitant Fines, came at  
 length to make Compositions, and had vast Sums to pay, and the happy Revolution did only  
 put an End to their Trouble, tho' nothing illegal could be proven against them.

To those I may subjoyn the Hardships of several religious Ladies I meet with in the  
 Council-books this Year, for mere Non-conformity, and pretended Church-irregularities. I  
 begin with those of that excellent Gentlewoman the Lady Colvil. Dame Margaret Weems, La-  
 dy Colvil, is, March 17. liberate by the Council, and confined to the Town of Edinburgh, the  
 being indisposed, and by a Bond under the Penalty of her Fine she is to re-enter April 2. A-  
 pril 3. her Liberty, upon another Petition, is prorogate a Fortnight. And April 16. the Clerks  
 of Council are warranted to receive Bond from her, under Penalty of Five thousand Merks,  
 to re-enter Prison when called. That same Day the Lady St. Ford Prisoner in Culross is or-  
 dered to be liberate, upon a Bond under the Penalty of her Fine, to appear when called. A-  
 pril 24. her Bond is prorogate, as also the Lady Colvil's, to the last instant. And that Day  
 they are both ordained to re-enter Prison. I meet with no more about them.

May



May 19. 'Margaret Muir Lady Tilen, and Patrick Maxwell her Son, who had been incarcerated in Dundee for alledged Irregularities, and being present at House and Field-conventicles, being found innocent, and her Son but eleven Years of Age, are ordered to be liberated.' June 3. Dame Anne Scot Lady Skelmorly, petitions the Council, 'That whereas a Decreet was past by Major White against her and her deceased Husband, for alleged Irregularities, and withdrawing from Ordinances, before her Husband's Decease; and a Committee of Council having met, tried that Case, and absolved her, and she being sickly and her Children sick, craving that she may be allowed to go to her House in the West.' Her Cause is continued till November, under Caution to the Value of her Fine, and Execution lifted against her, though not against her Son, who is also charged; and in November she is continued till the first of January. And June 8. Lady Mary Hope being called, and not comparing, is put to the Horn.

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Lady Tilen and her Son of 11 Years of Age. Lady Skelmorly.

Lady Mary Hope put to the Horn.

Lady Abdean her Petition, July 29.

The hard Case of the Lady Abdean, will best appear from her Petition to the Council, July 29. as follows. 'Anent a Petition presented by Jean Melvil Relict of Mr. John Wardlaw of Abdean, shewing, That the Petitioner being, in absence, fined by the Sheriff of Fife and his Deputes, in the Sum of Three thousand Merks, for her alledged withdrawing from the publick Ordinances, and having meaned herself to the Council, they did take off the Contumacy for her Noncompearance, and she produced Certificates under the Magistrates Hands of Burntisland, where she lived, for her loyal and peaceable Deportment. The Council was pleased to turn the said Decreet into a Libel, and to reponne the Petitioner against the same, since which Time, as the Petitioner has been still ready to answer any Libel in Writ, which should be exhibit against her, notwithstanding whereof, she was frequently troubled and molested by Messengers, who threaten to poind her household Furniture, and carry herself to Prison, tho' infirm by reason of her great old Age, that she was not able, without Help, to walk out of the Room where she did ly; and seeing the Minister of Burntisland could only accuse the Petitioner of hearing of one Minister there, in the Time of the late Indulgence, to whom the most Part of the Parish resorted, and for whom the Heritors were preparing to buy or build a Meeting-house; and the Petitioner then thinking it was no Breach of Law to hear the said Minister, but how soon Authority discharged him, the Minister or Magistrates of the said Place will not assert, that ever the Petitioner went thereafter to hear him, or that ever she was at any Conventicle, but that she behaved kindly to all the orthodox Clergy, when they visited her. And therefore humbly supplicating the Council, to take her Condition to their Consideration, by which, as it will be found that her Liferent is narrow enough to support her old infirm Age, and therefore not able to pay the said Fine or any other, so that the Council would find, that she could not be accused of withdrawing from the publick Ordinance, so long as she had Health and Strength to go abroad, except the Time of the said Indulgence, as the Ministers and Magistrates of Burntisland could not deny; and in respect the Petitioner was reponed against the foresaid Decreet, that therefore they would be pleased to discharge Messengers and all others, to trouble her Person or Goods for the future. The Lords of his Majesty's Privy Council, having considered the foresaid Petition, do commend to the Lords Tarbet, Justice-clerk, and Cistlehill, or any one of them, to consider and examine the Petitioner's Cause, as is above represented, and to take her Oath, (if Need be) conform to their former Reference to the Sheriff of the Shire of Fife, or his Deputes, and to report what they find in the Matter, against the First Council-day of November next; and, in the mean time, discharge all Execution, real or personal, for Payment of the Fine abovementioned, till the said Day.'

Upon what Reason I know not, the Council, August 17. ordain her to be examined upon Oath by the Earl of Balcarras, notwithstanding of the Council's Act July 29. and if she refuse to depone, that she be held as confest. And October 15. the Council having considered a Bill of Suspension given in by the Lady Abdean Prisoner in Burntisland, for not paying her Fine imposed by the Sheriff-depute of Fife, do grant Suspension, upon her consigning a Thousand Merks of the Fine, in the Hands of John Malcolm Procurator Fiscal, and giving Bond to be regular, and appear when called. Such Treatment of so many excellent Gentlewomen, and some of them Persons of Quality, scarce hath a Parallel.

Her further Trouble.

I shall, in the next Place, take Notice of several others before the Council this Year. February 11. Robert Master of Burleigh, Alexander Master of Melvil, and the Laird of Kembachie, appear before the Council, and take the Oath of Allegiance, being cited from Fife to appear before the Council. The Two first give Bond, under a Thousand Pounds Sterling, to appear when called, and Kembachie under Five hundred, and his Bond to the Earl of Balcarras, at the late District in Fife, is given up. That same Day, Edward Jarvie Tenant in Bannockburn, imprisoned by the Committee at Glasgow, for withdrawing from publick Ordinances, in a Petition to the Council declares, he is willing to take the Abjuration; and they ordain the Magistrates of Glasgow to administrate it, and set him at Liberty, he giving Bond to live regularly, under the Penalty of Five thousand Merks. And February 13.

Masters of Burleigh and Melvil, and the Laird of Kembachie.

Edward Jarvie in Bannockburn.



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the Council come to take a shorter Cut, and recommend to the Earl of *Balcarras*, to administer the Oaths to the Gentlemen in *Fife*, proceſſed for Irregularities; and the like Power is granted to the Earl of *Mar* for *Stirling* Shire, and Lieutenant-general *Drummond* for *Air*.

Mr. William Wisheart.

Robert Hamilton of Monkland.

Mr. John Knox.

Mr. John of Balgonie.

Mr. William A. Fore.

Michael Potter.

John McGilligan.

Daljarroch, Newton, Borland, &amp;c. are continued.

Durham of Duntrive.

Mr. George Meldrum of Crombie.

Hay of Naughton.  
Boyd of Trochrig.

C. Alexander in Paisly.

Douglas of Bonjodburgh.

Mr. Hume Son to Polwart.

Mr. James Lamb.

John Morton of Little-hairshaw.

Mr. John Blackadder.

Mr. John Mitchell of Balbardie.

the Treatment of other Prisons, and many this Year.

Report about Prisons Feb. 16.

February 24. Mr. *William Wisheart*, of whom before, now Prisoner in *Edinburgh*, is appointed to be liberate upon his giving Bond, with Caution under Five thousand Merks, to compear when called. February 26. the Time of *Robert Hamilton*, late of *Monkland*, his Reprieve being near expired, the Council order it to be continued till his Remission be expedite. March 5. Mr. *John Knox* Minister, of whom also before, now Prisoner in *Edinburgh*, being valetudinary, is liberate upon Bond to re-enter when called, under Pain of Five thousand Merks. And April 2. his Liberty is prorogate till the 23. and that Day he is continued till the 1<sup>st</sup> of May. And May 8. in regard of his continuing Infirmities and known Loyalty, and singular Case, his Liberty is continued till the First of June, but no longer, save in Terms of Law. So severe are they to this excellent Man, who had been so useful to the King in his Exile under the Usurpation, as hath been formerly observed. March 8. *John McGhie* of *Balgonie*, is liberate under Bond of a Thousand Pounds, to appear before the Council or Committee of publick Affairs, when called.

March 14. Mr. *William M<sup>r</sup> Fore* is ordered to be liberate, upon Bond to compear when called, under the Penalty of a Thousand Merks, that in the interim he may speak with the Archbishop of *Glasgow*, at his Grace's Desire. March 17. Mr. *Michael Potter*, of whom before, is liberate from the *Bass*, upon Caution to appear when called. And April 16. Mr. *John McGilligan's* Diet of Compearance is continued *sine die*. We shall afterwards meet with the Treatment of several of the indulged Ministers this Year.

April 21. *Hugh Kennedy* of *Daljarroch*, *Alexander Hume* of *Newton*, *Hugh Montgomery* of *Borland*, and *John Mitchel* Son to *Tunnerhill*, are continued under their Bonds till the last Day. *Borland* and *Daljarroch* are, April last, continued upon Caution to a

July 7. *Alexander Durham* of *Duntrive* is liberate, on Bond and Caution to pay the Cash-keeper his Fine for Church Irregularities, and compear when called, under Pain of Three thousand Merks. July 14. Mr. *George Meldrum* of *Crombie*, imprisoned in *Blackness* Castle, is ordered to be liberate upon his giving Bond to pay his Fine to the Cash-keeper, or re-enter November next, and Caution to appear when called. And November 12. he is continued till the Treasurer return from *London*, under Bond and Caution for his Fine of Twelve thousand Merks. July 23. *Patrick Hay* of *Naughton*, is liberate under Bond of Ten thousand Pounds *Sterling*, to appear when called. August 7. *Robert Boyd* of *Trochrig* is liberate, as having paid his Fine of a Thousand Merks for Church Irregularities, upon his giving Bond and Caution under the Sum of a Thousand Pounds *Sterling*, to live regularly and orderly. And August 8. C. *Alexander* in *Paisly*, Prisoner in *Edinburgh*, is liberate under a Bond of a Thousand Pounds *Sterling*, to live regularly, and answer, when called, to any Thing that is to be laid to his Charge. That same Day *George Douglas* of *Bonjodburgh*, sent in Prisoner by Captain *Graham*, having now lien in Prison Three Months, being sickly, is liberate on his Bond to live regularly, and compear when called, under the Sum of a Thousand Pounds *Sterling*.

August 18. the Council while sitting at *Leith*, about the Prisoners in *Dunotter*, upon a Petition liberate *Patrick Hume*, Son to Sir *Patrick Hume* of *Polwart*, upon Caution to appear when called, under the Penalty of Five hundred Pounds *Sterling*. September 19. Mr. *James Futhy* Prisoner in the *Bass*, is allowed some Liberty to walk on the Rock, and Eight Pence per Day given him, he being very poor. And September 9. because he is very valetudinary, he is liberate from the *Bass*, under Bond of Five thousand Merks, and confined to the Town of *Edinburgh*. October 6. *John Morton* of *Little-hairshaw*, is liberate under Bond of Five hundred Merks.

November 12. the Governor of the *Bass* is appointed to allow Mr. *John Blackadder* to come forth, upon sufficient Caution to re-enter Prison at *Edinburgh* the first Council-day in January, the Council having laid before them an attested Declaration of Physicians concerning his Indisposition tending to Death. And December 3. Mr. *Blackadder* is appointed to be liberate presently, in regard he hath contracted an universal Rheumatism and bloody Flux, on Bond of Five thousand Merks to confine himself to the Town of *Edinburgh*. And December 10. Mr. *John Mitchel* of *Balbardie*, is ordained to be discharged from paying any further Fines for his Wife's Irregularities, in not attending Ordinances, in regard of his Majesty's Letters in Favour of regular Husbands.

Having thus gone through the particular Gentlemen, Ministers, and others, before the Council this Year, I come to end this Section with some Account of their Way with some other Prisoners before them, who were variously dealt with, but most of them are banished, of whose harsh Treatment I shall give a Narrative in a Section by itself. Here I shall only set down the Procedure of the Council, and Sentences past against them.

February 11. the Council recommend it to the Committee about the Prisoners, to meet, and report the Case of those in the Prisons of *Edinburgh* and *Canongate*. And February 16. they



they make the following Report. ' *Patrick Russel* suspect to be one of the Societies, ordered to the Irons, he giving no satisfying Account of his Principles. *John Stodhart*, and others of the same Name, *James Stodhart*, *John Harkness*, *Laurence Corsan*, all from *Dumfries*, having taken the Test, and their Liberation notwithstanding stopped, it is their Opinion they be liberate. *John Rob* Student in Philosophy, *John Nimmo* in Boghall, *John Crokat*, *James Mcendie*, *James Clerkson*, *Edward Steil*, *John Tait*, having taken the Allegiance, are liberate. *John M'haslie*, *Andrew Wilson*, Two old, senseless, sick, poor, starving Creatures, refuse the Oath of Allegiance, but give all other Satisfaction, to be liberate. Mr. *William M'millan* desires Time to deliberate about the Prerogative, having no Scruple about the Allegiance, but stands at his Majesty's Supremacy in Ecclesiastical Affairs, continued. *John Smith* and *James Russel*, remitted to the Justices. *Samuel Cannon*, *William Turnbull*, *Alexander Niven*, *James Smith*, *Charles Douglas*, *Alexander M'birny*, *Robert Mcuen*, *William M'lyon*, *John M'caul*, *Halbert Wallace*, *John Corbet*, *James Irvine*, refuse the Oath, and are to be sent to the Plantations. *James Howatson*, and *John Mcuen* refuse all Oaths except the Abjuration, to be banished to the Plantations. ' The Council approve, and appoint accordingly.

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March 10. the same Committee report, ' That *Walter Menzies* in *Pilrig* may be liberate, being neither Heritor nor Burghers, and the Council may afterwards call him to take the Allegiance. *John Brown* an old Man, in the fugitive Roll, refuses the Allegiance, and so ought not to have the Benefit of the Indemnity. *John Mosman* ought to have the Benefit of it. *Duncan Fergusson* in *St. Ninians*, refusing the Abjuration, continued. *Archibald Wilson*, in the fugitive Roll, continued. *Thomas Russel* in *Livingstone*, refusing that Part of the Abjuration, not to take up Arms against the King, continued. *James Reston* in *Halhoun*, Heritor, fugitive, unrelaxed, remitted to Prison. *John Muir*, late Provost of *Air*, dismissed till to Morrow, that his Case be more fully represented to the Council, (they liberate him.) *Samuel Cannon* Fugitive, being furious, be relaxed under a Bond of Five thousand Merks to compear at a long Day. *Robert Hamilton* to be liberate upon taking the Allegiance. That Letters be direct to the Commissioners for *Stirling*, *Glasgow*, and *Air*, to offer the Indemnity to all the Prisoners there; that all who are liberate have a printed Pass given them, subscribed by the Hand of a privy Counsellor, or one of the Commissioners. *George Brown Taylor*, *John Pollock*, *John Wallet* in *Galloway*, refuse the Abjuration, and are continued. ' The Council approve, and appoint accordingly.

Further Report  
March 10.

That same Day, the Council grant Warrant to the Laird of *Pitlochry*, to go to the Prisons of *Edinburgh*, *Glasgow*, and *Stirling*, and transport an Hundred of the Prisoners, who are willing to go to the Plantations; excluding all Heritors who are above an Hundred Pounds of Rent. March 27. *James Armour*, Merchant in *Glasgow*, *William Muir*, and *Halbert Wallace*, Prisoners, are liberate upon a Bond of Two thousand five hundred Merks, that they remove to the Plantations.

Warrant to Pitlochry to transport such as are willing, to the Plantations.

July 24. the Council pass a Decreet against great Numbers, and banish them to the Plantations. July 24. which will best appear as it stands in the Records, ' anent our Sovereign Lord's Letters, raised at the Instance of Sir *George Mackenzie* of *Rosehaugh*, Knight, his Majesty's Advocate, for his Highness's Interest in the Matter underwritten, mentioning, that where the keeping or being present at House or Field-conventicles, withdrawing from the publick Ordinances, the harbouring and resetting Rebels and Traitors, or joyning with them, or any manner of way having Correspondence with them, and the refusing to take the Oath of Allegiance, which his Majesty's Laws did justly require from all suspect Persons, Subjects, be Crimes of an high Nature, and severely punishable conform thereto: Nevertheless it is of Verity, that the Persons underwritten are guilty of one or other of the said Crimes, viz. *Alexander Ritchie*, *William Smith*, *Andrew Scot*, *James Forrest*, *Thomas Stodhart*, *James Wilkie*, *John Elliot*, *George Young*, *Robert Cameron*, *John Gib*, *James Stuart*, *John Swan*, *John Mclean*, *William Hastie*, *James Olipher*, *Robert Campbell*, *John Jackson*, *Thomas Weir*, *Matthew Bryce*, in the Canongate Tolbooth; *John Pettie*, *James Gawn*, *Andrew Maitland*, *John Mundel*, *William Drenon*, *John Macbryde*, *John Mclean*, *William Mclean*, *Gilbert Macilroy*, *William Macilroy*, *John Cunningham*, *John McCully*, *Quintin Dun*, *Adam Muir*, in the Guard-house at the Abbey, now in the Tolbooth of *Edinburgh*; *Gavin Russel*, *John Ireland*, *Hector Macgibbon*, *Archibald Macgibbon*, *Thomas Brown*, *Thomas Richard*, *David Law*, *Thomas Turnbull*, *William Jackson*, *John Giltland*, *George Cunningham*, also in the Tolbooth of *Edinburgh*, *Archibald Marshall*, *Thomas Jackson*, in the Thieves-hole, *James Baird* in *Kirkbushel* in *Kintyre*, *William Watson* in *Ila*, *Donald Fergusson* in *Ruchoord*, *Archibald Campbell* there, *John Henderson* there, *John Martin* in *Kirkmichael* in *Kintyre*, *John Allan* near *Cunrock*, *Duncan Mcunchall* in *Ila*, and *William Campbell* in the laigh Parliament-house, *Neil Black* in *Glenbeg*, *Gilbert Macarthur* a Drover in *Ila*, *John Campbell* in *Carrick* in *Lochjunga*, *Archibald Campbell* in *Inverneil* in *Knapdale*, *Duncan M'millan* in *Carridel* in *Kintyre*, *John Campbell* Son to *Walter* in *Dunotter* in *Kintyre*, *John Hiescher* in *Rumicadle* in *Kintyre*, *Archibald Campbell* in *Monridge* there, *John Campbell* Son to *Donald* in *Auchindrydie* in *Cowall*, *Duncan M'king* in *Skipnish* in *Kintyre*, *Iver Graham* in *Inverneil* in

Decreet against  
Prisoners, July  
24.



1685.

in Argyle, John McGibbon in Glennowkeil in Argyle, John McKinnen in the Duppen of Kintyre, John Campbell Son to Robert in Lockwear in Lorn, Neil Mcgeichan in Barnazare in Lorn, John M'iver in Tulloch in Argyle, John Dumaclauchlan in Auchabouse in Argyle, John Maclauchlan in Barnagate in Argyle, in Paul's Work, for which they ought to be punished, conform to the Laws and Acts of Parliament of this Realm, to the Terror of others to commit and do the like in Time coming. And anent the Charge given to the forenamed Persons, to have compeared before the Lords of his Majesty's Privy Council, to have answered to the foresaid Libel, and to have heard and seen such Order taken thereanent as appertains, under the Pain of Rebellion, &c. With Certification, as the said Letters, Executions and Moderations thereof in themselves at more length proport; whilk being this Day called, and both Parties compearing, and his Majesty's Advocate having, instead of all further Probation, referred the Matter libelled to the Defenders Oath, and they having refused thereupon to depone, or to take the Oath of Allegiance, the Lords of his Majesty's privy Council do delay the Case of Alexander Ritchie, Robert Campbell, and John Maclauchlan till they consider thereof; and have banished, and hereby banish all the other Persons foresaid, except the said Thomas Stodhart, James Wilkie, and Matthew Bryce, who not only obstinately refused the said Oath of Allegiance, but most impertinently and indiscreetly misbehaved themselves before the Council, to his Majesty's Plantations abroad, discharging them for ever to return to this Kingdom without Licence, under the Pain of Death to be inflicted on them without Mercy in case of Failure. And further, the said Lords having considered the foresaid Libel pursued against the Persons aftermentioned, viz. Neil Black, Gilbert Macarthur, Duncan Mcmillan, John Campbell Son to Walter Campbell, John Fletcher, Archibald Thomson, Duncan M'rig, Iver Graham, John McGibbon, John McKinnen, John Campbell, John Mcgeichan, John M'iver, and John Dow M'lauchlan, they (in regard the foresaid Persons have refused to take the said Oath of Allegiance) have banished, and hereby banish all of them, except Donald Campbell Son to Donald Campbell in Auchindrydie, a young Boy, whom they hereby dismish, to his Majesty's Plantations, under the foresaid Certification; and ordain the said Thomas Stodhart, James Wilkie, and Matthew Bryce Prisoners in the Tolbooth of Edinburgh, and Archibald Campbell Prisoner in Paul's Work, who is in their Case, immediately to be put in the Irons, and grant Warrant to his Majesty's Advocate to process them criminally before the Justices.

Another July 28.

Another Decreet is palled against the following Persons, and the Men are ordered to have their Ears crompt, and the Women to be marked in their Hand. Edinburgh, July 28. the Lords of his Majesty's Privy Council having considered the Libel at the Instance of his Majesty's Advocate, (booked upon the 24 instant) against William McCall, John Finnison, John Kennedy, James Corsbie, Robert Sharp, William Marshall, Edward Stit, Andrew Fardin, Agnes Fergusson, Marian Lawson, Elizabeth Kirkwall, Bessie Fardin, Janet McQueen, and Mary Clark; and they having refused to own his Majesty's Authority, do hereby banish them to his Majesty's Plantations abroad, discharging them for ever to return to this Kingdom, without Licence from his Majesty or the Council, under the Pain of Death, to be inflicted on them without Mercy, in case of Failure; and in regard John Black, Walter Donaldson, William Mader, George Howatson, Robert Rae, and Andrew Bell, do offer to take the Oath of Allegiance, and own his Majesty's Government, the said Lords do ordain them to be liberate upon their enacting themselves to live regularly and orderly, and to compear before the Council when called, for ilk one of them under the Penalty of Five hundred Merks; and in regard Robert Johnston Soldier, is taken by Mistake, and Janet Dobie is a poor ignorant Woman, do hereby dismiss them; and ordain the said Edward Stit, being an obstinate Fellow, who had feigned himself frantick, and refuses the Oath of Allegiance, or to acknowledge the King's Authority, (except these taken with the late Earl of Argyle) to have the following Stigma and Mark, that they may be known as banished Persons, if they shall return to this Kingdom, viz. that the Men have one of their Ears cut off by the Hand of the Hangman, and that the Women be burnt by the same Hand on the Cheek, with a Burn-iron marked with the Letters and that before they be put aboard in order to their Transportation, and appoint a Chirurgeon to be present, and to see their Cure.

Another that Day.

That same Day they pass Sentence against the underwritten Prisoners. Edinburgh, July 28. the Lords of his Majesty's Privy Council, having considered the Libel against the Persons underwritten, viz. John Gilliland, Hector McGibbon, Archibald McGibbon, Samuel Howie, do hereby banish them to his Majesty's Plantations abroad, as being with the late Argyle; as also Alexander Jamison, Andrew Reid, John Howie, William Milroy, Quintin Dun, William Drennen, and John M'Willy, John Cuninghame, Thomas Richard, Archibald Campbell, Alexander Mason, and Matthew Hamilton, and ordain David Low, Gavin Russell, and Edward Stit, to be put in the Irons, and to be processed before the Justices for Treason and Rebellion, and do dismiss John M'Blean, William M'Blean, John M'Bride, and Michael Smith, in regard of their Infirmary and Weakness, and that they have given Satisfaction on, and continue to advise the Cause of Gilbert M'Iloy, and one Cam Englishman, till they con-



consider further their Oath, and ordain all the said Persons banished, not taken with *Argyle*, to have one of their Ears cut off in Manner mentioned in the former Sentence, of the Date the 28 instant. 1685.

By another Decree July 30. the Council banish considerable Numbers, and appoint, as in the Sentence itself, which follows. 'The Lords of his Majesty's Privy Council having considered the Libel against the Persons underwritten, have banished, and hereby banish them to his Majesty's Plantations abroad, viz. *Gilbert Fergusson, John Campbell, Donald McLaylor, Archibald M'Tire, John McGillich, Donald Milmoon, Robert Hutchison, Archibald M'Ivane, Donald Milberran, David Ochiltree, Duncan Alexander, John Adam, Patrick Stuart, Malcolm White, Colin Campbell, John Beveridge*, Prisoners in the Tolbooth of Canongate, and who were with the late *Argyle*; as also *Walter Hownam, James Murray, Malcolm Bryce, James Wilkison, Thomas Stodhart, and Grizel Alstoun*, who refuse to take the Oath of Allegiance, and to acknowledge the King's Authority, and ordain the said Five last Men to have one of their Ears cut off, and the Women to be burnt on the Cheek, and allow *David Campbell* to consider of the Allegiance and Prerogative till to Morrow: And in regard *Robert Blackburn, James Ramsay, and Robert Orr*, (who were not with the late *Argyle*) have offered to take the Oath of Allegiance, and assert the King's Prerogative, ordain them upon taking thereof to be liberate, and continue *John Campbell*, who was with *Argyle*, being a sick Person, and *Samuel Graham*, Prisoner from *Anandale*, an old decrepit Person, till they consider further of their Case; as also the Case of *John Clark*, who hath Certificate upon Soul and Conscience, under the Hand of Ministers, and the Captain of the Castle of *as his being taken Prisoner by Argyle's Party against his Will, when he was sent out to view the Enemy, and who will take the Test.* And the said Lords having considered the Libel against the Persons underwritten, Prisoners in *Paul's Work*, viz. *Hugh McLean, Donald Campbell, John McIrballam, Duncan Fletcher, Alexander Graham, John McLean, Duncan Thomson, Donald More, Donald Morison, Neil McIlbride, Malcolm Black, Donald McKello, Hugh McQueen, Donald Johnston, Soarby Lawmond, John Nicol, Malcolm Iver, Angus McIver, Neil McKairn, Duncan McIlvorie, Duncan McIlbride, John McIlporie, Duncan McLean, Dugal McConnachie, Archibald McLauchlan, John McCallum, Martin McKello, Neil Thomson, John McKello, Donald McLauchlan, and Donald McIver*, who were all with *Argyle*, have banished, and hereby banish them to the King's Plantations abroad, never to return to this Kingdom without Licence from the King or Council, under the Pain of Death, to be inflicted upon them without Mercy; and ordain *McGibbon*, who is a necessary Witness for the King, to be sent Prisoner to the Tolbooth of *Edinburgh*, and ordain *Malcolm McNeil*, and *John McLauchlan* his Brother-soldier, who was taken carrying Letters to the Lord Marquis of *Athole*, as also *James Wilson*, who was not with *Argyle*, and will take the *Test* to be liberate.'

Next Day, they go on to banish more to the Plantations. *Edinburgh, July 31.* 'the Lords of his Majesty's Privy Council, having considered the Libel against the Persons underwritten, Prisoners in the Tolbooth of *Edinburgh*, have banished, and banish them to his Majesty's Plantations abroad, viz. *Thomas Turnbull*, who was with the late *Argyle*, *John Simpson, James Gray, James Gavin, John Mundel, Andrew Maclean, Anna Murray* Prisoner for alledged Murder of her own Child, *Katharine Leckie* for the said alledged Murder, *Christian Gardner* and *Janet Wallace*, for the same Suspicion, and ordain the Persons foresaid, who were not with the said *Argyle*, to be cut and burnt conform to the former Sentence, of the Date the 30 instant; as also *Margaret Holms*, for not owning his Majesty's Authority, to be banished, as said is; and allow *Thomas Abercromby* from *Carrick*, to consider on the Oath of Allegiance, and to dismiss *Hugh Mackillanton*, in regard he hath sworn never to rise in Arms against his Majesty's Authority, and hath taken the Oath of Allegiance, to be at Liberty; as also *John Beattie* upon the same account, and *William Macmichan* upon the same account; as also, *Janet Paterson*, being an old Woman. In regard that *James Munside, Gavin Lockhart, Mrs. Binning, and Elizabeth Brown*, are sick and valetudinary, delay the Consideration of their Case; and remit *William Cunningham, John Muirhead, and William Jackson*, to the Lords Commissioners of Justiciary, for having refused the Oath of Allegiance, disowned his Majesty's Authority, and for not engaging to rise against the same, to be proceeded against according to Law. And the said Lords having also considered the foresaid Libel, against the Persons underwritten, Prisoners, taken with the late *Argyle*, and in the laigh Parliament-house, viz. *James Baird, Neil MacCallum, Duncan MacCallum, Archibald Mackirrech, John Macneil, Archibald Macneil, Donald Fergusson, John Anderson, Duncan Sinclair, Archibald Lawmond, Donald Mackirrie, Donald Crawford, William Watson, John Martin, Duncan Fergusson, James Hall, John Macbaltarty, Duncan Macmichael, Alexander Macmillan, John Macintargat, James Young, Alexander Maccurrie, John Maciver, Neil Macinlay, Archibald MacCallum, Dugal Clark, Donald Walker, Archibald Maceuen, Donald Maceuen, John Crawford, and Martin MacCall*, do ordain them to be banished in Manner foresaid, without the Stigma or Mark. As also, having considered the Libel against the Persons underwritten, brought in Prisoners, and in



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the laigh Parliament-house, viz. John Allan, Robert Edward, John Mitchel, Roger Mac-michael, John Weir, Robert Muir, John Downie, ordain them to be banished, and marked in Manner foresaid; and in regard George Macadam, John Paterfon, Gilbert Walker, John Mackenzie, James Mackenzie, Gilbert Mackedie, Patrick Mackedie, William Allan, William Brown, Robert Walker, George Macadam sick, Roger Macwalter, Gilbert Mackedie, and David Kennedy, have and will take the Oath of Allegiance, and that David Paton owns his Majesty's Authority, but being an old Man and sick, is not free to take Oaths, but prays for, and swears not to rise in Arms against the King, nor his Authority, ordain them to be dismissed and at Liberty. And the said Lords having considered the Libel against Alan Macwhiddie, Neil Campbell, Neil Walker, William Hood, Duncan Macqueen, John Maceuen, John Macgovan, Colin Campbell, Hector Macneil, John Macdoun, Alexander Mac-line, Neil Macconnochie, Malcolm Macalla, Donald Mackillan, Duncan Thomson, John Macconnochie, Archibald Macormodal, Duncan Macdugal, Duncan Walker, Archibald Brown, Donald Brownie, Duncan Macmillan, Neil Kell, and Duncan Maciver, who were with Argyle, do banish them in Manner foresaid, without any Stigma; and ordain Archibald Campbell an old decrepit Man, and Duncan Brown a young Boy of Nonage, to be dismiss and liberate. And do hereby ordain, that the Person or Persons who shall receive the said Prisoners, or any of them, shall be obliged, before Delivery, to find sufficient Caution, assted in the Books of Privy Council, to transport them to the Plantations abroad, *respective*, the Place where they land, of their landing there, (Sea Hazard, Pirates, and Mortality being always excepted) and that under the Penalty of One thousand Merks for each of them, in case of Failure. And the said Lords do discharge the Transport of any of the said Persons now banished, who have refused the Oath of Allegiance, and will not own his Majesty's Authority, until the Men now sentenced have one of their Ears cut off, and the Women burnt in the Cheek, in Manner foresaid; and ordain the Persons concerned to transport the said Prisoners, to meet and concert the Business as to the several Persons to be transported by them, that the Council may give Order for Delivery accordingly.

That same Day, they ordain the Magistrates of Edinburgh to cause their Hangman to crop the Ear of the Persons underwritten. Forasmuch as the Lords of his Majesty's Privy Council, having, by their several Sentences, ordered the Persons underwritten to be sent to the Plantations abroad, and discharged them from returning to this Kingdom ever hereafter, without special Licence from the King or Council, under the Pain of Death, to be inflicted on them without Mercy. And further, ordained the Men to have their left Ear cut off by the common Hangman, as a Stigma and Mark of their Guilt. The said Lords, in pursuance of the said Sentences, do hereby require and command the Magistrates of Edinburgh, once upon Tuesday the Fourth of August next, to cause their common Executioner to cut off the left Ear of the Men underwritten, viz. William Maccall, John Fin-nison, John Kennedy, James Corsbie, William Marshal, Andrew Fardin, Alexander Jamison, Andrew Reid, John Hay, William Macilroy, Quintin Dun, William Drennan, John Macilvie, John Cunningham, Thomas Richard, Archibald Campbell, Alexander Mason, Matthew Hamilton, all in the Tolbooth of Edinburgh; Walter Hownam, James Murray, Malcolm Brice, James Wilkison, Prisoners in the Canongate Tolbooth; John Simpson, James Gavin, John Mundel, Andrew Maclean, in Edinburgh Tolbooth; John Elliot, Robert Edward, John Mitchel, Roger Macmichan, John Weir, Robert Muir, John Downie, Lawson, Elizabeth Kirkwall, and ordain the said Magistrates to give Obedience accordingly.

Persons who  
have their Ear  
cut off.

Pitlochie seeks  
some to go to  
New-jersey with  
him.

Prisoners given  
to Barclay of  
Urie.

The Prisoners thus sentenced are given to different Persons, to be transported. August 7. Pitlochie petitions the Council, 'That he had sought Fifty Prisoners, and engaged several Workmen to go with him to New-jersey, and the Council have banished 177 to Jamaica and the Plantations, he desires he may be allowed some to go with him.' The Lords grant him Twelve to New-jersey, only Gilbert Macarthur and Angus Macconnochie are to be stopped, notwithstanding they are sentenced, as being necessary Witnesses for the King against those in the late Rebellion.

That Day, the Council give the following Persons to Robert Barclay of Urie. 'The Lords of Council do hereby order the Prisoners underwritten, sentenced to the Plantations abroad by the Council, to be delivered to Robert Barclay of Urie or his Order, in order to their being transported, as said is, viz. George Young, Robert Cameron, John Gib, James Stuart, John Swan, James Olipher, John Jackson, Colin Campbell, John Campbell, Gilbert Fergusson, Prisoners in the Tolbooth of the Canongate; John Gililand, Archibald Jamison, William Macilroy, William Drennan, Thomas Richard, Prisoners in the Tolbooth of Edinburgh, or in the laigh Parliament-house; William Thomson, Malcolm Black, Alexander Graham, Donald Moor, John Nicol, John Macaulin, John Mackello, Duncan Maceuen, Prisoners in Pauls Hospital. And give Warrant to the several Keepers of the Prisoners where they now are, to deliver them accordingly, upon the said Robert Barclay his finding Caution to transport the said Prisoners to the Plantation of East New-jersey, in America, and to report a Certificate of their landing there, under the Hand of the Governor of the Place, betwixt and



and that under the Penalty of One thousand Merks, Scots Money, for ilk one of them, in case of Failure, Sea-hazard, Mortality, and Pirates being always excepted,

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August 11. Some other Prisoners are before the Council, and their Act about them follows. Forasmuch as the Persons underwritten, viz. Robert Campbell, John Miller, Archibald Caldwell, John Galbraith, Thomas Miller, William Corfan, Hugh Macconar, Samuel Graham, David Campbell, James Maccullicie, Patrick Macgattie, James Wightman, Thomas Jackson, and Michael Marshal, being convened before the Lords of his Majesty's Privy Council, to answer to several Crimes, and the said Robert Campbell, David Campbell, Thomas Jackson, and Michael Marshal, having refused to take the Oath of Allegiance, the said Lords have banished, and hereby banish them to his Majesty's Plantations abroad, and never to return to this Kingdom without the King or Council's Licence, under the Pain of Death, to be inflicted upon them without Mercy; and have continued, and hereby continue the Case of John Miller, Archibald Caldwell, John Galbraith, Thomas Miller, William Corfan, Hugh Macconar, Samuel Graham, James Maccullicie, Patrick Macgattie, and James Wightman, until the Council consider their Cases more fully; and, in their Absence, allow the Committee to dispose of them as they shall find Cause.

Act about Prisoners, August 11.

Greater Numbers were before them August 17. and their Sentence will best appear from the Decreet itself. Forasmuch as the Persons underwritten, viz. Mr. John Frazer, William Oliphant, John Foreman, John Martin, Patrick Cunningham, John Kincaid, Adam Hood, James Kirkwood, John Henderson, Peter Russel, Charles Douglas, Robert McQueen, William Turnbull, John McEuen, William Hanna, William Wilson, John Foord, John Sintoun, Andrew McLellan, Andrew Corbet, John Hunter, John Kennie, John Gray, George Moor, John Gilfillan, John McGhie, John Turpie, John Vrie, James Junk, William Campbell, John Campbell, James Forsyth, Thomas Russel, George Brown, John Pollock, James Restoun, John Black, John Corfan, Robert Gilchrist, John Smith, Fergus Grier, William Douglas, John Creighton, James Grier, Walter McEuen, Barbara Cowan, Agnes Corhead, Bessie Gordon, Grizel Gemble, Margaret McLellan, Elspeth Fergusson, Janet Fergusson, Elizabeth Whielaw, Janet Lintron, Christian Scot, Katharine Kellie, Amabel Jackson, Annabel Gordon, Jean Moffat, Margaret Lesly, Marjory Cowan, Margaret Miller, Agnes Tannis, and Mirian Rennie, George Johnston, Christopher Strang, Alexander Dalgleish, John Harvie, Robert Young, and Andrew Paterson, Katharine Gowan, and Isobel Durie, at present Prisoners in the Tolbooth of Leith, being convened before the Lords of his Majesty's Privy Council, at the Instance of his Majesty's Advocate, for several Crimes and Irregularities, refusing the Oath of Allegiance, or to own the King's Authority, or take the Oath of Abjuration, in manner at Length libelled; and all the said Persons being Men, having judicially in Presence of the Council, refused to take or sign the Oath of Allegiance, and the Women abovesaid having altogether refused to own his Majesty's Authority, or to take the Oath of Abjuration, the Lords of his Majesty's Privy Council have banished, and do hereby banish the haill forenamed Persons, Men and Women, conform to the Act of Parliament, to his Majesty's Plantations abroad, and discharge them ever to return to this Kingdom hereafter, without the King or the Council's special Licence, under the Pain of Death, to be inflicted on them without Mercy; and further ordain the haill forenamed Persons, as also the Persons underwritten, formerly sentenced to the Plantations, and now Prisoners in the Tolbooth of Leith, viz. John Kellie, William Sprent, William McCalmont, Patrick Walker, James Muirhead, John Hodge, William Niven, John Corbet, John King, John Taggar, Thomas Shilston, Patrick Vrie, Colin Alison, Robert McLellan, Robert Goodwin, John Hutchison, Christian Cavie, Elizabeth Corse, Grizel Wotherpoon, Jean McGhie, Margaret Ferret, Elspeth and Janet Fergussons, to be delivered to Mr. George Scot of Pitlochrie, and by him transported to his Majesty's Plantations in East New-jersey, in the Ship lying in the Road of Leith, now bounding thither, upon his finding sufficient Caution to transport the haill forenamed Persons to the foresaid Plantation, and to report a Certificate of their landing there, from the Governor or Deputy-governor of the Place, once in September 1686. Years, under the Penalty of Five hundred Merks for each one of them in case of Failure, Sea Hazard, Mortality and Pirates being always excepted; and discharge the forenamed Persons formerly, and now ordered to the said Plantations, ever to return into this Kingdom without Licence, and under the Certification, as aforesaid; and the said Lords do hereby give Order and Warrant to the Bailies of Leith, and Keepers of the Tolbooth thereof, to deliver the haill forenamed Persons to the said Mr. George Scot of Pitlochrie, when he shall require them, conform to the Warrant given him for that Effect, and to be concurring and assisting to him in putting them aboard; and, if Need be, recommend to General Dalziel to allow him such a Party of his Majesty's Forces as he shall think fit for that Effect: And the said Lords having considered the Case of the Persons underwritten, viz. Charles Gray, Mr. William Macmillan, John Harper, Thomas Black, Walter Black, Patrick McFore, James McCall, John Wat, George Muirhead, Robert Young, Cooper in Glasgow, John Wallace, William Gilmore, William Nicol, William Waterstoun,

Another Act August 17.



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James Lockhart, Thomas Bredie, the Two Robert Bredies, John Bredie, Robert Barclay, William Latie, James Ritchie, James Orr, James Glen, Hugh Blair, and Robert Gilmore, who have taken the Oath of Allegiance, do hereby give Order and Warrant to the Bailies of Leith, and Keepers of the Tolbooth thereof, to set them at Liberty, upon their enacting themselves, ilk one of them under the Penalty of Five hundred Merks, that they shall compare before the Council when called for, and in the mean Time live regularly and orderly, except the said Mr. William Macmillan, who is to enact to the Effect foresaid, under the Penalty of Five thousand Merks; as also Thomas Paterson, who has taken the Test, upon his enacting as aforesaid, and dismiss Robert Young from the Bar, and continue William Brown absent by Sickness, and John Wallat an old Man, till further Order, and immediately dismiss Janet Glendinning from the Bar, and in regard Isobel Gordon, Jean Gordon, Mrs. Gardner, Margaret Rowan, Agnes Mather, Margaret Lithgow, Elspeth White, and Agnes Hairstones, have owned the King's Authority, the said Lords ordain them also to be libe- rate, upon their enacting themselves to keep the Kirk, and not to harbour or reset Rebels, under the Penalty of Five hundred Merks, Scots Money, ilk one of them, in case of Failure; and continue the Case of Katharine Clark sick, Isobel Howatson, and Eupham Threpland, also sick, till further Order; and in regard Janet Fumertoun flatly and boldly in Face of Council, denied the King to be lawful Sovereign, and his Authority, the said Lords ordain her to be processed before the Justices for her Life.

August 20, and 21, and 25.

August 20. Robert Goodwin is ordered to be brought from Dunotter; and August 21. William Jackson, William Cunningham, John Muirhead, Thomas Jackson, Michael Marshall, Robert and David Campbells, are delivered to Pitlochrie; and August 25. Gavin Lockhart, Robert Adam, and Gilbert Monorg, are given to him. The married Women sentenced to the Plantations, who are with Child, are ordered to be returned to Edinburgh Prison; and John Vrie, John Hunter, Colin Alison, William Hanna, Elspeth Corfs, Jean M'Ghie, and Christian Scot, banished formerly, are kept; and Janet Lintoun, with Bessie Gordon, are given to Pitlochrie, John Wat, John Smith, and John Marshall, likewise are given him. Walter Ker is banished to the Plantations September 3. and Thomas Martin, John Reid, Robert Martin, and John Martin, are liberate on taking the Abjuration, and Bond of Five hundred Merks to compare when called.

September 3.

October 15.

October 15. Some others are before the Council, and their Act about them follows. The Lords of his Majesty's Privy Council having called for, and examined the several Prisoners underwritten, and considered their Cases, do remit James Patrick Indweller in Kilmarnock, Alexander Macmillan born in Nithsdale, and Gilbert M'Iwerick in Commonel, to be tried before the Justices, for their not owning the King's Authority, and refusing to take the Oaths of Allegiance or Abjuration; and in regard Archibald M'Bread in Logan owns the King's Authority, offers to take the Test and Abjuration, and was discovered and brought in by his Father, as having been in Company with the Rebels, the Lords recommend to the Lords Secretaries, to interpose with his sacred Majesty for a Remission to him for his Life only, and ordain a Letter to be writ for that Effect; and in the mean Time grant Order for his Liberty on Caution, under the Penalty of Five hundred Merks, to compare when called; as also ordain Patrick Maxwell and John Haddoway in Douglas, to be liberate upon their taking the Oaths of Allegiance and Abjuration, and finding of Caution, ilk one of them, under the Penalty of Five hundred Merks, to compare when called, and in the mean Time to live regularly and orderly; and in case the said Patrick Maxwell cannot find Caution, allow him to be liberate on taking the Test, and enacting himself as aforesaid; and continue the Case of Andrew Lesly Seaman, who came along with Argyle, who acknowledges his Regret for being in such Company, casts himself on the King's Mercy, and offers to take the Test till the Council be more frequent; and ordain Homer Carnon, taken with a Gun he had gotten from the Rebels in the Hills, and refuses the Oath of Allegiance, to be processed before the Council in order to Banishment; and appoint Hugh M'Kinasters, who has made Discoveries of several Persons Rebels in Gallo- way, and who were accessory to the Attack of the Castle of Stranrawer, whereof some are taken, to be further examined upon Oath by the Earl of Balcarras and Claverhouse; and allow James Templetoun in Lesmahago, to consider the Oath of Allegiance till the next Meeting.

November 26.

November 26. James Bryce Wright, and James Russel Weaver, are liberate on Bond of Five hundred Merks to appear when called; and William Howat, because he refuses the Oaths, to be processed in order to Banishment. That same Day David Paterson in Eaglishum, William Somerwel, William Freugh there, James Rae in Ulliston, and John Park Weaver in Lanerk, for Conventicles, and refusing the Oath of Allegiance, are banished, and delivered to Mr. Fearn.

December 9. John Anderson in Lanerk for breaking the Tolbooth there, and refusing to own the King's Authority, is banished, and given to Mr. Fearn; and David Porterfield, David Paterson, James and William Somerwels, William Freugh, James Rae, John Park,

John



*John Anderson, Thomas Wylie, John Hog, John Gemble, John Hunter, James Patrick, Edmund Garmarhan, John Arbuckle, and James Mack, are banished.*

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Thus I have given what Accounts I have observed in the Council-registers this Year, which relate to particular Persons, and to vast Numbers who were banished. Several other Things relative to such as were proceeded before the Parliament and Justiciary, and the Prosecutions after the Earl of *Argyle's* Attempt, will come in under the following Sections.

## S E C T. V.

*Of the Procedure of the Justiciary Court this Year.*

I Come now forward to give a Detail of the Proceedings of the Justiciary Court this Year, and having been so large in my Extracts upon the former Years, I may omit now many of the Forms and Circumstances, and shall give the Proceedings before them, and the publick Executions only in Hints, with some Things anent the Sufferers, from other Papers, as I go through.

*Proceeds before the Justiciary this Year.*

The Earl of *Tarras's* Process comes on *January 5.* this Year. By the Council-records *September 16.* last Year, I find, 'the Earl of *Tarras*, lately brought in Prisoner, desires to be examined. And *December 16.* the Advocate is ordered by the Council to process the Earl for 'Treason.' The Process, as hath been noticed upon *Ferviswood's* Trial, was upon his own Confession, and this Confession was brought as a Proof against Mr. *Baily*, and the Sentence and Process is delayed till now, that tho' he had confessed and come in the King's Mercy, yet he might not be under Sentence when adduced as a Witness. This Day he appears, and his Indictment is read, which is as follows.

*Against the Earl of Tarras Jan. 5.*

'*Walter* Earl of *Tarras*, you are indicted and accused, that where, notwithstanding by the common Law of this and all other well governed Nations, the concealing and not revealing of any treasonable Discourse, does infer the Pain and Punishment of Treason; nevertheless there being treasonable Designs in *England* for rising in Arms against the King our Sovereign, whom God preserve, and for killing, at least seizing his sacred Person, and the Person of his Royal Highness, and for forcing his Majesty to such Proposals, as they, the damnable Conspirators, should make; there was a Junctio likewise of the *Scottish* Nation, called up by them, who did meet and assemble themselves at *London* in the Months of *February, March, April* or *May 1683.* at which Meeting were present the Lord *Melvil*, Mr. *Robert Baily* of *Ferviswood*, Sir *Hugh Campbel* of *Cesnock*, Sir *George Campbel* his Son, *Montgomery* of *Langshaw*, Sir *John Cochran*, Mr. *Robert Martin*, and Mr. *William Veitch* an outed Preacher, and others, where, after they had most treasonably and seditiously misrepresented his Majesty's Royal Government, especially in *Scotland*, and the Administration of his Royal Highness his Majesty's Commissioner, and his Judicatories here, thereby to excite one another to the designed Conspiracy and Rising intended against him, and to serve as a Pretext to excuse their wicked Design of joyning with the Conspirators in *England*, they did send Mr. *Robert Martin* with a Commission unto *Scotland*, and he carried Letters, particularly a Letter to you the said Earl of *Tarras*, and the said Mr. *Robert Martin* having arrived here in *Scotland* in the Month of *May 1683.* he did address himself to the Laird of *Torwoodlee*, and they sent for the Lairds of *Polwart*, *Philiphagh*, and you the said Earl of *Tarras*, and before *Polwart* came, the said Mr. *Robert Martin* and you, or at least you and *Philiphagh* did talk of a Rising in Arms, upon a Suspicion that the Country Party in *England* should have thought of going to Arms, and if it were not fit, in that Case to seize upon the Officers of State, and other Officers here, and to surprise *Berwick* and his Majesty's Garrison of *Stirling*, and others, and his Troops of Horse and Dragoons in this Kingdom. After which you went to *Gallowshiels*, and met with the Lairds of *Gallowshiels* and *Polwart*, and after you had tried if the Laird of *Gallowshiels* would be secret, you did at last formally talk of rising in Arms, and of concurring with the late Earl of *Argyle*, a declared Traitor, who should land in the West, and of bringing the King, by Petitions or Force, to abandon his Royal Brother, and of delivering him up to a legal Trial, as a sure Remedy for settling all Disorders, and repairing all Grievances, both in *England* and here; and as a certain Step for secluding him from the Succession to the imperial Crown of his Majesty's ancient Kingdom; and if this was not done in the King's own Life-time, the Opportunity would be lost. And those Overtures were concerted between your Friends at *London*, and the Country Party, (for so you called the Conspirators) and then it was

*His Indictment;*



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positively talked by one or other of you, that upon the certain News of England's being in the Fields, those of the southern Shires should presently rise, and to get as many as they could who should be able to deal with Stragglers, and that Officers should be trytied to command; that then the Earl of *Argyle* was to come from beyond Sea, and Sir *John Cochran* from *England* to the West Country. And there was a Sign and a Word appointed for those you call honest Men, to know one another by, and that upon the News you were to have from *England*, you were to meet upon Mid-summer. Which Overtures, or one or other of them, either you your self made, or heard and concealed the same, or at least you did talk what was to be done if *England* should rise in Arms; and did treat of giving them or the late Earl of *Argyle*, a declared Traitor, some Assistance here. And you being present when those, or such like Overtures as those, were treated, you did conceal, or not reveal the same. Wherethrough you are guilty, at least Art and Part of the treasonable Crimes abovementioned, which being found by an Assize, you ought to be punished with Forfeiture of Life, Lands, and Goods, to the Terror of others to commit the like hereafter.

Found relevant.

His Confession

The Indictment was found relevant by the Lords, and remitted to an Assize. The Advocate for Probation adduces the Pannel's Confession, which likewise I insert.

*Walter* Earl of *Tarras* confesseth, 'That about the Time Sir *John Cochran* and Commissary *Monro* got their Commission for the *Carolina* Business, from *London*, Mr. *Robert Baly* of *Ferviswood* desired the Pannel to speak to Commissary *Monro*, to try if he could get him added to that Commission, and that *Ferviswood* told the Pannel he was going to *London* how-ever upon his own Expences, and that his and their going about the *Carolina* Business was but a Pretext and Blind; and that the true Design was to press forward the People of *England*, who would do nothing but talk, to go more effectually about the Business, and do something. Confesseth, *Ferviswood* did settle a Correspondence with him, whereby he was to give an Account to the Pannel what should pass between the Country Party in *England*, and the *Scotsmen* there: And on the other Hand, that the Pannel was to write to him what occurred here. Confesseth, *Ferviswood* said to him, that if the King would suffer the Parliament of *England* to sit and pass the Bill of Seclusion, that that was the only Way to secure the Protestant Religion. Confesseth, that *Ferviswood* said to him, that the King might be induced thereto, if the Parliament would take sharp and brisk Measures with him, or the like Words. Confesseth, those Words were spoken to him since the last Session of Parliament, and before *Ferviswood* and Commissary *Monro* went for *London*; that he gave the Pannel Account by Letters that Things were in great Disorder there, and that he hoped there would be effectual Measures taken to remedy them. Confesseth, Mr. *Robert Martin* came to *Torwoodlee's* House, May 1683. or thereby, and brought a Letter to the Pannel's Lady subscribed, and the Pannel knew it was *Ferviswood's* Hand then at *London*, and that Mr. *Martin* told the Pannel that Things in *England* were in great Disorder, and were like to come to a Height, and that the Country Party were considering on Methods for securing the Protestant Religion, and that the late Earl of *Argyle* was to get Ten thousand Pounds *Sterling*, whereas our *Scots* People sought Thirty thousand Pounds, which was to be sent over to *Holland* to provide Arms, and the said Earl was to land with those Arms in the West Highlands of *Scotland*, and that *Ferviswood* was to be sent over with the Money. Confesseth, *Philippaugh* and he went to *Gallowshiels's* House, where they met with *Polwart* and *Gallowshiels*, that it was talked among them there, that if *England* should rise in Arms, it were necessary in that Case, that so many as could be gotten upon the Borders should joyn with those to deal with Stragglers, and seize on Hories, that thereafter they should joyn with those that were in Arms on the Borders of *England*. Confesseth, that in the Case foresaid, it was said, that it was convenient that the Castle of *Stirling*, *Berwick*, and some other Strengths should be seized upon, and that the King's Officers of State should be seized. It was also spoken of, that some Persons should be employed to enquire what Arms were in that Country. Confesses, it was spoken then, that the best Time for *Argyle* to land in the West, was when there was some Stir in *England* or *Scotland*, or Words to that Purpose. Confesseth, that every one desired another to speak to such Persons as they could trust, by letting a Word fall indirectly, upon Supposition in case of the Rising in *England*, concerning preparing themselves; and that he was after told by *Philippaugh*, that there was a Word or Sign among them, the Sign was by loosing a Button on the Breast, and that the Word was *Harmony*. Confesseth, that at the House of *Gallowshiels*, he heard it spoken of, that the King by Petitions or Force might be brought to abandon his Royal Brother, and deliver him to a legal Trial, or to this Purpose, as a sure Method for settling all Disorders, and removing all Grievances both in *England* and *Scotland*, and a certain Step for secluding the Duke from succeeding; that he heard it talked that Sir *John Cochran* was to come to *Scotland* with the rest of the *Scotsmen*."

Verdict of the Assize.

Further, *Philippaugh* and *Gallowshiels* are adduced as Witnesses against the Earl, and their Declarations are already more than once printed. The Assize, January 6. bring in the Earl guilty of the Crime of Treason, and Art and Part therein, as being upon the Contrivance of the Conspiracy libelled, and concealing, and not revealing the same, and of Accession to the Design



Design of excluding his Royal Highness the Duke of York from succeeding, proven by the Pannel's Confession. The Lords sentence him to be executed as a Traitor, and his Fame, Name and Memory extinct, &c. in common Form, as above. 1685.  
Sentence.

Upon the 4 of February, I find a Letter comes to the Council acquainting them, that the King grants a Remission to *Walter Earl of Tarras*, now condemned to die, as to his Life only; and orders him to be liberated upon his giving of good Security to the Council to compear when called. And *March 10.* the Earl is allowed by the Council to go to the Country for his Health, upon his Bond to compear when called. Remission.

The Criminal Court go on to execute some poor Country People, for not disowning the late Declaration of the Societies. *January 19.* *Robert Miller* Mason in *Rutberglen*, and *Robert Pollock* Shoe-maker in *Glasgow*, so he is designed in the Registers, other Accounts bear, he lived in *Kilbyde Parith*, are indicted for Treason, just in the Terms above in *George Jackson's* Case, *December 8.* last Year. The Probation is their own judicial Confession before the Council, that they do not disown the Declaration. The Ailize bring them in guilty; and the Lords sentence them to be hanged between *Leith* and *Edinburgh*, upon *Wednesday January 23.* Process against Country People for not disowning the Societies Declaration. Robert Miller and Robert Pollock. Sentence. Execution.

By other Accounts I find, *Robert Pollock* was taken a little before the Court in *October* last, and sent in to *Edinburgh*; that he died at the *Gallowelee*, in great Peace and full Views of his Right to eternal Happiness. *Robert Miller* died with the former, in much Serenity and inward Consolation. They were executed early in the Morning 'twixt Eight and Nine of the Clock.

This Declaration, as we heard, was a new Hundle to hurry a good many Country People into Eternity, who were not concerned in any Rising, but merely for their Opinion, and that they could not explicitly renounce the Declaration. And none of them that suffered at *Edinburgh*, as far as I can observe, were any way concerned in the framing of it, and few or none in the publishing it. I meet with no more publick Executions at *Edinburgh*, till *Argyle* was taken. The King's Death did cast Things into a new Shape: But we shall just now meet with abundance slain in the Fields without any Process. Remarks.

I go on to some Forfeitures before the Justiciary Court. Several who were cited to the Parliament, as we heard, *ex abundanti*, are cited before the Criminal Court, and forfeited. I can give no Reason for it, but in order to a present Intromission with their Lands and Rents, which both put Money in the Pocket of some People, and very much straitned the Gentlemen.

*January 26.* The Process begins against *Polwart*, *Torwoodlee*, and *Saltoun*. The Council, *November 13.* last Year, order the Advocate to pursue *Sir Patrick Hume* of *Polwart* for Treason, and *November 15.* he hath the same Orders as to *Torwoodlee*. Why they were both delayed till this Time, I know not; they were happily out of the Way, and the Process went on in their Absence. Process against Polwart, Torwoodlee, and Saltoun, Jan. 26.

The above Day, ' *Sir Patrick Hume* of *Polwart*, *George Pringle* of *Torwoodlee*, and ' *Fletcher* of *Saltoun*, being cited and called to appear, and underly the Law for ' Treason, in contriving the Death of his Majesty, and the Duke his Brother, overturning ' the Government, converse with Rebels, and concealing of Treason; and not compearing, ' are denounced Rebels, and put to the Horn, and all their Lands, Heritages, Goods and ' Gear forfeited to his Majesty's Use.' They are forfeited.

*January 28.* The Council pass an Act, which lets us into one Reason why those good Patriots were thus processed before the Parliament met. ' The Lords of his Majesty's Privy ' Council give Orders to secure the Goods and Rents of the Laids of *Saltoun*, *Polwart*, ' *Torwoodlee*, and other declared Fugitives before the Justices, to be made forthcoming for ' his Majesty's Use.' Their Rents intromitted with.

We have already heard of *Sir Patrick Hume* of *Polwart* upon the Second Book, and his noble Appearances for the Liberty of his Country, under the Oppression of the Duke of *Lowderdale* and his Party; and the same Spirit of Liberty, as well as his Concern for the Protestant Religion, moved him to appear against a Popish Successor, which we see from the Mouths of the Managers, was all that was in the pretended Plot and Conspiracy, about which they make such a Noise now: And this same Person had the Honour to appear once and again afterwards, when *Earl of Marchmont*, for the securing our holy Religion and civil Liberties from a Popish Pretender, by lengthning out the Entail, fixing it upon the august, and now royal Family of *Hanover*, and securing a Protestant Successor to this Nation, which the Historians of that Period cannot fail to observe to his Lordship's Glory. Polwart since made Earl of Marchmont, his Appearances since the Revolution.

*Mr. Fletcher* of *Saltoun* is likewise well known to the World, as one who endeavoured to make a Stand against every Thing he reckoned against Liberty and Property, and his Appearances in our *Scots* Parliaments since the Revolution, are generally known. He is lately deceased, and was one of the brightest of our Gentry, remarkable for his fine Taste in all Manner of polite Learning, and his curious Library, his indefatigable Diligence in every Thing he thought might benefit and improve his Country, his bold and brisk Appearances against what he reckoned Incroachments upon the Privileges of the Subject, as well as his Sobriety, Temperance, and good Management. Mr. Fletcher of Saltoun.



1685.

Torwoodlee.

Sufferings of  
the Family of  
Torwoodlee

The Laird of *Torwoodlee* was likewise a Gentleman of a fine Spirit, and singularly religious. I think it will be acceptable to the Reader, to have here an attested Account, written with much Distinctness and Integrity, I have lately received of the Sufferings of that excellent Family of *Torwoodlee*, which the worthy Gentleman Mr. *Pringle*, his Son and Heir, is ready to vouch in every Article; and indeed he wanted not his own Share in the Sufferings of this Time, tho' then but a Youth: And I shall give the whole Narrative together in this Place, where it comes in natively, tho' some Branches of it relate to the former Period, and others to the succeeding Years, and I persuade my self the Reader will not weary of it.

George *Pringle* of *Torwoodlee*, in the Shire of *Forrest*, represented a Family that had the Honour and Happiness to be among the first who publickly owned and stood up for our holy Reformation from Popery in that Country; and through the several Descents of it since, they have adhered to the same Reformation Rights, under all the Attacks from the bloody Designs of Papists, or the violent Encroachments of the Episcopal Clergy and their Abettors.

This Gentleman in particular I am now accounting for, served the King in most of all the Actions he had against the Usurper in *Scotland*; yet this did not save him from the Violence of that Torrent, which carried almost all honest Men and Things before it after the Restoration. And tho' he had some of considerable Figure in that Ministry, his Friends, he was involved in the Fine-act, and obliged to pay a considerable Fine to the Publick, for his alledged Compliance with the Usurper, in acting as a Justice of Peace, a Crime so universal, one would have thought, that in such a Crowd of Delinquents he might have passed unobserved; but he had behaved himself with too much Vigour in restraining all manner of Enormities, not to be taken Notice of by a Court and Ministry that were upon the Plot to unhinge the Nations of all their Principles, religious, or moral, that so they might free themselves of every Thing that might be a dead Weight upon the Measures for our Slavery, then laid down. This, with his refusing the ensnaring Oaths of *Allegiance* and *Supremacy* then imposed, were the true Ground of his Sufferings about the 1662.

Mr. *Pringle* from the 1662. to the Year 1681. lived in a close Retirement from all publick Business. Tho' he did not conform to Prelacy, yet he had no Share in those Struggles for Religion and Liberty at *Pentland* and *Bothwell*. His House was a Sanctuary for all the distressed that came to him, and these were neither few, nor of the meanest Quality; but as the Measures for our Slavery quickned, so did the Troubles of honest Men.

The Establishment of the Succession to the Crown upon *James* then Duke of *Tork*, gave a clear View to all thinking People, what was to be the Fate of our Religion and Liberty. The Oath called the *Test*, was to be the *Shibboleth* of that Time. The known Trial of the Earl of *Argyle* needs not be here repeated; but the Escape of that great and good Patriot opened a new Scene of Trouble to Mr. *Pringle*. My Lord came to his House, or near by it the Night of his Escape; his just Haste to be out of the Way had given him no Time to provide either Horses or Money sufficient for what was fit for him to do.

Mr. *Pringle* served him in both, and furnished him with a trusty Servant that knew the Roads, who carried him into *England*, but both Horses and Rider were known before he got out of the Country. From that Time he behaved to be upon his Guard. And one of these Horses that carried off the Earl was put in a Neighbour's Hand to compliment the Duke of *Queensberry*, which was accordingly done, yet there was no Safety for *Torwoodlee* at his own House, which obliged him to seek his Lodgings in several Retirements, which were kept so close, by God's Goodness to him, and the Faithfulness of those about him, that he could not be found out.

In this Time it was when the southern Shires were ravaged by the Laird of *Meldrum's* Oppression, commissioned from the Council, with whom joyned some other unnatural Country Gentlemen, such as *Riddel* of *Hayning*, *Ker*, *Graden*, *Pringle* of *Blindlee*, all whose Names are now sunk.

Summer 1684. *Meldrum* and *Hayning* having fined Mr. *Pringle* for Church-irregularities, exacted five thousand Merks Scots from him, with a Promise of Security against any further Prosecution, or if he were, that that Sum should be allowed in the first Payment. The Receipt is yet in his Son's Hands. But within some Weeks they being sharply reprov'd by the Managers of our Ruin, he was again cited before them, and fined in Two thousand Pounds Sterling.

But the pretended Plot being trump'd up, whereby *Russel*, *Effex*, Colonel *Sidney* and others were executed in *England*, and *Jerviswood*, that worthy Patriot, in *Scotland*, Mr. *Pringle* was sought for as concerned in it.

At that Time were taken up the Earl of *Tarras*, *Philiphhaugh*, and *Gallowshiels*; Sir *Patrick Hume* of *Polwart* and *Torwoodlee* escaped, the last by *Meldrum's* Friendship, who since he could not make good to him the Money he had got from him, did generously send him Advertisement, that he was to send a Party that Night to apprehend him. He continued lurking till he got over to *Holland*, that happy Receptacle for the distressed of all Nations.

But



• But to heighten his Family's Sufferings, about Eight Days after the former, there came a second Party to his House, where they seized his Son, who had been abroad at the first Search, a Youth then of Sixteen Years, and carried him to *Edinburgh*, where he was shut up in Prison for more than three Months, without the least Crime laid to his Charge. 1685.

• But the Prison came to be so crowded before that Time elapsed, that he was admitted to the exorbitant Bail of Five thousand Pounds *Sterling*, tho' still confined to the Liberties of *Edinburgh*, and in Two Months more was ordered to attend the secret Committee, that Court of Inquisition of those Times, where, by the Duke of *Queensberry* Lord high Treasurer, he was threatned with having every Bone of his Body broken, every Joynt disjoynted, his Flesh ript up, and boyling Oyl and Lead poured into him, if he did not acquaint them who informed his Father of the Party's Coming (a barbarous Office for a Son to turn Witness against his Father!) And the Executioner was accordingly brought. But upon second Thoughts his Punishment was turned to three or four Weeks close Imprisonment in the Castle of *Edinburgh*, where none were admitted to see him, or speak with him, except his Keepers, or what was worse, the Chaplin of the Garrison, and so he was admitted a second Time to a Five thousand Pounds *Sterling* Bail.

• It was fit now King *Charles* should die, and his Brother succeeds; upon which follows *Queensberry's* Parliament, where the finishing Stroke was given to the Nation's Liberty, and the King's dispensing Power established by Law, and these bloody and detestable Statutes enacted, that are, to the indelible Infamy of the Projectors, a Scandal to the Protestant Name, a Terror to that Age, and a Warning, 'tis hoped, to all Posterity, of the native Tendency of absolute Power, and indefeasible Right. All that were procellid before them were forfeited, among whom was *Torwoodlee*, who, among the rest of the Malheurs of his Forfeiture, had the Misfortune to be betrayed by his Friend at *London*; for when all, in the unhappy Circumstances of his excellent Lady, had secured their Liferents according to their Contracts, Mrs. *Pringle* was d med hers, which obliged that afflicted Family to transact with their Oppressors, at the Rate of Ten thousand Merks, more than they otherwise would have given for that oppressive Composition.

• Mean while *Torwoodlee* made another Escape to *Holland*, after the Miscarriage of the Earl of *Argyle's* Design to save his Nation, a Design that was reserved, it seems, for the glorious Achievement of the great King *William*. *In magnis voluisse sat est.*

• At that Time his Son was searched for by a Party a second Time, notwithstanding of the 5000 Pounds *Sterling* Bail; but he offered himself to the Government, and was confined for Three Months more to the Castle of *Blackness*, where he was barbarously used by the Governor, *Livingstone* of *Badlormie*.

• And as if the melancholy Lot of Suffering had been confined to Mr. *Pringle's* Family, his Brother, Mr. *Alexander Pringle* in *Cadenlie*, was involved in his Sufferings; for his Brother in Law, *Hayning*, stretched his exorbitant Power as far as it would go, till he left Mr. *Pringle* nothing he could be Matter of.

• His very Daughter that was married to Mr. *Pringle* of *Greenknow*, did not escape the inveterate Malice of those oppressive Times; for tho' her Husband was severely fined, of which his Sons have now the Receipts, yet she also was forced to attend the several Circuits of those arbitrary Judges.

• Whatever inward Supports Mr. *Pringle* might have during his Difficulties, I shall not pretend to tell the World; but I cannot forbear to mention the heroick Spirit of his Lady, who, in most of all the Parts of his Trials, gave him an Account of their Approach; and this not to affright or deter him from suffering for his Country's Interest, but to arm and prepare him for what he was to undergo. She bore all her Difficulties with an unexampled Serenity and Evenness of Temper; one Evidence of which was, when the Harpies of that Time came and seized her Estate, set her Lands, and runnaged her House, her only Son lay upon her Hand, despaired of by the Physicians, and her Husband in Hazard of a publick Death, for his firm Adherence to the good old Cause, she showed such Contentment and Acquiescence under all those complicated Disasters, as is rarely to be found; and in her darkest Night, rejoiced in the Faith and Hope of those Days she lived to see after the Revolution.

• She was a Daughter of *Brody* of *Lethin*, in the North of *Scotland*, a Name very well known for a staunch Attachment to their Country's Interest. She and Mr. *Pringle* were happy together in their mutual Love.

• After the Storm had blown over, he died July 1689. among the Midst of his Friends, regreted even by his Enemies. His Lady outlived him a Year and some Months, and left the World without Pain or Sicknes; both of them rare Examples of conjugal Love, Christian Patience, and an unshaken Steadiness to a good Interest.

• He was of a masculine Presence and Eloquence, his natural Temper facetious, but still he was a Check to all Exorbitancies. He served his Country in the Convention of Estates, called by the Instrument of our Deliverance, *William Prince of Orange*; and, with his



1685.

‘ Colleague Sir *William Scot of Harden* younger, voted the Offer of the Crown to him and his incomparable Princess, *April* 1689.

‘ This Gentleman, besides his personal Hardships, had suffered considerably in his Estate under our general Oppression; for, because they could not reach his Life and Fortune, they found Means to affect his Estate, for his Mother’s not keeping of the Church, to the Value of Three or Four thousand Pounds *Sterling*. She was a Daughter of the House of *Kilmarnock*.

‘ I cannot go into the Detail of every private Sufferer; but, considering the Smalness of that Shire of *Forrest*, there is none in the Country, I think, went beyond them in all manner of Trials.

When I have written over this clear and affecting Account, as the Reader and I am in the Debt of that Gentleman who sent it me, so I cannot but regret the Want of such distinct Narratives from other Parts of the Country, of many excellent Gentlemen and others. Such as have come to my Hands are carefully insert; and from them, and what is extracted from the publick Records, the Reader will be in Case to frame a tolerable Notion of this black Period.

*Torwoodlee*  
younger his  
Petition *April*  
21.

To give all I meet with together, as to this worthy Family, *April* 21: *James Pringle* younger of *Torwoodlee* gives in the following Petition to the Council, upon which they pass the following Act.

‘ Anent the Petition presented by *James Pringle* younger of *Torwoodlee*, shewing, That the Petitioner being imprisoned in *November* last, by an Order from the Lords of the secret Committee, and being thereafter examined, and having given full Satisfaction to the Council, as to any Questions proposed to him, he was thereafter set at Liberty, upon his finding sufficient Caution, that he should confine himself to the Town of *Edinburgh* and Liberties thereof, and should not depart from thence without Liberty from the Council or the secret Committee, and that he should appear before either of them when he should be called for: In obedience to which Order and Act of Caution, he hath constantly staid in *Edinburgh*, and hath never gone without the Ports since he was liberate; and seeing the Petitioner is become very tender, and is frequently subject to a Bleeding and great Pains, and that his Confinement to *Edinburgh*, especially in the Summer Time, will much endanger his Health, his Mother being old and infirm, and not able to wait upon him in *Edinburgh*: Likeas, the Petitioner shall always deport himself as a peaceable and loyal Subject; and therefore humbly supplicating his Grace his Majesty’s high Commissioner, and the Council, to consider the Petitioner’s Case, and his Innocency as to any Crimes, and therefore to discharge his Confinement, and to allow him to go home to his Mother’s House, for recovering of his Health. The Lord Commissioner, and the Lords of the secret Committee, allow the abovenamed *James Pringle* of *Torwoodlee* younger, to go to the Country, and to pass and repass, on his giving Bond with Caution as formerly, to compare when called by the Council and secret Committee.’

*Stair, Lang-*  
*shaw, Mr. Ro-*  
*bert Martin, Mr.*  
*Gilbert Elliot,*  
*Mr. Robert Fer-*  
*gusson their*  
*Process March*  
*17.*

I meet with no more Forfeitures before the Justices till *March* 17. when Sir *James Dalrymple* of *Stair*, *Montgomery* of *Langshaw*, Mr. *Robert Martin* late Clerk to the Justiciary, Mr. *Gilbert Elliot* sometimes Writer in *Edinburgh*, Mr. *Robert Fergusson* sometimes Chaplain to the Earl of *Shaftsbury* being oft-times called, did not compare, tho’ cited according to Law, for their being accessory to the late horrid Plot against the Life of his Majesty and his late Brother *Charles II.* their Sovereign, being accessory to the Rebellion 1679. Refet and Converse with Rebels, and doing Favours to them, are deemed Outlaws and Fugitives, put to the Horn, and their moveable Goods and Gear to be escheat, and brought in for his Majesty’s Use.

‘ The Advocate declares he is satisfied no Act be extracted against them, till *May* 16. next, when at his Instance they are cited to appear before the Parliament.’

We have noticed the Reason why, tho’ under Citation, they are processed now. How far this Procedure agrees with Forms of Law, I must leave to others, with Righteousness and Equity it does not, I am perswaded; and the Advocate is so far convinced of this, that he is content Extracts be stopped till afterwards. One may then enquire why is the Act made, if the Execution of it be stopped? I shall give all I meet with in the Justiciary Registers, with respect to these Persons together.

*May* 5.

*May* 5. The Persons formerly cited to the Parliament, whom I need scarce resume, ‘ *Ochutree*, *Polwart*, Lord *Melvil*, *Langshaw*, Mr. *Fergusson*, Mr. *Martin*, *Kirkcoun*, *Cultness*, *West-shiels*, *Salton*, Earl of *Lowdon*, *Torwoodlee*, *Bassenden*, and Mr. *Stuart* indicted before the Parliament for Treason; yet that they may have *personam standi*, the Lords allow Relaxation to them, that they may propound their Defences before the Parliament *May* 15.’ But tho’ the Lords relax the Law that they may come further under the Lash of it, yet the Estates of those who were put to the Horn, and their Moveables, were not restored, and indeed rendred useless to them.

I meet



I meet not with them again till after the Act of Parliament is passed, and that Court risen, and then such as the Parliament had remitted to the Justiciary are procelled. July 16. a-  
 ' nent the criminal Action intended and pursued before the Estates of Parliament, and now  
 ' insisted upon before the Justiciary against *West-shiels*, Mr. *James Stuart* and Mr. *Gilbert*  
 ' *Elliot*, Advocates. Their Indictment is read. *West-shiels* is indicted, that he hounded out Per-  
 ' sons to the Rebellion 1679. and refet and harboured on his Ground Persons who had been  
 ' there, corresponded with *Bedlane* a forfeited Traitor, and sent Money and Supply to him,  
 ' particularly paid to *Robert Blackwood* Merchant in *Edinburgh* his Wife, Ten Pounds Ster-  
 ' ling upon the said Traitor his Bill and Order.

1685.

Process July 16.  
 against West-  
 shiels, M. Stuart,  
 M. Elliot and  
 others.

Indictment.

' *James Stuart*, that by writing and speaking he had stirred up his Majesty's Subjects to  
 ' Sedition (as before in his former Indictment narrated;) that in the Year 1683. he was  
 ' in a most damnable Plot and Conspiracy, entered into by the late Earls of *Shyrdenry*, *Essex*  
 ' and *Argyle*, Lords *Ruffel* and *Gray*, Major *Holms*, Colonel *Richard Rumford*, Sir *Hugh*  
 ' *Campbel* of *Cesnock* and his Son, Sir *John Cochran* of *Ochiltree*, *David Montgomerie* some-  
 ' time of *Langshaw*, Sir *Thomas Stuart* sometime of *Cultruff*, Sir *Patrick Hume* sometime of  
 ' *Polwart*, *George Pringle* sometime of *Torwoodlee*, Mr. *Robert Martin*, Mr. *Robert Terges-*  
 ' *son* and other Rebels, for taking away the King's Life, and that of his late Brother *Charles*  
 ' II. his Sovereign, for invading the Kingdom.

' And the said Sir *William Denholm* of *West-shiels*, *James Stuart*, and *Gilbert Elliot*, went  
 ' over to *Holland*, and negotiated, consulted and contrived the said Rebellion and Invasion, and  
 ' did treasonably and daily converse with the late Earl of *Argyle* and Mr. *William Vetch*, ano-  
 ' ther declared forfeited Rebel.

' And an Act of Parliament remitting them to the Justiciary, was read, dated *Edinburgh*  
 ' June 16. 1685. Our Sovereign Lord, with Consent of the Estates of Parliament, does hereby  
 ' remit to the Commissioners of Justiciary the Process of Treason intended against the Heirs  
 ' of the deceased *James Earl of Lowdon*, Sir *James Dalrymple* of *Stair*, *James Stuart* Son to  
 ' Sir *James Stuart* late Provost of *Edinburgh*, *Colin Campbel* of *Ardkinglas*, Sir *William Den-*  
 ' *holm* of *West-shiels*, *John Weir* of *Newton*, *John Hay* of *Park*, Sir *William Scott* younger  
 ' of *Harden*, *Andrew Fletcher* of *Salton*, *Hume* of *Bassenden*, Mr. *Gilbert Elliot*, *Walter Lock-*  
 ' *hart* of *Kirkcoun*, to be discussed by them upon Summons pursued before the Parliament,  
 ' which is hereby declared to be as valid as the Persons had been summoned at the first In-  
 ' stance before the Justices; and hereby impowers the Lords to proceed against them, and  
 ' forfeit them for the Conspiracy, and Art and Part therein, concealing and not revealing  
 ' the same, and other Crimes, notwithstanding they be absent.

The Lords find the Indictment relevant, and remit it to an Assize. The Witnesses are,  
 ' *John Cochran*, sometimes Sir *John Cochran* of *Ochiltree*, depones, that Sir *James Stuart* was  
 ' at a Meeting in *Holland* with the late Earl of *Argyle* in April last; that Sir *William Den-*  
 ' *holm* of *West-shiels* conversed with the late Earl of *Argyle*, came over with him, and was  
 ' in the Rebellion, and the same as to Mr. *Gilbert Elliot*. *John Cochran* of *Waterfide* depones  
 ' ut supra, and that Mr. *Gilbert Elliot* was Clerk to the Meeting of the Rebels. Mr. *Wil-*  
 ' *liam Blackadder* Doctor of Medicine, depones, he saw all the Three in a Room with the Earl  
 ' of *Argyle*, that *West-shiels* and Mr. *Elliot* came over with him. *David Stuart* younger of  
 ' *Cultruff* depones, they were several Times in a Room with the late Earl of *Argyle* in Winter  
 ' last. Mr. *Thomas Archer* depones, he saw Mr. *Stuart* with the Earl of *Argyle* at *Utrecht*  
 ' Two Years ago, that *West-shiels* and Mr. *Elliot* came over with him. The Assize bring them  
 ' in guilty, and the Lords sentence them to be executed to Death when apprehended, &c. and  
 ' forfeit them. There is no more in the Registers about the rest remitted by the Parliament  
 ' this Year.

Depositions of  
 Witnesses.

Sentence!

I need not insist upon these worthy Gentlemen now forfeited by the Justiciary. Sir *James*  
 ' *Dalrymple* of *Stair* is well known to the World, by his learned Works and shining Piety.  
 ' I have said somewhat before of Mr. *Stuart*, for many Years King's Advocate since the Re-  
 ' volution, a Person every way eminent for Religion, Learning and Law, and far above any  
 ' Character in my Power to give. Mr. *Elliot*, since Lord *Minto*, is lately dead, and filled one  
 ' Room in the Bench of Justiciary, where this unjust Sentence was given forth against him, as  
 ' well as a Place, in the College of Justice, he so well deserved by his unshaken Probity, Inte-  
 ' grity, and Boldness against all Unrighteousness and Vice. Sir *William Denholm* of *West-shiels*  
 ' was a religious Gentleman, of excellent Abilities, of a plentiful Fortune, and got to Heaven  
 ' some Years ago after all his Troubles. I find by the Council-registers September 11. that they  
 ' ordain the Justiciary to examine Witnesses as to the Escape of this Gentleman. The Laird  
 ' of *Langshaw* was a Gentleman of an old Family in *Airshire*, of an excellent and peaceable Dis-  
 ' position, who sustained very great Losses for his hearty Appearances for his Country, and  
 ' the King's Interest when at the lowest, and lurked a good while in *Ireland*, and after the Re-  
 ' volution came home, and died in Peace among his Friends.

Character of  
 some of the  
 Gentlemen.

But I return again to the Registers. March 6. Mr. *Alexander Shiels* is before the Justi-  
 ' ciary. When I was about to give the Detail of this reverend Person's Sufferings, from his  
 ' own original Papers in my Hands, I am prevented by a printed Narrative, published from

Mr. Alexander  
 Shiels March 6.



1685.

a Copy of what he left as a Narrative, without any Design that in that Dress it should be published. I have not had Time to compare this with the Original, but I suppose there are no great Differences, and therefore I shall only set down what I meet with about him in the Records.

By the Council-registers I find General *Dalziel* ordered to send a Party to *Leith*, to bring up *Alexander Shiels* and *John Frazer*, Masters of Arts, *Andrew Crawford*, *Charles Gray*, *William Cunningham*, *William Oliphant*, *John Martin*, and *John Foreman*, sent down Prisoners from *London*; and *March 6.* Mr. *Alexander Shiels* being examined before the Lords of Justiciary, 'did abhor, renounce, and disown in the Presence of the almighty God, the late pretended Declaration of War, in so far as it declares War against his Majesty, and asserts it lawful to kill such as serve his Majesty in Church or State, Army or Country; and August 6. Mr. *Alexander Shiels* having signed the Abjuration, owned the King's Authority, but not upon Oath, is remitted back to the Council.' And by their Registers I find, August 7. he is sent under a Guard to the *Bass*.

This is all I have observed about him in the Records. I can only further refer the Reader to the printed Account, now in the Hands of every Body, where the Circumstances and Qualifications of his doing what is recorded in the Registers, will be found.

Further Accounts of Mr. Shiels.

Mr. *Shiels* was a Minister of extraordinary Talents and Usefulness, he was well seen in most Branches of valuable Learning, of a most quick and piercing Wit, and full of Zeal, and a publick Spirit, and of shining and solid Piety. By many original Letters of his in my Hands, I find him opposing the Heights which some of the Society People ran to; and whatever Lengths he went in the troubled and oppressed State of the Church, when Rules can scarce be kept, yet, as soon as a Door was opened for giving a Testimony against what he took to be wrong in the disturbed State Things had been in, he came in, and brought Multitudes with him to joyn in publick Ordinances.

At and after the Revolution he was of singular Use in the Army, and valued by that great Judge of Men King *William*. After he had served God there he came home, and was settled at *St. Andrews*, and was a successful, serious, and solid Preacher, and useful Minister in this Church, till being moved with Love to Souls, and somewhat of the old apostolick Spirit, he was pitched upon and prevailed with to go over with his Countrymen to our national Settlement at *Darien* in *America*, where, by Letters under his Hand giving a most particular Account of Matters there, I find his Spirit was sunk with the Divisions, Impiety, and Unrighteousness of too many of that Handful, and perfectly crushed with the fatal Disappointment of that Undertaking, which, he shews plainly, had it been faithfully and well managed, would have been of unspeakable Advantage to this Nation, as well as to the holy Christian Religion. He died in *Jamaica* of a short Sickness, after they had left *Caledonia*. After his Death this Church was brought under new Debt to him, by the publishing of his Essay upon Church Communion, which I wish were more read and considered by such who withdraw from this national Church.

Process against Thomas Kennedy of Grange.

Upon the 30 of *March*, the Lords have before them a Process of Treason against *Thomas Kennedy* of *Grange*, *John Kennedy* of *Glenure*, and *Gilbert Macmichan* of *Kil-saint-ninians*; all the Three are indicted of marching with Mr. *John Welsh*, Mr. *John Black*, and some Hundreds of Rebels to *Air*, and from thence to *Bothwell-bridge*. The Advocate insists only at this Time against *Grange*, who is absent. One Witness depones, he saw him with the Rebels, when the Heads were taken down at *Air*. Other Three swear, that they knew not *Grange*, but they saw one whom others called so, at *Irwin*, when Mr. *Black* proclaimed the traiterous Proclamation drawn at *Hamiltoun*. The Assize bring him in guilty.

*April 1.* the Lords sentence *Kennedy* of *Grange* to be executed to Death, and demeaned, &c. when apprehended, and forfeit him; and that same Day *Glenure* is pursued likewise, for his Accession to *Bothwell*. In his Defence he propounds, that he was before the Justiciary of *Air*, and absolved by them upon his taking the Test. The Advocate alledges, that he was indicted there only for Church Irregularities, and opposes the King's Letter empowering the Justices only to meddle with these. The Lords absolve the Pannel as *res habenus judicata*. What becomes of *Macmichan* I know not.

John Macghe of Larg, John Russell, &c.

*May 6.* the Justices go on to forfeit some more, for being concerned in *Bothwell*, in Absence, and one of them some Time ago dead. 'John Macghe of *Larg* in *Galloway*, deceased, by an Assize is found guilty of being in Arms in Company with the Rebels, at the *standing Stones* in *Torchouse*, and in Town of *Wigtoun*. When about Threescore Men came in there to search for Arms, *June 1679.* John *Russel* of *Catcraig*, and John *Russel* of *Arnes* in *Dumbar-ton Shire*, are found guilty by the Assize, of being in Arms with the Rebels at *Bothwell*. The Two last are sentenced to be executed to Death, &c. when apprehended, and all the Three forfeited, their Blood tainted, &c. in common Form.'

By the Council-registers I find *James Napier*, *Aian Arkin*, *John Peirson*, sentenced to die by Colonel *Douglas* and the Commissioners at *Cumnock*, are reprieved, and recommended to the Secretaries for a Remission. *June 12.* their Remission comes for the Crimes of concealing the Rebels who lately went through the Shire of *Air*.

The



The Trials of such as were processed after the Invasion made by the Earl of *Argyle*, *Richard Rumbold*, the Earl himself, *Cultness*, Mr. *Thomas Archer*, and several of the Earl's Relations, I shall leave to a *Section* by themselves. 1685.

July 30. the Advocate is ordered to process before the Justiciary, *Thomas Stodhart*, *James Wilkison*, *Matthew Brice*, *Archibald Campbell*, *Edward Stit*, *David Low*, *Gavin Russel*, *William Cuninghame*, *John Muirhead*, *William Jackson*, and Mr. *Alexander Shiels*, for Treason, Rebellion, and not owning his Majesty's Authority, as also the Heirs of the late Duke of *Monmouth*, *Fletcher of Saltoun*, and *Claud Alexander of Newton*.

August 6. *Thomas Stodhart*, *James Wilkison*, and *Matthew Brice*, are found guilty of Treason by an Assize, because they refuse the Abjuration; and the Lords sentence them to be hanged at the *Grass-market*, *Wednesday August 12*. Thus after the Soldiers are almost weary of killing in the Fields, for alledged refusing of this Oath, the Justiciary of new condemn some more upon this Score.

*Thomas Stodhart*,  
*James Wilkison*,  
and *Matthew*  
*Brice*, sentenced  
and executed.

By other Papers I find they were executed as above. I have no further of *Thomas Stodhart*, but what is in his Testimony published in the *Cloud of Witnesses*, where he says, he first received a Sentence of Banishment, and afterward, without the least Provocation given by him, he was called to abide an Assize, and condemned to die, because he owned the Authority only in as far as agreeable to the Word of God; and because he would not expressly disown and judge as to the *apologetical Declaration*. His Paper is very plain and natural for a common Country Man, and is as modest as many insert in that Collection.

*Matthew Brice* lived in the Parish of *Carmunnock*, and *James Wilkison* suffered with him and the former, not July 27. as the *Cloud of Witnesses* have it, for they were only tried August 6. but the Day named, for any Thing I know. These Two were mostly urged with the Oath of Allegiance and Supremacy, and being asked if they owned Authority; they answered, they cheerfully owned all Authority according to the Word of God. Upon this Restriction, and refusing the Abjuration, they were condemned.

Since writing what is above, I am assured by an unquestionable Hand, that this Month *Gavin Russel*, with Three others, were executed at the *Grass-market*; and that their Carriage and Speeches were much of the same Strain with Mr. *Thomas Archer*'s, afterward to be insert. We see one of this Name is ordered to be prosecuted, but I have not observed him in the Justiciary-registers, tho' in such an Heap as is there, I may have overlooked him, and 'tis probable he was executed with these I have been giving some Account of.

That same Day they were executed, the Lords, as it were, ashamed of cutting off so many, precisely upon their refusing such an Oath, and against whom they had no Matters of Fact, have before them *William Cuninghame*, *John Muirhead*, and *William Jackson*, who having refused the Oath of Abjuration, and declared themselves willing to be banished, the Advocate deserts the Diet, and the criminal Process is dropped, upon their signing an Act of Banishment, never to return to *Scotland* without Licence, under Penalty of a Thousand Merks.

*William Cuning-*  
*ham*, &c. ban-  
ished.

August 18. *Thomas Russel* and *John Henderson* apprehended in *Fife*, as being Murderers of the Archbishop of *St. Andrews*, when examined, deny the Fact, but will not acknowledge it to be Murder; and are appointed to be kept close Prisoners. August 20. *Russel* is banished, and *John Henderson* is ordered to be tried before the Justices; but, October 17. I find they make their Escape from Prison.

*Thomas Russel*  
and *John Hen-*  
*derson*.

September 19. *John Welsh* of *Cornley* forfeited, is committed to the Tolbooth of *Edinburgh* close Prisoner; and November 19. *Edward Marshal* forfeited for being at the Rebellion 1679. now Prisoner in *Falkirk*, is appointed by the Council to be brought in to *Edinburgh*; and, November 26. they recommend it to the Justices to meet, and appoint the Time and Manner of *John Welsh* of *Cornley* his Execution; and in regard *Edward Marshal* will not own the King's Authority, and was forfeited, that they name likewise the Day of his Execution.

*John Welsh* of  
*Cornley*, and  
*Ed. and Mar-*  
*shal*.

November 30. the Justices meet, and come to the following Sentence. '*John Welsh* of *Cornley*, who was forfeited July 6. 1680. and *Edward Marshal* Heritor of *Keymuir*, forfeited January 17. 1682. for treasonable Crimes mentioned in the Verdict of the Assize, and decerned to be executed to Death, demeaned as Traitors, and underly the Pains of Treason when apprehended; and now being apprehended, the Lords appoint them to be taken to the *Grass-market* on Friday December 4. twixt Two and Four in the Afternoon, and there to be hanged till dead.

Sentence.

December 4. I find the Council write unto the Secretaries for a Remission, in favours of *Cornley*, providing he take the Test, Allegiance, and Abjuration. The Managers had his Estate in their Hands very much since *Pentland*, and, I believe, he did not run to any Heights in his Principles, which could be a Pretext for taking his Life.

But *Edward Marshal* of *Keymuir*, suffered with *John Nisbet* of *Hardhill*. He lived in the Parish of *Morrenside*, and I have no further Accounts of him but what are in his Speech printed in the *Cloud of Witnesses*. Therein he leaves his Testimony against all who had gone contrary to the covenanted Work of Reformation, and acknowledges he was at *Bothwell*, and that he could never acknowledge it to be Rebellion. He further signifies, that in his

Exami-



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Examination, probably before the Council, he was interrogate, if he owned the Authority of King James VII. Answered, *That he owned him as far as he owned God his Cause, and People.* On which some present said, *that was not to own the King at all;* which, whether in Jest or in Earnest, had Truth in it.

Heirs of Mar-  
tin and John  
Fergusson.

October 8. the Council order the Advocate to process the Heirs of John Martin in Air, and John Fergusson sometime in Enterkin-mains, for their being at Bothwell, and to take Precognition in Terms of his Majesty's Letter. Nothing offers this Year about them in the Justiciary Books.

I come to end this Section with the Process against John Nisbet of Hardhill, in the Parish of Lowdon. He had been a Person very active for Religion, and the preaching the Gospel in the Fields; and the Persecutors, as we have heard, had been very particular in their Enquiries after him, but he escaped till the Close of this Year. And I shall insert an Account of him, and his being apprehended, from the *Cloud of Witnesses*, and his Examination at *Edinburgh*, from an original Letter of his in my Hand, and his Process before the Justiciary, from their Books.

Some Account  
of Hardhill.

About the Year 1664. Hardhill having had a Child baptized with a Presbyterian Minister, was sorely persecuted by the Curate, and he came the Length as to intimate from the Pulpit, that next Sabbath he was to excommunicate him; but in this he was prevented, being himself carried into Eternity before that Time came about.

Hardhill was both at *Pentland* and *Bothwell*. At *Pentland* he was so sore wounded, that he was neglected by his Enemies as dead, and yet crawled away and escaped. At *Bothwell* he was a Captain, if I mistake not.

He was a Person of much Courage and Hardiness, and of a considerable Warmth of Spirit, and great Zeal for what he set up for. He went to as great Heights as many of the persecuted Party, in setting up against the King's Authority, and in taking a different Course from the rest of the Presbyterians in this Church. He was employed in publishing most of the Societies Declarations at *Sanquhar* and other Places; and we shall, from his own Letter, find what Sweetness he had in his last Sufferings.

Taken in  
November.

In November this Year, he, with Three of his Fellow-sufferers, were surprised in a House in *Finwick* Parish, by Lieutenant Nisbet a Cousin of his own, as I am told, by a Party of Soldiers. They defended themselves, and when resisting, the other Three were killed upon the Spot, and Hardhill sore wounded. The Lieutenant caused bind him, and asked, What he thought of himself now. He answered, 'I think as much of Christ, and his Cause, for which I suffer, as ever; but I judge my self at a Loss being in Time, and my dear Brethren, whom you have murdered, being in Eternity.' The Lieutenant swore, he had reserved him for a further Judgment. John answered, 'If the Lord stand by me, and help me to be faithful to the Death, I care not what Piece of Suffering I be put to endure.'

By the Council-registers, I find, that November 12. they send a Letter of Thanks to Colonel Buchan, for taking Nisbet of Hardhill, and desire he may be sent in under Guard, and that Enquiry be made who harboured him; and, November 21. a Letter is read in Council, from the Colonel, with which he sent the Deposition of Hardhill, and Two or Three other Papers relative to the Societies. That Day probably he was first before the Council, who, November 26. order him to be prosecuted before the Justices.

From other Papers I observe, that the Party who seized him, carried him that Night to *Kilmarnock*, and next Morning to *Air*, where he was examined, and sent in under a Guard to *Edinburgh*. His Treatment there I shall give from a Letter before me, writ by himself to a Friend, and I shall insert much of it here, as the best Account I have of his Trial before the Council. He tells the Person he writes to,

His own Ac-  
count of his  
Trea ment  
from an origi-  
nal Letter.

'That he had left a Relation of the Manner of his taking, and his Examination at *Air*, in the West Country. When he came to the Guard, he endured much Reproach, and was vexed with a Multitude of idle and useless Questions.

'When he was brought before the Council, he knew *Perth*, *Linlithgow*, and Bishop *Paterson*, and several others were present. The Counsellors told him, they believed he was acquainted with every Thing among the Rebels, and the Lords of his Majesty's Council would take it as a Favour, if he would ingenuously tell what he knew, that the Peace and Good of the Nation might be secured. He told them, when they came to Particulars, he should speak nothing but the Truth, for he could say, he was more afraid to lie than to die; but he hoped they would be so much Christians as to press him to answer nothing that would burden his Conscience.

'They asked him, what they did in their Societies and Meetings. He answered, they sang Part of the Psalms, read some of the Scripture, and prayed Time about. They asked him next, why they were called Societies. He answered, he was surprised at such a Question, since the Thing was plain, and the Name such Meetings had in the best Times of this Church. They asked, where they were kept. He answered, in the wildest Mairs, and most retired Places. They asked, what they did at their general Meetings. While he stopped



stopped a little, considering what to say to this, one of them answered, and gave a more particular and distinct Account of every Part of their Way, ( he says ) than he could do. 1685.

Then he was asked, if he would own the King's Authority. He answered, he would not. They asked his Reason, and posed him, whether he owned the Scriptures and Confession of Faith, naming several Places of Scripture, and the 23 Chapter of the Confession. He answered, he owned both with all his Heart, but the King was a Roman Catholick, and himself had been not only educate a Presbyterian, but solemnly sworn against Popery. They replied, what is that to you, his being Popish does not bind you to be so too, and hinders you not to live in your own Religion. He replied, the contrary appeared, and no Liberty was given to hear the Gospel, and they were put to the hardest Sufferings for hearing it. They said, it was not so, they might have the Gospel to hear when they pleased, but their wild Principles would not suffer them to hear it. He said, the contrary was well known, and that they had taken away Presbyterian Ministers, and left none in the Nation within their Reach, and put such in their Places as are profligate Wretches, so that poor People neither care, nor dare joyn with them.

They asked him next, if he, and such as he joyned with, were clear to joyn with Argyle. No more, answered he, than with you. Another asked, if they would have joyned Monmouth. He answered, No. Said another, in Banter, it seems they will have no King but Mr. Renwick, and asked him if he conversed with any other Ministers than Mr. Renwick. John answered, he did not.

This, adds he, is what past that was material. As to drinking of Healths, never one of them spoke one Word to me, East or West. As to praying for their King, one of them said, he knew I was that much a Christian that I would pray for all Men. I told them, I reckoned my self bound to pray for all, but Prayer being institute by an holy God, who was the Hearer of Prayer, no Christian was obliged to Prayer, when every Profligate commanded them; and it was of no Advantage to their Cause, when they suffered such a Thing.

He adds, ' How it may be with me afterwards, I cannot positively say, for the Lord is a free Sovereign, and may come and go as he pleaseth ; but this I can affirm, he hath not quarrelled with me for any Thing since I was a Prisoner, but hath always waited to supply with all Comfort, Consolation, and Strength, as my Necessity required. And now when I cannot lay down my own Head, nor lift it up without Help, and the Irons are upon my Legs, yet of all the Cases I ever was in, I had never more Contentment. I can now give the Cross of Christ a more noble Commendation than ever ; it was always pleasant and sweet, but never so pleasant and sweet as now : Under all my Wandrings in all my Toilings, a Prison was still terrifying to me, but immediately at my taking, he shined so on me, and ever since, that he and his Cross is to me far beyond whatever he was before. Therefore, let none fear or stand at Distance from their Duty for Fear of the Cross ; for now I can say from Experience, that it is as easy, yea, and more sweet to ly in Prison and Irons, than 'tis to ly at Liberty. But I must break off at present.

The Council having remitted this good Man to the Justiciary, by their Books, I find him indicted November 30. The Advocate restricts his Libel to his being at Drumclog and Glasgow at the Rebellion, fighting against his Majesty's Forces, and being at a late Field-conventicle, and being in Arms and Opposition to his Majesty's Forces when apprehended. The Lords find the Indictment relevant, and remit it to an Assize.

For Probation, the Advocate adduceth his own judicial Confession before the Council, as follows. ' John Nisbet of Hardhill, Prisoner, confesseth, when examined, That he was at the Rebellion at Pentland-hills in Arms ; that he was present with the Rebels at Drumclog, had Arms, and made Use of them against the King's Forces ; that he was with them at Glasgow ; that he was present at a Field-conventicle within these Two Months, betwixt Eglisham and Kilbride ; declares, that the late Earl of Argyle, the Time he was in Rebellion, sent one Clelland to him, and those who were in his Company, to see if they would joyn him, which they refused to do, in respect the said Clelland told them, that the said Argyle and his Party were against all kingly Government.'

Jo. Nisbet.

Before I go further, I take the Liberty to observe, That John Nisbet, in his own Account just now insert from his Letter, takes no Notice of this as the Reason why they joyned not with Argyle, tho' had it been Fact, 'tis probable he would have set it down to his Friend, as well as other Things of less Importance. And from the original Records of the Society People, in my Hands, I find a Question proposed what they should do, and whether they should joyn with the Earl of Argyle and his Party, at one of their general Meetings, where, I make no Doubt, Hardhill was ; and their Conclusion, and the Reasons of it, will best appear in their own Words. ' It being desired the Societies should joyn with those  
K k k k k k  
' now

He is indicted  
Nov. 30.

Probation, his  
own Confession.

Remark upon  
what is his  
Confession  
to Argyle.



1685.

‘ now appearing in this Land, and they expected to be more solicited for that end, wherefore it was judged nt to speak of, and deliberate upon this at this Meeting, whereby they might know one another’s Minds; and therefore it is declared, they could not espouse *Argyle’s* Declarations, as the State of their Quarrel, because not concerted according to the ancient Plea of the *Scottish* Covenants, and because it opened a Door for a sinful Confederacy; yet they were resolved, willing, and ready to do what lay in their Power, against the common Enemy.’ I need not vindicate the Earl of *Argyle*, and those with him, from any Designs against Monarchy; their own Declarations sufficiently clear them from this. And therefore, tho’ I have insert this Passage of *Hardbill’s* Confession, as it stands in the Records, yet I am scarce able to persuade myself, that *John Nisbet* gave any such Declaration; and I have met with so many Things not agreeable to Fact, set down in *Sufferers Examination*, either of design, or by Hate and Mistake, that this Clause inserted here hath very little Weight with me: However that hath been, this single Testimony can leave no Blemish either upon that Design in general, or that fine Gentleman Colonel *Clelland*, who was far from any such Republican Projects; however, it might be insert in the Registers by some People, with such a Design. But to return to the Records,

Sentence.

‘ This Confession being read to him, he adheres to it before the Assize, but refuses to subscribe it. The Assize bring him in guilty, and the Lords sentence him to be hanged at the *Grass-market*, December 4. betwixt Two and Four in the Afternoon, and that all his Lands, Goods, and Gear, be forfeited to the King.

Execution.

The Sentence was accordingly executed. Notwithstanding of his grievous Wounds, he was most unmercifully loaded with Irons all the Time of his Imprisonment. He died in much Assurance, and with a great deal of Composure and Christian Courage.

Thus I have gone through the publick Executions at *Edinburgh* this Year, except those which relate to the Earl of *Argyle*, and some with him.

No more Executions at *Edinburgh* till 1685. with Remarks upon this.

We shall meet with no more publick Executions at *Edinburgh*, till that of Mr. *Renwick*, in the 1688. Whether this proceeded from the Plan of the Removal of the penal Statutes, now a converting, or from what other Reason, I do not determine; but it must remain an indelible Reproach upon the Managers, under the last Seven Years of a profest Protestant’s Reign, that more Protestant Blood was shed, merely for Principle and Conscience, in some Months of that Period, than in all the Four Years Reign of a bloody Papist.

Indeed that same Blood so plentifully shed in the End of King *Charles’s* Reign, was certainly owing unto the violent Measures of the Duke of *Tork* and his Adherents, together with the active Importunity of some of our Bishops and Clergy, who came likewise very much into the Scheme now laying down, though not all of them. And I would not, by this incidental Remark, be thought in the least to soften the just Aversation every Man and Christian ought to have against Popery, which still is, and must necessarily be, of the same hellish, cruel, and inhumane Nature, under all its various Shapes. But this same great Spring of Cruelty and Severity, when in a more private Capacity, set nominal Protestants against real ones, and endeavoured to make them cut off one another; and when he came to a more extensive Sphere, and had laid the Plot to cut off the whole Protestant Name, for some Time he saw good to bind up the Hands of his Under-managers, still ready enough to persecuting Work, in order to get in the Abolition of the penal Laws against his Friends, and the Plot better carried on for his Project of the general Ruin of the Reformation.

And we shall find abundance of Blood shed in the Fields, and up and down the Country this Year, and some of the following also, by the Soldiers in their daily Murders, which no doubt likewise lessened the Number of those who otherwise might have been cut off with a little more Formality. I come next to give some Accounts of those.

## S E C T. VI.

*Of the Murders in the Fields, the barbarous Drowning of Women within the Sea-mark, the Murder at Polmadie, and others this Year.*

Subject of this Section.

After the Accounts of the criminal Processes in the former Section, where some Sort of Form was kept, tho’ without Equity and Righteousness, let us now take a View of the less decent, and sudden Executions, as they were called, or rather authorized Murders in the Fields, which were extremely frequent, especially in the first Half of this Year. We have heard of the Warrants, may I call them so, given for them, and which



is worse, and makes the Guilt more national, we shall find these unprecedented Acts of Council this Year, ratified in Parliament. 1685.

The Deaths of the persecuted Wanderers are so numerous, in the Space of Three or Four Months Time, that I cannot give Accounts of them all. The Soldiers did not give themselves the Trouble to keep close, even by the Orders given by the Council, and called no Witnesses in many Cases; and good Numbers were massacred, of whom no Accounts can now be given. Murders in the Fields numerous.

Perhaps no such Period as this Year, during some Months of it, hath ever been in any Protestant Country. I know of no Order to give them in, but that of the Time when they were committed, where the Dates are come to my Hand; and I have several other Narratives without any Date, save the Year, which shall likewise be added.

We have already had some Instances last Year, of Murders committed before these express Powers were granted to the Soldiers, and in December last, after the Orders, we heard of several cut off in the South. I come now to those of this Year.

January 23. Colonel James Douglas, Lieutenant Livingstone, and Cornet Douglas, with a Party of Horse, surpris'd the Six Persons underwritten, at Prayer in the *Caldunes*, in the Parish of *Monigaff* in *Galloway*. Their Names, and indeed it is all almost I can give in the numerous Instances before me, were, *James Dun*, *Robert Dun*, *Alexander Macaulay*, *Thomas Stevenson*, *John McClude*, and *John Stevenson*. Nothing was to be charged upon them, but that they were Persons upon their hiding, and at Prayer. Whether the Oath of Abjuration was offered or not, my Information doth not bear; but without any further Process they were immediately taken out, and shot to Death. Jan. 23. Six Persons killed in the Fields in the Caldunes.

Upon the 30 of the same Month, a Party of Fifty Soldiers commanded by *John Dalziel*, Son to *Sir Robert Dalziel* of *Kirkmichael*, and Lieutenant *Straitoun*, fell in with some of those who were upon their hiding, asleep in a Shiel in the Parish of *Mortoun*, in *Nuthdale*. My Information bears, they all made their Escape, but *Daniel Macmichael* who was sickly, and not able to flee. The Soldiers wounded him at his being taken, and he was that Night carried to the Parish of *Durifdeer*. The Captain put many Interrogatories to him, which he declined to answer, and laid many Things to his Charge, which he denied, and said he knew nothing of. At length he was told, that unless he presently submitted unto, and owned the Government both in Church and State, and as an Evidence of this, swear the Oath he offered him the Benefit of, the Law made him liable to present Death. Daniel Macmichael Jan. 30.

*Daniel* was a very sedate sensible Country Man, and said, Sir, *That is what in all Things I cannot do, but very cheerfully I submit to the Lord's Disposal as to my Life*. The Commander replied in some Pet. *Do you not know your Life is in my Hand?* The other modestly replied, *No, Sir, I know my Life is in the Lord's Hand, and if he see good, he can make you the Instrument to take it away.* Then *Daniel* was ordered to prepare for Death to Morrow; all he said, was, *If my Life must go for his Cause, I am willing, my God will prepare me.*

That Night he enjoyed a sweet Time of Communion and Fellowship with God, and great Outlets of Joy and Consolation, so that some of the Soldiers desired to die his Death, and not a few Convictions were left in their Bosoms. To Morrow January 31. he was brought out to the Fields at *Dalveen*, in the Parish of *Durifdeer*. He had the Liberty granted him, which many of his Fellow-sufferers had not, to pray, which he did to the Wonder of the By-standers. He sang Part of the Forty second Psalm, and read over the Sixteenth Chapter of *John*, and spoke with much Gravity and Solidity to Captain *Dalziel*. And then after the Napkin was put upon his Head, he said, 'Lord, thou brought *Daniel* through many Straits, and hast brought me thy Servant hither to witness for thee and thy Cause, into thy Hands I commit my Spirit, and hope to praise thee through all Eternity.' And then gave the Sign to the Soldiers to do their Work; and four of them who were appointed, shot him dead. So convincing was this Man's Carriage and Death, that some of the poor Soldiers were for some Time after in Confusion, for their obeying Commands in this Matter; but a little Money, and some more Ravages quickly calmed their Convictions. This Man lies buried in the Church-yard of *Durifdeer*.

Some time this Month, *Thomas Mackassie*, Son to *John Mackassie* in the *Largs*, in the Parish of *Straitoun* in *Carrick*, was dispatched very quickly. This good Man was lying in his House very ill of a Fever, Captain *Bruce* and a Party of Soldiers coming into the House, put their Questions to him, which he refusing to answer, and declining to take the Abjuration Oath, they took him out of his Bed to the high Road near by, and without any further Process, or any Crime I can hear of laid to his Charge, shot him immediately. Thomas Mackassie in Straitoun.

By attested Accounts from that same Parish, I find, that this Year *Thomas Stevenson*, Brother to *John Stevenson* in *Barbeath*, and *John Stevenson*, Son to *Thomas Stevenson* in *Star*, and *James MacLave* there; all in the Parish of *Straitoun*, were shot in the Fields without any Process, merely upon their refusing the Abjuration. Three others in that Parish killed this Year.

February was a very bloody Month. The King's Death put Things to some Stand at *Edinburgh*, and the Processes in Form and under Colour of Law, were not so frequent; but the Fury of the Soldiers up and down the Country seemed rather increased, by this Turn of The King's Death put a Stop to those Murders.



1685.

Four shot in  
Lochinkit-muir  
in Galloway,  
Feb. 19.

publick Affairs. I shall first give those Murders, whose precise Dates I have, and then add such as I find were some time this Month.

Upon the 19 of February, Captain Bruce with a Party of Soldiers, surpris'd Six of the suffering Wanderers, in *Lochinkit-muir*, in the Parish of Orr in Galloway, and shot Four of them upon the Spot, without any further Process, viz. *William Herron*, belonging to the Parish of *Glencairn*, *John Gordon*, *William Stuart*, and *John Wallace*, Galloway Men. The other Two seized by them, were *Alexander Macrobine* or *McCubin*, of the Parish of *Glencairn*, and *Edward Gordon* from Galloway. Then the Captain carried with him to the Bridge of Orr, where the Laird of Lag was violently pressing the Abjuration upon the Country People. When they came up, Lag presently would pronounce Sentence upon them, being, as we heard, one of the Commissioners in those Bounds, and they refusing to swear, the Captain insisted, that since Four already were summarily executed, an Assize should be called, and they found guilty. Lag swore bloodily, that he would seek no Assizes, and in a Bravado, said before all the Country People, that all who had taken the Oath had sworn these Mens Doom. The Captain got the Matter put off till to Morrow.

Two hanged  
near Irongray  
Kirk Feb. 12.

And next Day they carried them to the Parish of *Irongray*, whither Lag and the Party were going, and hanged them upon an Oak Tree, near the Kirk of *Irongray*, at the Foot of which they were buried. When at the Tree Foot, an Acquaintance of the said *Alexander's* asked him, if he had any Word to send to his Wife. He answered, *I leave her and the Two Babes upon the Lord, and to his Promise, A Father to the fatherless, and Husband to the Widow, is the Lord in his holy Habitation.* When the Person employed to hang them asked him Forgiveness, he said, *Poor Man, I forgive thee and all Men, thou hast a miserable Calling upon Earth.* They both died in much Composure and Cheerfulness.

Five killed at  
Kirkconnel Feb.  
21.

Upon the 21 of the same Month, Captain Bruce, and some Informations before me bear, Colonel Douglas was with him, killed Five Men at *Kirkconnel*, but their Names I have not; and whether they may fall in with some whose Death I have without a Date, I cannot say; but in a few Days this Man sheds a great deal of innocent Blood.

A barbarous  
Murder at Dal-  
win in the Pa-  
rish of Bar,  
Feb. 28.

I have before me an attested Account signed by Persons present, of a very barbarous Execution in the Parish of *Bar*, upon the 28 of February. That Day very late, about Eleven at Night, Lieutenant, or Cornet *James Douglas*, with Twenty four Soldiers, surrounded the House of *Dalwin*, in the foresaid Parish, having got Information, that there were Whigs there. They apprehended *David Martin*, Brother to *John Martin* of *Dalquhairn*, who dwelt there with an old Woman his Mother; and finding *Edward Ryan*, a pious good Man from Galloway, lately come thence to buy Corn, who had fled in betwixt the Gavel of one House, and the Side-wall of another, they dragged him out, and took him through a Yard. He was asked where he lived, and told them, upon the Water of *Mennock*. When one of the Soldiers had him by the Arm dragging him away, without any Warning, further Questions, or permitting him to pray, the said Lieutenant, who was Governor of the Garrison at *Balquhan*, shot him through the Head, and presently discharged his other Pistol, and shot him again in the Head, when lying on the Ground struggling with Death; and one of the Soldiers of the Party coming up, pretended he saw some Motion in him still, and shot him a Third Time. Thus they delighted to mangle the poor People that fell in their Hands, and to abuse their very Bodies. He was but a Youth, and could not have been at *Bothwell*, or any of the Risings, and they had indeed nothing to charge him with but his hiding himself.

When they had thus dispatched this Man, the Soldiers brought out *David Martin* to the same Place, and after they had turned off his Coat, they set him upon his Knees beside the mangled Body. One of the Soldiers dealt with the Lieutenant to spare him till to Morrow, alledging they might get Discoveries from him, and stepped in betwixt him and Six Soldiers who were presenting their Pieces. Thus the Lord sometimes makes the Earth to help the Woman. The Lieutenant was prevailed with to spare him, and bring him into the House. However, *David* through the Fright and Terror, lost the Use of his Reason in a great Measure, and fell into a Palsy, and continued Bed-fast, and much useless for near Four Years, till his Death.

The Soldiers beat and wounded terribly Two other Men who lived hard by, against whom they had nothing, *Thomas Abercromby* Father and Son. They beat and abused the Women most barbarously, and carried away *David Martin*, and one of the *Abercrombies*, Prisoners with them to *Colmonel*, next Morning being the Lord's Day. This Barbarity needs no Observations, and lets us in to see the Manner and Temper of this Time, when Men devoured one another as the Fishes of the Sea; and from it we may guess at the Barbarities exercised in other Cases, where the Accounts are not so distinctly preserved as here.

Some others  
killed this  
Month.

Not a few others were thus killed in cold Blood, without any Indictment or Process, this Month, of whom I have scarce any other Account but their Names. *William Adam* in *Middle-welwood*, who was in no porteous Roll, nor any Way chargeable, was threshing in his Barn, and seeing Sir *John Dalziel's* Company of Dragoons coming, fearing they should come in upon him in the Barn, and propose their ordinary Questions, went out at the back Door,



Door, and hid himself in a marish Ground among some Bushes. The Party seeing him flee, searched for him, and discovering him, instantly killed him. 1685.

Captain *Bruce* in the Parish of *Kirkpatrick* surprized, and instantly shot Three Men, *Wallace*, *Edgar*, and a Third whose Name I have not. And Colonel *Buchan*, with the Laird of *Lee*, and the Soldiers under their Command, without any Process dispatched *Smith*, in the Parish of *Leshmahago*. We heard of one of this Name formerly killed by the Soldiers.

The Accounts of this Month shall be ended with the Murder of that excellent Person *John Bell* of *Whiteside*, and Four more with him. I have little or nothing of any of the rest, but a pretty distinct Account of Mr. *Bell*, and it deserves a Room here, as what is Justice to the Memory of this good Man. *John Bell of Whiteside, and Four others.*

Mr. *Bell* was the only Son of a Gentlewoman, Heiress of *Whiteside*, who after his Father's Death was married to the Viscount of *Kennmuir*. He was a singularly pious and very sensible Gentleman, and since *Bothwell* he had endured a sore Fight of Tribulations. Immediately after *Bothwell* his House was rifled, Three good Horses taken away, and all the Furniture the Party expected to make any Thing of. *Account of Mr. Bell of Whiteside.*

In the Year 1681. *Claverhouse* came, and lay with a Party several Weeks at his House till they had eaten up all the Provision that was there, and when that was done, they forced the People about to bring them Provision, till they with their Horses eat up all his Medows. And when these began to fail them, they went off, spoiling every Thing in the House, and what they could not carry with them, they sold to the People about for Meat and Drink; yea, they broke down the very Timber of the House, and burnt it, and so spiteful were they, that they destroyed the Planting. Likewise they took with them his whole Stock of Sheep, which were many, and all his Horses. And *Claverhouse* took upon him, without any Warrant I can observe, to gift his whole Crop to the Curate, who accordingly took it all for his own Use. Many were the Straits this excellent Gentleman was put to in his Wandrings those Four or Five Years, which I must pass, and come forward to his Murder.

Some time this Month, Sir *Robert Grierson* of *Lag*, with some of *Claverhouse* and *Strachan's* Dragoons, probably upon some Information about Mr. *Bell* of *Whiteside*, came into the Parish of *Tongland* in the Stewartry of *Galloway*, and there, upon the Hill of *Kirkconnel*, surprized him, and *David Halliday* Portioner of *Mayfield*, *Andrew McRobert*, *James Clement*, and *Robert Lennox* of *Iriltoun*, and most barbarously killed them on the Spot, without so much as allowing them to pray, tho' earnestly desired, and, as several Accounts before me bear, after they had surrendred themselves, and he had promised them Quarters. And it is a frequent Remark in many Papers before me, that that bloody and unnatural Man used, whenever he seized People in the Fields, immediately to dispatch them, without allowing them Time to recommend themselves to the Lord.

In this Case Mr. *Bell*, whom *Lag* knew well enough, earnestly desired but a Quarter of an Hour to prepare for Death; but the other peremptorily refused it, cursing, and swearing, What the Devil! have you not had Time enough to prepare since *Bothwell*? and so immediately shot him with the rest, and would not suffer their Bodies to be buried.

A little after this barbarous Murder, the Viscount of *Kennmuir*, *Claverhouse* and *Lag* happened to meet at *Kirkcudbright*, where *Kennmuir* challenged *Lag* for his Cruelty to one whom he knew to be a Gentleman, and so nearly related to him, and particularly that he would not permit his dead Body to be buried. *Lag* answered with an Oath, take him if you will, and salt him in your Beef-barrel. Whereupon the Viscount drew upon him, and had run him through, if *Claverhouse* had not interposed, and parted them. Dreadful were the Acts of Wickedness done by the Soldiers at this Time, and *Lag* was as deep as any. They used to take to themselves in their Cabals the Names of Devils, and Persons they supposed to be in Hell, and with Whips to lash one another, as a Jest upon Hell. But I shall draw a Vail over many of their dreadful Impieties I meet with in Papers written at this Time.

This same fearful Work went on apace in *March* and *April* this Year. I begin with the Death of *William Smith* in the Parish of *Glencairn* in *Nithsdale*, a Country Man's Son there. Cornet *Baily* of the Garison of *Kaitloch*, *March* 2. met with this young Man in the Fields near his Father's House, and had nothing to lay to his Charge save his refusing to answer his Interrogatories, and carried him that Night to the Garison. To Morrow his Father hearing of it, prevailed with his Master *John Lawrie* of *Maxwelltown*, to meet with the Cornet at the Kirk of *Glencairn*, as he hoped, to get his Son liberate; but it proved otherwise to his great Grief. *William Smith killed in the Fields, March 3.*

Upon the Third of *March*, *William* was brought before them, and refusing to answer the Queries put to him, *Maxwelltown* immediately passed Sentence of Death upon him, by virtue of the Power he said he had as a Commissioner. The Cornet opposed this, as what was illegal, unless he would call an Assize and judge him; but this blood-thirsty Man would hear of no Delay, and threatned to delate the Cornet for sparing him so long.

Accordingly he was carried out to the *Race-muir* near by, and shot to Death by a Party of the Soldiers. He died with a great deal of holy Composure and Courage, and in full As-  
ranc



1685.

rance of Faith, declaring to the Spectators that he died for no Rebellion, or any Crime could be laid to his Charge, but only upon Two Heads, for Converse with the persecuted People, as they came and went, which he had acknowledged, and his refusing to discover their Haunts and lurking Places. He said much for the Comfort of his Parents when he took his Farewell of them.

John Brown  
killed near  
Blackwood.

This same Month, as my Accounts bear, but perhaps this might fall out at another Time, since the Figures of the Years in some Narratives before me are faded, and the Ink ill, but the Fact is certain, Lieutenant Murray was going through the Parish of *Lefmahagg*, and met one *John Brown* in the Fields, and promised him Quarters at first, he making no Resistance, but afterwards changed his Mind, and without any Process or Sentence, shot him in a few Minutes, near the *Blackwood* in that Parish.

Five killed  
near *Inglisfoun*,  
April 29.

Upon the 29 of *April*, there was a very bloody Murder committed upon Five Persons, near *Inglisfoun*, in the Parish of *Glencairn*. I give it here from a Narrative writ at the Time. Some of the Names differ from those in the *Cloud of Witnesses*.

One *Watson*  
the Occasion  
of this, and the  
Surprising of  
several others.

The Occasion of their being seized, and of the taking and surprising of several others of the Wanderers at this Time, was this. A profligate villanous Informer, and Apostate, *Andrew Watson*, pretended to be a Sufferer, and last Winter and this Spring, went up and down among the People who were upon their hiding. I little question, but it was this same *Watson* formerly named, as concerned in the Murder of Mr. *Penison* at *Carsphairn*, and that he prompted them very much to that Attempt; and so cunningly was the Game laid, that when before that, the suffering People suspected him a little for his Forwardness, and Neglect, as far as they could observe of that Closeness in secret Duty they wished for; and after they had much deserted him since *Carsphairn* Business, he got himself to be apprehended, and carried to *Dumfries*, and had a sham Sentence of Death passed upon him, all by Concert. We need not doubt but he escaped; and he came, and again essayed to joyn the Wanderers, but they suspected him, and kept at Distance from him, so that at length he cast off the Mask, and listed in the Army.

However, by this Time, this base Deceiver came to be tolerably well acquainted with their Haunts, and lurking Places, and discovered them through *Galloway* and *Nithsdale*; and among others, he made known a Cave near *Inglisfoun*, which had been a Place of Safety and Secrecy to not a few, for several Years. Accordingly, Colonel *James Douglas*, and Lieutenant *Livingstone*, through By-paths, and unusual Ways, came suddenly to this Cave, and surprised in it, *John Gibson* Brother to *James Gibson* of *Inglisfoun*, Heritor of the Ground, *James Kennoch* in *Glencairn* Parish, *Robert Edgar* fled lately from his House for refusing the Abjuration, *Robert Mitchel* from the Parish of *Cumnock* in *Air* Shire, and *Robert Grierson* a *Galloway* Man.

When the Soldiers came up, they shot in on the Cave, and wounded one of them, and then rushed in upon them; and without any Questions asked, or Offers made, Colonel *Douglas* immediately passed Sentence upon them, to be taken out and shot, tho' nothing could be laid to the Charge of any of them, but that they were hiding. It was much that any of them were allowed to pray before their Death.

*John Gibson* was first shot, and permitted to pray, which he did to the Admiration and Conviction even of the Soldiers themselves. He sang Part of the Seventeenth *Psalms*, and read the Sixteenth of *John*, and after praying again, was shot. His Sister got in to him by the Compassion of some of the Soldiers, and he encouraged her greatly, and told her, this was the joyfulest Day ever he had in the World; and in a little, his Mother getting in to him, he requested her not to give Way to Grief, but to bless the Lord upon his account, who had made him both willing and ready to suffer for his Cause and Interest. The rest were dispatched all at once, without being allowed to pray separately. They had great Peace and Consolation, and all of them were shot dead, except one who was not perfectly killed; and when this was observed, one *Fergusson* an Apostate, and once among the Sufferers, now in the Army, drew his Sword, and thrust him through the Body. When the poor Man was weltering in his Blood, and that of his Brethren about him, he cried out, *Though every Hair of my Head were a Man, I am willing to die all those Deaths for Christ and his Cause*. These were his last Words. They ly buried in *Glencairn* Church-yard. Another Account bears, that an old Woman, the Mother of one of them, was seized by the Soldiers, and carried Prisoner to *Dumfries*, where she was threatened with Drowning, because she had reft her own Son.

John Semple in  
the Parish of  
*Dally*.

A signed and attested Account of the Murder of *John Semple*, in the Parish of *Dally*, in the Shire of *Air*, in his own House at *Eldingtoun*, is come to my Hand lately, and I shall insert it in the Words of the attested Narrative.

*John Semple* was a Person who lived a very quiet and innocent Life with his Wife, and Three or Four Children; he never carried Arms, nor gave the least Disturbance to the Government, only from a Principle of Conscience came not to the Church to hear the Episcopal Ministers; and being given to Hospitality, and of a compassionate Temper, he did sometimes harbour those poor People who were then hunted for their Lives.

Upon



‘ Upon these Accounts, *April* this Year, *Alexander Fergusson* of *Kilkerran*, living at *Moorstoun*, a Country House about a Mile from *Eldingtoun*, went to *Blaquhan* Garison, com-  
manded by *Dundas*, and informed against *John Semple*. The Commander detached a Party  
about Sun-set, *Alexander Fergusson* being their Guide, who conducted them first to his  
own House at *Moorstoun*, where they supped.’

‘ And about Midnight, when they reckoned he would be at home, and all ready for their  
Purpose, they came straight towards *Eldingtoun*, and surrounded the House. *John Semple*  
hearing the Sound of their Feet about the House, and a confused Noise of whispering,  
dreaded what was the Matter, and having a right Thought of their Design, considered  
with himself what to do in that Extremity, and at length concluded to venture his Escape  
out at a narrow Window, which while he was endeavouring, and half out and half in,  
Five or Six of the Party espied him, and discharged their Pieces at him, and killed him  
dead in the Spot.’

‘ After they had perpetrated this Murder, as if they had done some worthy Exploit, they  
and the said *Fergusson* went to the Barns of *Bargeny*, and drank and caroused till next  
Night. An honest Woman near that Place, in a little Time meeting with *Fergusson*, chal-  
lenged him, how his Conscience suffered him to be thus accessory to the Death of that in-  
nocent Man, who left a Wife and Four or Five small thistle Children behind him. He  
scornfully replied, that it was a Piece of Kindness done to her and them, since her Hus-  
band, with those he entertained, would have eaten up all they had.’

This is attested by several honest People yet in that Parish, from their particular Knowledge  
of all its Circumstances, *Gilbert MacLurken*, *Thomas Alexander*, and others.

Some Time this Month, *Peter Inglis*, a very cruel Soldier, shot *John Burrie* in the Parish  
of *Evandale*, as he met him, altho’ he had his Pass in his Hand, and had shewed him it.  
Nothing would satisfy this Man of Blood, but the Life of this Innocent, whom he would  
have to be one of the Wanderers. No doubt, in this Multitude of Murders at this Time,  
there are several of them not come to my Knowledge, and the Reader hath but short Ac-  
counts of some of them; but, from the particular and attested Narratives of others, he may  
form an Idea of the rest.

*John Burrie* in  
*Evandale*,

The Month of *May* opens to us yet a more dismal Scene of unaccountable Bloodshed;  
and I may well begin with the horrid Murder of that excellent Person, *John Brown* of  
*Priestfield*, in the Parish of *Muirkirk*, by *Claverhouse*, the First of this Month.

*John Brown* in  
*Priestfield* mur-  
dered *May 1*.

Scarcely ever have I met with greater Encomiums of a Country Man, than I have of  
this Person, from People of Sense and Credit yet alive, who knew him. He had a small  
Bit of Land in that Parish, and was a Carrier to his Employment, and was ordinarily called  
*The Christian Carrier*. He had been a long Time upon his Hiding in the Fields, and was of  
great Use to, and took much Pains upon the instructing of several Youths, who were well-  
meaning in the main, but being now neglected in their Education, and wanting the Advan-  
tage of Sermons, needed Instructions when they came and joyned themselves to the Suffer-  
ers. He was of shining Piety, and had great Measures of solid digested Knowledge and  
Experience, and had a singular Talent of a most plain and affecting Way of communicating  
his Knowledge to others. He was no way obnoxious to the Government, except for not  
hearing the Episcopal Ministers.

Some Account  
of him.

This good Man had come home, and was at his Work, near his own House in *Priestfield*,  
casting Peats. *Claverhouse* was coming from *Lefmahago*, with Three Troops of Dragoons;  
whether he had got any Information of *John’s* Piety and Nonconformity, I cannot tell, but he  
caused bring him up to his own Door, from the Place where he was. I do not find they  
were at much Trouble with him in Interrogatories and Questions; we see them now almost  
wearied of that leisurely Way of doing Business, neither do any of my Informations bear  
that the Abjuration Oath was offered to him.

With some Difficulty he was allowed to pray, which he did with the greatest Liberty and  
Melting, and withal, in such suitable and scriptural Expressions, and in a peculiar judi-  
cious Stile, he having great Measures of the Gift, as well as the Grace of Prayer, that the  
Soldiers were affected and astonished; yea, which is yet more singular, such Convictions  
were left in their Bosoms, that, as my Informations bear, not one of them would shoot  
him, or obey *Claverhouse’s* Commands, so that he was forced to turn Executioner himself,  
and in a Fret shot him with his own Hand, before his own Door, his Wife with a young  
Infant standing by, and the very near the Time of her Delivery of another Child.

When Tears and Intreaties could not prevail, and *Claverhouse* had shot him dead, I am  
credibly informed the Widow said to him, *Well, Sir, you must give an Account of what you*  
*have done.* *Claverhouse* answered, *To Men I can be answerable, and as for God, I’ll take him*  
*into mine own Hand.* I am well informed, that *Claverhouse* himself frequently acknowledged  
afterwards, that *John Brown’s* Prayer left such Impressions upon his Spirit, that he could  
never get altogether worn off, when he gave himself Liberty to think of it.

I have before me a very large and circumstantiate Account of the taking and Death of  
*Peter Gules* near *Mauchlin*, upon the 6 of *May*. The Information bears, that Four more  
were

*Peter Gules*, &  
Four more  
*May 6*,



1685.

were put to Death with him, but none of their Names are set down, save *John Bryce*, who is taken with him, and joyned in the Indictment.

*Peter Gillies*, a Walker of Cloth in a Mill belonging to Sir *James Murray* of *Skirling*, in the Year 1674. was brought to great Trouble for having a Presbyterian Minister preaching in his House, by Mr. *James Buchan* Episcopal Minister in the Parish, and his Master; he was turned out of his House and Possession, and his Losses were very great. In the Year 1682. when in the Parish of *Muirend-side*, in the Shire of *Stirling*, he was again attacked by Mr. *Andrew Ore* Curate there, for Nonconformity, and had a Party of Soldiers sent upon him, and very narrowly escaped. However, he still continued at his Trade till the End of April, this Year 1685. when, the Day before the Highlanders came to *Falkirk*, the Curate went to *West-quarter*, and informed against him, and prevailed with him to get a Party sent to his House next Day.

Accordingly, the last of April, he and *John Bryce* a Weaver in the Parish of *West-calder*, who had come to him to get some Cloth he had dressing, were apprehended. *Peter's* Wife was but brought to Bed of a Child a few Days before, and very tender. In her Sight they threatened him with present Death, and hurried him away without allowing him to speak to her, or change his Clothes.

In less than an Hour's Time, a Party of Soldiers came back to his Wife with a Lie, saying, her Husband had signified that she knew where his Arms were, and if she discovered them, he would not be shot, if not, he would presently on their Return be dispatched. She was a calm composed Christian, and told them, *He had no Arms she knew of, and if they got Liberty to take his Life, she would endeavour to say, Good is the Will of the Lord, and he who did all Things well, could not wrong her or hers.* This put them in a terrible Passion, and they threatened to burn her where she lay, swearing she should live no longer, which was heavy Treatment, especially to one in her Case. They rifled the House, and took away every Thing portable, but some Bibles which they cast from them.

But I must pass many Circumstances in this particular Narrative before me. The Two Men were tied together, and driven before them. When they had carried them some Miles, they bound a Napkin over *Peter's* Eyes, and set him down on his Knees, to be shot with a File of Musketeers before him. In this Posture they kept him upwards of Half an Hour, and then carried him away with them to the West Country, whither they were marching.

May 4. I find them at *Middle-welwood*, in the Shire of *Air*, where *Peter* writes a Letter to his Wife, full of Affection and Serioulness, and leaves her and Five Children on the Lord, with much holy Confidence, and desires her to speak to some of his Relations, and reprove them for their Faults, which he heartily forgives them. He wanted not Impressions that he was to die, and would shortly be beyond the Reach of Enemies, after reading some of the Scripture, for which the Soldiers abused and threatened him.

That Day, they were carried down to *Mauchlin*, and, with some others, were examined by Lieutenant-general *Drummond*, and an Affize was called of Fifteen of the Soldiers, and an Indictment was given them, May 5. It may be, some of my Readers may desire to know the Form used in those summar Justiciary Courts; and therefore, it being short, is inserted.

*Peter Gillies* in *Muirend-side*, *John Bryce* in *West-calder*,

Indictment-a  
gainst Peter  
Gillies and  
John Bryce

you and ilk one of you are indicted, that, contrary the Laws both divine and humane, the Laws and Practices of this Realm, and several Acts of Parliament, ordaining an humble Submission, by all Persons, to kingly Power and Authority, and an Acknowledgment of their just Power and Greatness, and of their full Consent to the Laws and Acts in their Jurisdictions, and giving sufficient Demonstrations of their Loyalty and Adherence to their Prince, as their Head and Sovereign, in all Things and Cases, when required; and the Opposers thereof, and Refusers to give sufficient Testimony of their Loyalty and Consent, as aforesaid, being justly to be reputed Enemies, and not Friends, Rebels and not Subjects, and, by the same Laws and Ordinations, are to be cut off from other loyal, obedient, true, conforming Subjects.

Yet true it is and of Verity, that you, in a manifest Contempt of those Laws, tho' living under a gracious Prince and Sovereign, having cast off all Fear of God, Duty and Allegiance to the King, have not only, contrary to the Word of God, and all Law and Equity, most traiterously and impiously shaken off all Love and Obedience to kingly Power, by a long Time homologating with the Principles of those rebellious Traitors, and Blasphemers of God and the King, joyning with them in their wicked Courses and Practices, wanting nothing but an Opportunity to murder and assassinate his Majesty's Subjects of the contrary Opinion; but also openly and avowedly disowned the King his just Authority and Government, adhered to the Covenant, owning and approving Raising in Arms against the King, and those commisionate by him, and refuse to pray for the King, whereof, and of the other Crimes specified, you being found guilty by an Affize, you and ilk



‘ ilk one of you ought to be punished with Forfeiture of Life, Lands and Goods, to the Terror of others to commit the like hereafter.

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‘ You are summoned to compear before Lieutenant-general *Drummond*, Commissioner of Justiciary, within the Tolbooth or Court Place of *Mauchlin*, this Fifth of May, to answer to your Indictment.’

We may be sure such an Assize would bring them in guilty, and they are sentenced to be hanged at the Town End of *Mauchlin*, May 6. which was done accordingly. No Coffins were allowed them, nor dead Clothes; but the Soldiers and Two Country Men made an Hole in the Earth near by, and cast them all together in it.

Sentence and Execution, May 6.

Upon the 11 of May, we meet with the barbarous and wicked Execution of Two excellent Women near *Wigtoun*, *Margaret Maclauchlan* and *Margaret Wilson*. History scarce affords a Parallel to this in all its Circumstances; and therefore I shall give it at the greater Length, and the rather, because the Advocates for the Cruelty of this Period, and our Jacobites, have the Impudence, some of them to deny, and others to extenuate this Matter of Fact, which can be fully evinced by many living Witnesses. And I shall mostly give my Narrative of it, from an Account I have from the forementioned Mr. *Rowan*, now with the Lord, late Minister of *Penningham*, where *Margaret Wilson* lived, who was at Pains to have his Circumstances fully vouched by Witnesses, whose Attestations are in my Hand; and I shall add, to make the Account more full, the Sufferings of the said *Margaret's* Relations, tho' not unto Death, as coming in natively enough here, and what will hand me in to what I have most in View.

Two Women executed with- in the Sea Mark, at Wigtoun.

*Gilbert Wilson*, Father to the said *Margaret*, lived in *Glenvernock*, belonging to the Laird of *Castleferriart*, in the Parish of *Penningham*, and Shire of *Wigtoun*, and was every way conform to Episcopacy; and his Wife, without any thing to be objected against her, as to her Regularity. They were in good Circumstances as to the World, and had a great Stock upon a good Ground, and therefore were the fitter Prey for the Persecutors, if they could reach them.

*Gilbert Wilson*, *Margaret's* Father, his Sufferings.

Their Children, to be sure, not from their Education, but a better Principle, would by no means conform, or hear the Episcopal Incumbent. This was a good Handle to the Persecutors; so they were searched for, but fled to the Hills, Bogs, and Caves, tho' they were yet scarce of the Age that made them obnoxious to the Law.

Mean while, their Parents are charged at the highest Peril, not to harbour them, supply them, or speak to them, or see them, without informing against them, that they might be taken; and their Father was fined for his Childrens alledged Irregularities and Opinions, which he had no Share in, and harassed by frequent Quarterings of the Soldiers, sometimes an Hundred of them upon him at once, who lived at Discretion, upon any thing in the House or Field belonging to him. Those Troubles continuing upon him for some Years together, with his Attendance upon Courts at *Wigtoun*, almost once a Week, Thirteen Miles distant from his House, his going to *Edinburgh*, and other Harassings, brought him under exceeding great Losses. At a modest Calculation, they were above five thousand Merks, and all for no Action or Principle of his own, for he was entirely Conformist. He died some Six or Eight Years ago, in great Poverty, tho' one of the most substantial Country Men in that Country. And his Wife (1711.) lives a very aged Widow, upon the Charity of Friends.

His Son *Thomas Wilson*, a Youth of Sixteen Years of Age, this February 1685. was forced to the Mountains, and continued wandring till the Revolution, at which Time he went to the Army, and bore Arms under King *William* in *Flanders*, and after that in the Castle of *Edinburgh*. He never had a Farthing from his Parents to enter that Ground which they possessed, but having got together somewhat by his own Industry, lives now in his Father's Room, and is ready to attest all I am writing.

*Thomas Wilson* 16 Years of Age.

It is *Gilbert's* two Daughters, who fell into the Hands of the Persecutors, *Margaret Wilson* of Eighteen Years of Age, and *Agnes Wilson* a Child not Thirteen Years, that have led me to this Account. *Agnes* the youngest was condemned with her Sister by those merciless Judges, but her Father obtained a Liberation from Prison, under a Bond of 100 Pounds Sterling, to present her when called. However *Gilbert* had to go to *Edinburgh* before she was let out; but to all Onlookers and Posterity, it will remain an unaccountable Thing to sentence a Child of Thirteen Years to Death, for not hearing and not swearing.

*Margaret Wilson* 18 Years of Age, and *Agnes* 13 Years of Age.

In the Beginning of this Year, those two Sisters for some Time were obliged to abscond and wander through *Carrick*, *Galloway* and *Nithsdale*, with their Brothers, and some others. After the universal Severities slackned a little at King *Charles's* Death, the Two Sisters ventured to go to *Wigtoun*, to see some of their suffering Acquaintances there, particularly *Margaret Maclauchlan*, of whom just now.

When they came to *Wigtoun*, there was an Acquaintance of theirs, *Patrick Stuart*, whom they took to be a Friend and Welwisher, but he was really not so, and betrayed them; being in their Company, and seeking an Occasion against them, he proposed drinking the King's Health; this they modestly declined: Upon which he went out, informed against them, and brought in a Party of Soldiers, and seized them. As they had been great Malefactors, they

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were



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Margaret M.  
Lauchlan.

were put in the Thieves Hole, and after they had been there some time, they were removed to the Prison where *Margaret M'Lauchlan* was, whom I come next to give some Account of.

This Woman was about Sixty three Years of Age, Relict of *John Mulligen* Carpenter, a Tenant in the Parish of *Kirkinner*, in the Shire of *Galloway*, in the Farm of *Drumjargan*, belonging to Colonel *Vans* of *Barnbarroch*; she was a Country Woman of more than ordinary Knowledge, Discretion and Prudence, and for many Years of singular Piety and Devotion: she would take none of the Oaths now pressed upon Women as well as Men; neither would she desist from the Duties she took to be incumbent upon her, hearing Presbyterian Ministers when Providence gave Opportunity, and joyning with her Christian Friends and Acquaintances in Prayer, and supplying her Relations and Acquaintances when in Straits, tho' persecuted. It is a Jest to suppose her guilty of rising in Arms and Rebellion, tho' indeed it was a Part of her Indictment, which she got in common Form now used.

For those great Crimes, and no other, she was seized some while ago upon the Lord's Day, when at Family Worship in her own House; which was now an ordinary Season for apprehending honest People. She was imprisoned, after she had suffered much in her Goods and Crop before she was apprehended. In Prison she was very roughly dealt with, and had neither Fire, nor Bed toly upon, and had very little allowed her to live on.

Joynly with *Margaret M'Lauchlan*, or *M'Lauchlison*, these Two young Sisters, after many Methods were taken to corrupt them, and make them swear the Oath now imposed, which they steadily refused, were brought to their Trial before the Laird of *Lag*, Colonel *David Graham* Sheriff, Major *Windram*, Captain *Strachan*, and Provost *Cultrain*, who gave all the Three an Indictment for Rebellion, *Bothwel-bridge*, *Air's Moss*, and being present at Twenty Field-conventicles.

No Matter now how false and calumnious poor People's Indictments were. None of the Pannels had ever been within many Miles of *Bothwel* or *Air's Moss*: *Agnes Wilson* could be but Eight Years of Age at *Air's Moss*, and her Sister but about Twelve or Thirteen; and it was impossible they could have any Access to those Risings: *Margaret M'Lauchlan* was as free as they were.

All the Three refused the Abjuration Oath, and it was unaccountable it should be put to one of them. The Ailize bring them in guilty, and the Judges pronounce their Sentence; that upon the 11<sup>th</sup> instant all the Three should be tied to Stakes fixed within the Flood-mark in the Water of *Blednoch* near *Wigtoun*, where the Sea flows at high Water, there to be drowned. We have seen, that *Agnes Wilson* was got out by her Father upon a Bond of an Hundred Pounds Sterling, which, I hear, upon her Nonproduction, was likewise exacted.

*Margaret Wilson's* Friends used all Means to prevail with her to take the Abjuration Oath, and to engage to hear the Curate; but she stood fast in her Integrity, and would not be shaken. They received their Sentence with a great deal of Composure, and cheerful Countenances, reckoning it their Honour to suffer for Christ and his Truth. During her Imprisonment *Margaret Wilson* wrote a large Letter to her Relations full of a deep and affecting Sense of God's Love to her Soul, and an intire Resignation to the Lord's Disposal. She likewise added a Vindication of her refusing to save her Life by taking the Abjuration, and engaging to Conformity; against both she gives Arguments with a Solidity and Judgment far above one of her Years and Education.

This barbarous Sentence was executed the foresaid Day, May 11. and the Two Women were brought from *Wigtoun*, with a numerous Crowd of Spectators to so extraordinary an Execution. Major *Windram* with some Soldiers guarded them to the Place of Execution. The old Woman's Stake was a good Way in beyond the other, and she was first dispatched, in order to terrify the other to a Compliance with such Oaths and Conditions as they required.

But in vain; for she adhered to her Principles with an unshaken Stedfastness. When the Water was overflowing her Fellow-martyr, some about *Margaret Wilson* asked her, what she thought of the other now struggling with the Pangs of Death. She answered, what do I see but Christ (in one of his Members) wrestling there. Think you that we are the Sufferers? No, it is Christ in us, for he sends none a Warfare upon their own Charges.

When *Margaret Wilson* was at the Stake, she sang the 25 Psalm from Verse 7. downward a good way, and read the 8 Chapter to the *Romans* with a great deal of Cheertfulness, and then prayed. While at Prayer, the Water covered her: But before she was quite dead, they pulled her up, and held her out of the Water till she was recovered, and able to speak; and then by Major *Windram's* Orders, she was asked, if she would pray for the King. She answered, she wished the Salvation of all Men, and the Damnation of none. One deeply affected with the Death of the other and her Case, said, Dear *Margaret*, say, God save the King, say, God save the King. She answered in the greatest Steadiness and Composure, God save him, if he will, for it is his Salvation I desire.

Whereupon some of her Relations near by, desirous to have her Life spared, if possible, called out to Major *Windram*, Sir, she has said it, she hath said it. Whereupon the Major came near, and offered her the Abjuration, charging her instantly to swear it, otherwise return to the Water. Most deliberately she refused, and said, I will not, I am one of Christ's Children, let me



me go. Upon which she was thrust down again into the Water, where she finished her Course with Joy.

She died a Virgin-martyr about Eighteen Years of Age, and both of them suffered precisely upon refusing Conformity, and the Abjuration Oath, and were evidently innocent of any Thing worthy of Death; and since properly they suffered upon refusing the Abjuration, for refusing of which such Multitudes were cut off in the Fields with less Ceremony, and at the Time when these Murders were so common, I have brought them in here.

It is of more Importance to observe, that in the Council-registers, since I wrote what is above, I find what follows. 'April last, Margaret Wilson, and Margaret McLauchlison, under Sentence of Death pronounced by the Justices, are continued till and the Lords of his Majesty's Privy Council recommend it to the Secretaries to procure their Remission.' The Day to which they are reprieved is blank in the Records; but I may safely suppose it would be for a longer Day than the 11 of May, there being scarcely Time 'twixt the 30 of April and that, to get a Return from the Secretaries. Indeed at this Time, a Recommendation from the Council for a Remission, was looked on as a material Pardon; and if I may conjecture, Gilbert Wilson, when he, as we heard, after the Sentence upon all the Three, made Application at Edinburgh, seems to have prevailed as to all the Three, and the Case was extremely favourable. If Matters stand thus, the People at Wigtown are deeply guilty, and had no Powers for what they did; and the Death of these Persons, was what the Council ought to have prosecuted them for.

This 11 of May hath been a black, and very remarkable Day for Blood in several Places. From Anandale I have a vouched Account of the Murder of Andrew Hislop, in the Parish of Hutton, there that same Day. Satan was now come down in great Rage in his Instruments, it was well his Time was but short.

Andrew Hislop was but a Youth, and lived, as did his Brother and Sisters, with his Mother, a very honest religious Woman. To her House, it seems, one of the suffering People, upon his hiding, had come, being indisposed, and after some Days Sickness, died there. She and her Sons fearing Persecution for Reset and Converse, after he was dead, caused bury him in the Night-time, in the Fields near by.

The Grave being discovered, Wester-raw came with a Party of Men, and most barbarously turned up the dead Body out of the Grave, and Coffin, and perceiving him a Stranger, strict Enquiry was made about him. They very soon got Notice that the Corps had come out of the abovesaid Widow's House.

Whereupon Wester-raw went immediately to the House, and spoiled it, taking away every Thing that was portable, and pulled down the House, putting the Woman and her Children to the Fields. When thus they are forced to wander, Claverhouse falls upon Andrew Hislop in the Fields, May 10. and seized him, without any Design, as appeared, to murder him, bringing him Prisoner with him to Eskdale unto Wester-raw that Night.

I said somewhat before, with relation to this bitter Persecutor Sir James Johnstoun of Wester-raw; and the Writers of the Cloud of Witnesses observe from Mr. Alexander Shiels's Account, I suppose, that he was once a Covenanter, a great Professor, and Zealot for the Presbyterian Establishment; and even when the Test began to be talked of, he pretended a Regard for Presbytery, and that he would not take the Test, but as soon as the Trial came to his Door, he took it, and turned a violent Persecutor of Presbyterians, as all Apostates generally are. He died about the Revolution, under dreadful Torture in Body from the Gravel, and in no small Agonies of Mind for his past Ways.

Andrew being taken upon his Ground, he would needs signalize his Loyalty in having him dispatched in the Fields; and as one impowered by the Council, he passed a Sentence of Death upon him. Claverhouse in this Instance was very backward, perhaps not wanting his own Reflections upon John Brown's Murder, the First of this Month, as we have heard, and pressed the Delay of the Execution; but Wester-raw urged till the other yielded, saying, The Blood of this poor Man be upon you, Wester-raw, I am free of it.

Claverhouse ordered a Highland Gentleman, Captain of a Company who were traversing the Country with him, to shoot him, with some of his Men. The Gentleman peremptorily refused, and drawing off his Men at some Distance, swore he would fight Claverhouse and his Dragoons before he did it. Whereon he ordered Three of his own Men to do it.

When they were ready to fire, they bid Andrew draw down his Cap or Bonnet over his Eyes. He was of an undaunted Courage, and refused to do so. He told them, he could look his Death-bringers in the Face without Fear, and had done nothing whereof he was ashamed; and holding up his Bible which he had in his Hand, charged them to answer for what they had done, and were to do, at the great Day, when they were to be judged by that Book. His Mother lost to the Value of Six hundred and Fifty Pounds Scots. In the Place where he was shot, he lies buried in Craighaugh in Eskdale Muir.

A Third Instance of the Bloodshed of this Day, I have before me, attested by Two Persons called to be Witnesses to it, in Terms of the Council's Act, tho' I find it not used almost any where but in this Case. It was committed at Polmadie, about a Mile South of the City

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Remarks on the whole.

Andrew Hislop killed May 11.

Three murdered at Polmadie near Glasgow, May 11.



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Arrested Narrative of this by the Under-Subscribers.

of *Glasgow*. I shall give the Narrative in the Words of the signed Declaration. This violent and hairy Murder, for any Thing I know of, hath not been distinctly narrated hitherto; and yet it is as bare-fac'd an Instance of the Barbarity of this Period as many; and I hope it will be acceptable in the plain and natural Narrative of the Two Country People yet alive, attesting it.

We Undersubscribers, *John Reid* and *Andrew Cochran*, do declare, that we being then Servants in *Shawfield*, were about our Master's Business at *Polmadie-mill*, May 11. 1685. saw Major *John Balfour*, Captain *James Maitland*, *Menzies*, *Mackenzie*, and some others upon Horseback, come to *Polmadie*: Major *Balfour* seeing us at the Mill, asked us to whom we belonged. We answered, we were Servants to Sir *James Hamilton's* Tenants in *Shawfield*. The Major commanded us to stand still, till he told us what to do. We saw them apprehend Three Men, Two whereof were Weavers, whom they brought off their Work-looms, *Thomas Cook* and *John Urie*, who had nothing upon them but their working Clothes. *Thomas Cook* was first taken, and because he came not out to *Balfour* at the first Cry, the Major struck him on the Face with the Horse-whip, as the Blood so gushed out, that he could hardly speak. Then having a cocked Pistol in his Face, keeping his Thumb on the Dog, cried, Blood and Wounds, he was a Rebel. Within a little there came up One and twenty Footmen, and a Serjeant, who ran through the Houses, and apprehended *Robert Tom* a Land-labourer, upon whom *Balfour* set a Guard, saying, he was a strong Man, and called for Match to bind him, but found none. When all the Three were taken, the Officers consulted among themselves, and withdrawing to the West Side of the Town, questioned the Prisoners, particularly if they would pray for King *James VII.* They answered, they would pray for all within the Election of Grace. *Balfour* said, Do you question the King's Election? They answered, Sometimes they questioned their own. Upon which he swore dreadfully, and said, they should die presently, because they would not pray for Christ's Vicegerent, and so without one Word more, commanded *Thomas Cook* to go to his Prayers, for he should die. *Thomas* desired the Major he would let him live. The Major asked, how long. *Thomas* answered, Two Days. The Major swore again, he should live no longer. The other said, he could not help it then.

And immediately *Balfour* drew out Three Musketeers, and placed them behind him, while he sat upon his Knees praying. They took some Gravats from some of the Country Men standing by, and covered their Faces. Then the Major ordered Two of the Musketeers to fire, and if *Thomas* stirred after that, the Third was to fire, which was done, and he slain outright.

Then he commanded the other Two to bequeath themselves to God, for they were immediately to die, and straight did with them as with the first. All the Three were murdered within an Hour after they were apprehended. When dead, they drew off some of their Clothes, saying, they might do good to a Soldier; but when they perceived their Dogs licking the slain Mens Blood, they cast them on the Corps again, and ordered us to go our Way, and tell what we had seen.

We remember further, that Captain *Maitland* said to the rest of the Men of *Polmadie*, Why did you harbour those Men so near a Garison? and holding up his Hands, said, As the Lord liveth, I have no Pleasure in the Death of those Men. The rest of the Men in *Polmadie* were carried Prisoners to *Glasgow*, and from thence near to *Dunotter*, ere some of them could win off.

*John Reid.*  
*Andrew Cochran.*

I shall only add, that I sent this Account to the Gentleman above named, Captain *Maitland*, who died much regreted a few Years ago; and he acknowledged, the Whole of the Country Mens Account was Fact.

*Andrew M.  
Quaban*

The Seventh Person murdered this Day, I cannot give so distinct Account of as of the preceeding. Only I find Lieutenant Colonel *Douglas* upon the 10 of May came into an House in some of the neighbouring Parishes to the *Newtown* of *Galloway*, found a religious good Man, *Andrew M<sup>c</sup>Quaban*, lying very ill of a Fever, and putting his Questions to him, which he not being able, or, it may be, unwilling to answer, he caused the Soldiers who were with him, take him out of his Bed, and carry him with them to the *Newtown*, and next Morning shot him there, without any Process or Assize.

*James Kirko  
May 13.*

Upon the 13 of May, I find another good Man cut off, *James Kirko* in the Parish of *Keir*. This Man could not fall in with the strict Conformity, and Oaths now required, and was forced to leave his House, and wander. While he is on his Hiding in the Parish of *Hollywood* near *Dumfries*, a Person who professed no small Kindness to him, and yet refused him Lodging, directed him to some retired Place not far off, to lurk in, sent in to *Dumfries*, and acquainted the Soldiers that there were Wanderers not far from his House. And Captain *Bruce* came out straight with a Party of Dragoons, and seized the said *James*. When



When taken, the Captain offered him the Abjuration: This he modestly refused, as what he took to be inconsistent with his solemn Oaths to God. Whereupon he was ordered presently to prepare for Death: Which he addressed himself to, and sang Part of the 116 Psalm about Vows, and read a Portion of the Scripture, and prayed. Then the Dragoons pressed him to discover the Haunts of his Fellow-wanderers, and they would spare him. He excused himself, and said, he durst not redeem his Life at so dear a Rate.

After this they carried him Prisoner to *Dumfries-water Sands*, and there the Captain put some more Questions to him, which he declined to answer; whereupon he was ordered immediately to be shot. He begged the Captain would but spare his Life till to Morrow. No, said the Captain, no more Time, the Devil a Peace you now get made up. *James* said, Sir, you mistake it, you cannot mar my Peace with God. At this the Captain raged, and cried, Dogs, make ready, speaking to the Soldiers, for the Devil a Peace shall he get more, and so straightway he was shot, without allowing him so much as to pray.

I have some Informations before me of great Severities exercised by the Soldiers this Month, upon one *Matthew Donald*, who had been in Prison some Time, for mere Nonconformity, at *Glasgow*, which are not so full as I could wish; but he may upon the Matter be reckoned among those murdered this Month. This good Man fell very ill in the Tolbooth of *Glasgow*; notwithstanding he appeared to be in a dying Condition, he was sent out with some other Prisoners whom they were carrying into *Edinburgh*. When they came to *Cadder*, the dying Man's Strength failed him, and he could walk no farther. The Soldiers meeting with a Sledge on the Road, most inhumanely bound him to it, and dragged him away, and in a very little he died among their Hands on the high Road.

In Summer these Executions in the Fields slackned a little: So many had been butchered, that Subjects began to fail them; yet more Instances offer, several of which I have only the general Dates, that they were done this Year, and I shall be but short upon them.

June 10. the Lord *Anandale*, and *Grierison* of *Lag*, were pursuing some of the hiding People in the South, and searching for Nonconformists and such who refused the Oaths; and hearing of Four Wanderers in the Parish of *Twinam*, they hunted for them through all that Bounds with Sixscore of Horse in different Parties. My Lord *Anandale* and his Party fell in with *David Haliday* in *Glencayre*, and *George Short*; and upon their Surrender he gave them Quarters, till they should be tried to Morrow.

When that cruel Man *Lag* came up, he would have them shot presently as they lay bound in Tedders upon the Ground. They begged they might have to Morrow to prepare for Eternity, and my Lord *Anandale* told him he had promised so much: But nothing could move that merciless Man, he swore they should have no Time, and ordered his Men to shoot them straight. For some Time they refused, till he threatened to do it himself; and they were shot just as they lay bound on the Ground, and their dead Bodies continued in their Gore till next Day.

Some time this Year, there were Three Men in the Parish of *Penningham* taken and executed very summarily, *William Johnstoun* Gardiner to the Laird of *Fintiloch*, *George Walker* Servant in *Kirkcaldy*, and *John Milroy* Chapman, living in *Fintiloch*. The first of them had been abundantly conform, yea, had taken the Test some Time before; but after he had swallowed that Oath he fell under deep Remorse, and became seriously thoughtful about his Sins, Soul's State, and spiritual Things, about which he had no Concern before. Whereupon he deserted hearing the Curate, who soon informed against him, and he was forced to leave his House, and wander.

For some Time he with the other Two kept close in their hiding Places; but after many remarkable Escapes, they were at last taken by a Party sent out by Major *Widdram*, and brought in Prisoners to *Wigtoun*, where the Major examined them, and they declining to answer some of his Interrogatories, and peremptorily refusing to joyn in hearing the Episcopal Minister, without the Trouble of any Assize, or Trial, caused hang them all at *Wigtoun* the very Day after they were apprehended.

Some Time this Summer, Four Men were coming from *Galloway*, where they had been hearing Mr. *Renwick* in the Fields, to the Shire of *Air*, *Joseph Wilson*, *John* and *Alexander Jamisons*, and *John Humphrey*. A Party of Soldiers overtook them at *Knockdon-hill*, and upon their Confession they had been hearing a Sermon, they immediately shot Three of them. What were the Reasons of sparing *Alexander Jamison*, I know not.

Upon the same Day, the same Party of Dragoons took *Simon Paterson* and *David Dun*, for any Thing I can find, upon their being at the same Sermon, and carried them with them to the Gallows that was standing at *Cumnock*, and, without any Trial, Witnesses, or Jury, hanged them the same very Day.

About this Time, a very barbarous Murder was committed upon *Thomas Richard* in *Greenock-mains*, in the Parish of *Muirkirk*, a good Man near Eighty Years of Age. *Peter Inglis* Cornet, Son to Captain *Inglis*, with some Soldiers, pretended they were Friends, and some of the Remains of *Argyle's* Men. One of my Informations bears, that the better to carry on the Cheat, they had Bibles with them, and pressed and prevailed with *Thomas* to pray



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pray with them; and when at Prayer, some of them took Notes of some Expressions, and afterwards they advised with him upon a designed Attack which they pretended they were about to make upon a neighbouring Garison. Two other Narratives before me omit these Circumstances, and say, Captain *Inglis* came in to *Thomas's* House with Four or Five Men pretending to be Whigs; and after some other Discourse asked him, if he knew where any of the honest Party were. The old Man, in the Innocence of his Heart, suspecting no Cheat, answered, he knew not of any at present, but that he had lodged some of them some Days ago, and was not yet unwilling to give them any Entertainment he had. Thus the Jest was carried on for a little, till one of them bewrayed himself by an Oath, and then they all cast off the Mask, and carried the good old Man to Colonel *Douglas* then at *Cumnock*, who precisely upon this alledged Confession, without Jury or Trial, next Day executed him there. I am well informed from a reverend Minister present, that his Case was so favourable, that Three Ladies of the Episcopal Perswasion, upon hearing of it, went to the Colonel to beg his Life, but were not admitted; only they had a Message sent them, that he could shew no Favour to these People.

*William Paterson  
in Cambusnethan*

Likewise this Year I find *William Paterson*, Son to *Robert Paterson* in *Kirkhill*, in the Parish of *Cambusnethan*, who was killed, as we heard, at *Airs-moss*, was shot in the Fields. This good Man was cast out of his House some Years ago by his Master *Muirhouse*, merely for Noncompliance with Prelacy. His poor Family was broken and scattered, and he himself forced to wander through many Difficulties, at length taken and sent away to be a Soldier abroad. There he made his Escape, and came home. After some time's hiding, he was again this Year taken in a Place called *Charon-beugh*, upon a Sabbath. There were Fourteen Persons in that Place, Ten of whom, on the Soldiers Approach, got into a secret Place in the Cave, *William* and Three others were taken, the other Three took the Abjuration. *William* refusing it, the Soldiers carried him with them to *Evandale* Castle, where that Afternoon, without any Trial, he was shot by Captain *Bell*.

Some other Murders may come in upon some of the following Sections, but those may suffice to give some View of the Bloodshed in the Fields this Year, and this Section is already long enough.

## SECTION VII.

*Of the Searchings, Oppressions, and Harassings through the Country, and other Sufferings of Presbyterians, not unto Death, till the Parliament met this Year 1685.*

**H**itherto upon this Year I have mostly given an Account of the Sufferings unto Death, at *Edinburgh*, and through the West and South: Let me now take a more general View of the Sufferings of such who escaped with their Lives, in the first Months of this Year, and the Difficulties and Harassings of the Country, which were heavy enough in their Kind.

I have already taken notice of the lamentable State of many Places by the Courts, and the Procedure of the Soldiers in pressing the Abjuration; and indeed it would be wearisome both to the Reader and me, to go through all the other Courts which were held, the fearful Spoils committed upon Parishes and Families, the many Wandrings vast Multitudes were forced to this Year, whereby they were in Deaths often. In this Place I shall only take notice of some before the Meeting of the Parliament, and leave the rest to another Section.

The Models and first Essays of that Persecution, which afterward was carried on with less Form and Order through the Kingdom, were many Times formed and begun at *Edinburgh*. Accordingly, in prosecution of the Act of Council formerly noticed, the Magistrates of *Edinburgh* publish a Proclamation *January 9.* for taking up exact Lists of all the Indwellers in the City and its Liberties, which I have added *App. No. 105.* I need make no Remarks upon it. Certainly it was hard enough to oblige People on Oath to give in Lists of Persons who had lodged with them for near Ten Weeks Time, especially such who kept publick Houses, and might have different Lodgers every Night.

It is not improbable the same Method was taken in most part of the other considerable Burghs. As this was an arbitrary Imposition, contrary to the Liberty of the Subject, so it was of no small Use to the Designs in Hand. I have formerly observed, that when the Persecution in

*Proclamation  
of the Magi-  
strates of Edin-  
burgh Jan. 9.*

*App. No. 105.*



in the Country turned warm, the Cities were a Kind of Refuge to the Sufferers. And now resolving to spare none, they endeavour to prevent this.

To help forward all the other Parts of Persecution through the Country, and according to the Instructions we formerly heard were given to Lieutenant-general *Drummond*, several new Garisons were planted, and the old ones strengthened. From what is narrated above, we may easily guess what a Burden these Garisons were to the oppressed Country, and what Difficulties they brought to the suffering Hiders and Wanderers.

Their Parties were almost continually in Motion; and when in the Garison they were still ready by Night and Day, to move upon the first Hints given them from the Multitudes of Informers and Spies they had every where, and attack Persons, Houses, or Parishes. Most of these Informations were groundless, and consequently many of their Attacks were upon innocent Persons, even by their own Laws; but readily they returned not empty, where there were no real Delinquents, they made some or other guilty, and it was easy now to do so. This Month the Garisons were strengthened or settled at *Earlstoun, Waterhead, Machinmore* in *Galloway*, and several Places in *Air, Lanerk, and Nithsdale*.

This Month the Town of *Glasgow*, and the Places round, were mightily oppressed with Searches, and they continued very frequent for Two or Three Months. Their Uneasiness to the Subject, and the Severities exercised at them, I have more than once pointed at; and I shall give only another Instance of the Treatment of poor People, at them this Month.

*Thomas Jackson* in the Parish of *Eastwood*, of whom before, was in the Year 1683. apprehended somewhere near *Hamiltoun*, and for mere Nonconformity banished to *West Flanders*. There he was sold as a Slave, and engaged in the War against the *Spaniards*. He took the first Opportunity that offered, and left the Service, and got into a *French Ship* coming home, and from *France* got over again to his native Country.

Towards the Beginning of this Year, in a close Search at *Glasgow*, he was taken by Major *Balfour* and Colonel *Buchan*. When seized, he made some Struggle to defend himself, and escape, in which he was fearfully wounded in the Head, and terribly mangled. Upon Examination they found he had been banished, and broke his Act of Banishment, and threatened him with present Death.

Accordingly he was carried down to the Green, and ordered to be shot. This did neither damp nor confuse him; he was ready for his Change, and no way discouraged. When the Soldiers were drawn out to fire upon him, and he set before them, and in some Measure had tasted of the Bitterness of Death, somewhat or other made them alter their Resolution, if it was settled before.

And he was sent back to Prison to endure greater Hardships. In a few Days he was sent in to *Edinburgh*, where he lay in the *Thieves-hole*, with Irons upon him, Two and thirty Weeks. All that Time he was never free of the Irons, both upon his Legs and Arms, except once for a few Hours, when he was brought before some Committee or other, who remitted him to the Irons again, for Seventeen Weeks more; at length he was banished to *New Jersey*, and died in the Voyage.

These Searchings continued at *Glasgow*, and it stood very hard now with all Nonconformists. On the 6 of *March*, Three honest good Men were seized, *Robert Logan, George Muir, and John Gilfillan*, who were upon their Hiding, merely because they could not fall in with the present Impositions. Major *Balfour*, (who when I write this, 1715. is among the Rebels at *Perth*, and in *Fife*) by his Informers, had Notice they were in the House of one *Sarah Kirkland*, and sent a Party of his Men, and seized them. Two of them, without any Power from, or Sentence of the Council, I have heard of, were sent off by the Major to the Plantations, the other was sent to *Dunotter*.

The Woman in whose House they were, though nothing could be otherwise charged upon her, was put in Prison, and for some Months kept there, and, in *May*, sent with other Prisoners to *Dunotter*, but happily by the Way found Means to escape. She was forced to wander up and down in remote Corners, till the Liberty 1687. The Soldiers, as was their Custom in such Cases, rifled her House and left her nothing.

About this same Time, a profane Fellow in *Glasgow*, *John Speir*, listed himself a Soldier under Major *Balfour*. The Army now was the common Shore for profligate and wicked Youths, and they were very fit Tools for Persecution. This Man got an Order to search *Mrs. Gardner's House*, Relict to Mr. *James Gardner*, a Presbyterian Minister, of whom before, and there he caught Mr. *William Boyd*, then a Student of Divinity, afterwards licensed abroad, and at the Revolution ordained Minister at *Dalry* in *Galloway*. In a little Time Mr. *Boyd* got out; but very soon after this, *Speir* was ordered to stand Sentinel at the Stable-green Port at *Glasgow*, and whether in Drink, or what the Reason was, I know not, but he fell off the Battlement upon the Port, and broke his Neck.

This same Month affords flaming Instances of the Severities of the Soldiers up and down the Country, and particularly of *Claverhouse* in more Places than one. Upon the Rumours of *Argyle's* Designs upon *Scotland*, and *Monmouth's* upon *England*, the Violences of the Army increased, and the Ravages now made, especially by *Claverhouse* in *Clydsdale, Anandale*, and

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Garisons.

Searches.

*Thomas Jackson*  
in *Eastwood* taken at one of them, his sufferings.

*Robert Logan, George Muir, and John Gilfillan.*

*Sarah Kirkland*

Great Severities in the southern Shires by *Claverhouse*.



1685. and *Nithsdale*, may justly surprize the Reader; it is but some general Hints which I shall touch at, for Particulars would be endless.

Upon the 10 of *March*, all Freeholders, Heritors, and Gentlemen in *Nithsdale* and *Anandale*, and, I suppose, in most other Shires of the Kingdom, but I name those as being the Scene of the Severities now used, were summoned to attend the King's Standard, and the Militia in the several Shires were raised. Wherever *Claverhouse* came, he resolved upon narrow and universal Work.

He used to set his Horse upon the Hills and Eminencies, and that in different Parties, that none might escape; and there his Foot went through the lower, marshy and mossy Places, where the Horse could not do so well. The Shire he parcelled out in so many Divisions, and Six or Eight Miles square would be taken in at once. In every Division the whole Inhabitants, Men and Women, young and old, without Distinction, were all driven into one convenient Place.

When thus got together, he called out as many of them as he saw proper, at once, till he got through them, and interrogate them severally, if they owned the Duke of *Tork*, as he was formerly called, to be King. When they had done so, he took an Oath of all the Men that should stand by him, and still own him as King, and never do any Thing against him.

Not satisfied with this, he interrogate them next, if they had taken the Abjuration; and some, whom he suspected, he posed upon their Oath, whether they had ever repented their taking the Oath now imposed. If they answered, they did not, then he made them promise, upon their renouncing their Part in Heaven, they should never rue their so doing; and when they had complied with all his Impositions, he would let them go, saying, *Argyle shall have a perjured Dog of you.*

All this was done to great Numbers of poor Country People, surrounded all the while with the Soldiers, with their Guns charged, and under bloody Threatnings, they should presently die if they complied not in every Point. Where any refused to swear, his Way was most barbarous; the Man was carried some few Paces from the rest, and a Napkin tied up on his Face, and the Soldiers were ordered to fire either blank Powder, or to shoot over his Head. And when they had thus brought him under the Terror of Death, he was once more offered his Life upon his swearing, and promising to inform against all disloyal Persons. By those Methods he carried his Designs in a great Measure.

Somewhat yet more cruel, if possible, follows. All the Children in the Division were gathered together by themselves, under Ten Years, and above Six Years of Age, and a Party of Soldiers were drawn out before them. Then they were bid pray, for they were going to be shot. Some of them would answer, Sir, we cannot pray. Then they were ordered to tell when they saw Men and Guns in their House, and if any Men with Guns and Swords got any Meat in their House, or who took it to the Door to them, and such other Questions, and they should not be shot.

Several Children of Seven or Eight Years of Age, were carried about with the Soldiers, who sometimes would offer them all fair Things, if they would tell of their Parents, and what People used to come to, them late at Night, and go away early in the Morning, or if they knew where their Fathers were, and who in the House carried any Thing to them. At other Times they treated them most inhumanely, threatening them with Death, and at some little Distance would fire Pistols without Ball in their Face. Some of the poor Children were frightened almost out of their Wits, and others of them stood all out with a Courage perfectly above their Age.

These Accounts are so far out of the ordinary Way of Mankind, that I would not have insert them, had I not before me several Informations agreeing in all these Circumstances, written at this Time by People who knew the Truth of them; and I own, if Multitudes of Things done in this terrible Period, did not convince me that the Soldiers stood at nothing, tho' never so odd, that might serve their Purposes, I could not give that Credit to them I am forced to do.

I have omitted many Particulars and Circumstances of the Severities of *Claverhouse* in the South Country, at this Time; but there is one vouched Instance I cannot pass, which will support those Generals, and shew, that their out of the way Methods were not without some Success.

Severity to a Child.

In the Parish of *Closburn*, *Claverhouse* with a Party came to a Country Man's House, upon some Information given him against the Man. It was little Wonder People fled at this Time, when by any Means they could. Thus the whole Family, getting some Notice that the Soldiers were near by, fled, leaving a Child of Eight or Nine Years of Age in the House. *Claverhouse* finding he was the Man's Son, and that by fair Means he would answer no Questions, shot one of his Pistols at some Distance from him. The Child stood firm, and would answer no Questions. Then he shot another Pistol very near his Head, which terribly frightened him; and at length he told them all he knew anent his Father, the Family, and Neighbours.



According to the Informations thus gotten, he sent his Parties up and down the Country in quest of such as escaped him. Thus he continued until *Argyle's* Defeat, exercising all Manner of Severities, driving Thousands of Kine and Sheep from *Eskdale*, and the adjacent Country. After the Earl was taken, he went into *Edinburgh* to the Council, and boasted of the mighty Feats he had done in the South. 1685.

During those Months, and particularly that of *April*, the Parishes of *Closburn* and *Dalgermo* were sore harassed, as appears by many Instances before me. The Persecutors now here and there through the Country, had trained up many to be Spies, and taught them to feign themselves Sufferers; and when they came to be known in one Part of the Country, they would send them to another at great Distance, where for some time they were not known. Spies.

When they had been some while with the Wanderers, till they understood their Places of Retreat, they came off, and were Guides to the Soldiers; and as soon as by those Means any of the Sufferers were seized, the Houses where they were, were generally destroyed, and all in them portable carried off, the Doors taken off, and Windows turned out, and it was a great Favour if they were not burnt, as many indeed were.

It is observed in my Informations, that great Cruelties were this way exercised by Colonel *Douglas*. All Persons found upon the High-way, or in the Fields at their Work, were forced upon Oath to answer their Interrogatories, and, generally speaking, all who came to their Hands were forced to take the Abjuration; any who scrupled were immediately carried with them, and it was much if they were not shot on the Spot.

Many Accounts are come to my Hand, of the oppressive Carriage of the Soldiers in other Places at this Time, too long to be inserted. From *West Calder*, *Livingstone*, and the neighbouring Parishes, I find it observed, that when there had been some slackning of the Severities after the killing of *Kennoway* and *Stuart*, and in pressing the Abjuration, the savage Highlanders came in among them, towards the End of *April*, and all who had escaped the former Courts were sore put to it, and many made Prisoners. Severities in West calder, Livingstone, &c.

Their March was very swift and sudden, and a great many were surprised. It was generally reckoned their March would have been from *Stirling* straight to *Glasgow*, had it not been for the pressing Instances of some of the Clergy, particularly the Curates of *Mid-calder* and *Livingstone*, who were most earnest to have them among their Parishioners; and the first Companies of them were in *West-calder*, before the Country about knew of their coming. They searched for all Nonconformists and suspect Persons in that Parish Two Days, and committed great Spoils. Another Party was in *Bathgate*, and another in *Shots* Parish.

Great was the Spite and Virulence Mr. *George Honnyman*, Curate in *Livingstone*, manifested against the People in the West End of his Parish, at this Time, who kept not the Church so well as he would have had them, and several who had escaped at the Abjuration Courts. I must not enter upon all the particular Instances before me. He sent Directions and a written List to the commanding Officer at *Bathgate*, and the Names of such as he would have apprehended. Next Day a terrible Ravage was made, many, whose Names I omit, were taken. Six Horses were taken from the *Fall-house*, worth upwards of Four hundred Merks, and considerable Sums of Money, an Hundred Merks from some, and less from others; all which came to a very large Sum. *William Lightbody*, *James Fairly*, *James Walker*, *Thomas Steil*, and *John Rankin*, a Servant lesed a little in his Understanding, were carried Prisoners to *Lanerk*, and lay some Months there. And that Day the Three Parties before mentioned, made a diligent Search for Wanderers through *Livingstone*, *Calder*, *Carnwath*, and *Auchter-muir*. Share of Mr. George Honnyman in the

Many remarkable Escapes and Deliverances ly before me in the Accounts from those Parishes, which I must omit, particularly of one young Man who was once among the Soldiers Hands, but not knowing him, he got off, for whom they said their Minister Mr. *Honnyman* had promised them Five hundred Merks. If they wronged their Friend they must be blamed. But the following Account, which several Informations before me bear, is yet recent in that Country, and, what I could not pass, makes the Soldiers Tale not improbable.

Amongst others in *Livingstone* Parish, upon whom Mr. *Honnyman* hounded out the *Bathgate* Party, they had particular Directions against *Thomas* and *Robert Russels* of *Fall-house*, Heritors. Their Horses satisfied the Highlanders, and they themselves were not seized. They would willingly have had their Horses back, and knew no Body could sooner prevail than their Minister; and tho' none of them had taken the Abjuration Oath, which was *Honnyman's* Quarrel with them, yet they were both his Hearers, and one of them his Elder, and they did not expect he would flatly betray them.

Accordingly they came to him, and besought him to interpose, that they might have back their Horses. At first he abused them terribly, for not appearing at the late Courts, and not taking the Oath, and giving an ill Example to others. They bore all, and insisted, he would make them some Help to get their Horses. At length he seemed to yield, and wrote



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a Letter directed to the Commander of the Forces at *Lanerk*, and after he had sealed it, gave it them, with Orders to deliver it themselves.

Suspecting nothing, they went away, and came the length of *Carlouk*, in their Way to *Lanerk*, where telling their Errand to some Acquaintances, and Jealousies arising, they agreed to open the Letter, and found as follows. 'Sir, I have sent you Two Rebels, grip them fast, all you have taken from them is too little.' Upon which they returned home, and heard Mr. *Hounnyman* no more, but when forced to it.

Severities to a  
Gentleman in  
Galloway.

Should I run through all the Particulars I have by me, of the Hardships and Severities up and down different Parishes these Three or Four Months, this Account would run a great length. I shall therefore end this *Section*, with a particular vouched Account of a Gentleman in the Parish of *Anworth* in *Galloway*, who, being forced to yield to what was against his Inclinations, and afterwards a Grief to him, shall be nameless. I only set it down as a new Instance of the Methods, and imposing Spirit of this Time.

The Laird of *Lag* sent a Party suddenly to this Gentleman's House, hoping to find him, but happily he was out of the Way. The Soldiers however stayed all Night in the House, and in the Morning spoiled it of all the Clothes they could reach, and carried off Five good Horses.

In a few Days Colonel *Douglas*, and the said *Lag*, came to the House with a Party, and missing their Prey, the Soldiers carried off what they left at their former Visit, and spoiled what they could not carry off for Bulk. They slit up Feather-beds and Bolsters, and turned out the Feathers, and carried off the Tiking, with all other Things in the House or Office-houses, that were portable.

Again, upon the 7 of *April*, Captain *Douglas* came out of *Kirkcudbright* with a Company of Foot, and made a narrow Search for the Gentleman, but found him not. The Foot were not a Mile off the House, till *Lag* came with a Party of Horse, and renewed the Search for the said Gentleman, and some others he alledged to be with him. He brought in all the Neighbours, and swore them under the most horrid Oaths and Imprecations, whether they knew any Thing about the Haunts of the Persons he was seeking.

It happened, that among the Country People, there was one of the same Name and Sir-name with a Person *Lag* was searching for, and this was Crime enough to the poor Man. It was averred by *Lag*, that he undoubtedly held Correspondence with the Rebel he was in quest of, and he treated him with abundance of Cruelty. He caused cover his Face with a Napkin, and set him upon his Knees to be shot, and ordered Three of the Dragoons to present their Pieces to shoot him. The Country Man's Wife being by, and seeing her Husband in this Case, cried out with Tears to spare his Life, and take him with them till they found the other they wanted. The poor Woman's Tears, I believe, had no great Weight with *Lag*; however, he caused untie him, and carried him with them, and another, who was a near Neighbour to one they were seeking.

They seized the Gentleman's Daughter, who either could not, or would not tell where her Father was. She was next asked, where she was last Night, when they were searching the House. The young Gentlewoman expecting no Hazard could ensue, said, she had been in the House of a neighbouring Gentlewoman; whereupon *Lag* immediately sent a Party with her to that Gentlewoman's House, and carried both away Prisoners.

With their Two Prisoners they went away to the Sea-shore, and searched among the Rocks at the Sea-side, leaving a Party of Horse at some Distance, to catch any they should chase out of the Caves about the Shore, and there they found the Gentleman and another for whom they were searching.

They returned by his House, which they now perfectly spoiled, destroying every Thing they had not rendred useless before. These Two, with the Two Gentlewomen, were carried to *Wigtoun* Prison. Upon tendering the Oath of Abjuration, one of them yielded, and Three refused; and in a little Time Two more took it, after an Assize had been sworn, and an Indictment given. *Lag* returning in a Day or Two, and hearing one had stood out, swore terribly, that he should be in a few Minutes, as he impiously called the future State, *barking and flying*, and called an Assize, who in a little Time brought him in guilty; and it was reckoned a mighty Piece of Lenity that his Life was spared, upon his complying at length. These are Part of their Ways.



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## S E C T. VIII.

*Of the Actings of the Parliament, convened April 23. as far as they relate to the Church.*

**I**T is now some Time since we had a Parliament in *Scotland*; the last was under the Conduct of a Popish Commissioner, and this Parliament purged of many excellent Patriots, was intirely obsequious to a Popish King. This Prodigy unknown since the Reformation, a *Papist at the Head of Affairs*, as in the former Session it produced the contradictory Test, very agreeable to introduce the Contradictions of Popery, so now further Measures are laid down to advance Popery and Persecution, and rid the King and his Under-managers of the Trouble they had from some firm Protestants, whom now they forfeit by whole Sale; and when there was scarce any Room to go beyond what the former Session of Parliament, and the Council since had done, all their iniquous and arbitrary Procedure is ratified, and some Improvements made upon them.

Summary of this Section.

The late King designed a Parliament should have sitten in *March* this Year; and a Meeting of Parliament was now become necessary in the Entry of this Reign, to levy Money, recognize the King's Accession without a Coronation Oath; and so by a Proclamation *February 20.* a Parliament is called to meet *April 9.* By another Proclamation, *March 22.* the Parliament is adjourned to *April 23.* And *March 27.* the Advocate is ordered to process (besides those formerly mentioned) before the Parliament, *Thomas Kennedy of Grange, John Queensberry's* Commission to represent the King in Parliament, was read in Council.

Parliament called.

The Parliament sat down at *Edinburgh April 28.* We have already had a just Character of this Parliament in *Torwoodlee's* Case above; and I shall only notice further, that the most part of the Acts of this Parliament were rescinded, as iniquous and greivous, after the Revolution in the Year 1693. I shall now give some Account of their Proceedings from the printed Acts and Speeches, and some Hints of their Procedure from some Notes I have before me, taken by one who was present at every Session.

Meets April 28

The Parliament was first entertained with his Majesty's Letter, which was backed by the Commissioner in a Speech, and this was seconded by *Perth* the Chancellor in a very remarkable Discourse; and this same Day the Parliament returned an Answer to the King's Letter. All these are already printed, but not being in every Body's Hands, I insert them *App. N<sup>o</sup>. 106.* It seems now, they behoved to be first printed at *London*; for at *Edinburgh* I find them reprinted by the Heirs of *Mr. Anderson* from the *London* Copy; the Reason of which I know not. I shall make a few Reflections upon them, which will tend to clear up some Facts and Expressions in them every Reader will not understand.

King's Letter. Commissioner and Chancellor's Speech, with the Parliament's Answer. App. N<sup>o</sup>. 106.

Some pretty remarkable Turns offer themselves in the King's Letter, which I doubt not were either framed by, or communicated with our Managers at *Edinburgh.* The King tells them, *They had been eminent in Times past* (the former Reign no doubt) *in a Compliance with his Desires, to a Degree never to be forgotten by him, and he hopes, never to be contradicted by their future Practice.* How far this Compliment was proper for him to give, them to receive, or honourable to the late King his Brother, I must leave to others; I doubt not in the least that the King speaks Fact; and as he had the intire Management of Affairs in *Scotland* during the last Years of his Brother's Reign, so the Parliament was very obsequious to his Desires, as the Sufferers felt with a Witness.

Remarks upon them.

The Truth of the subsequent Paragraph I cannot say so much for, *That the aggrandizing his Power and Authority was necessary for their Safety, and to secure their Rights and Properties.* This unlimited Way of speaking would suppose an Infallibility in Popish Kings as well as the Pope, and will be Matter of just Doubt with every Body of Sense. However, he assures them, *he would maintain his Power and Authority in its greatest Lustre.* And he was as good as his Word, and essayed it in the most extensive Way, when he assumed the dispensing Power.

He adds, his Design in this Parliament, was to secure their Religion; his was already secured to him by the Test Act, and they had a noble Guardian of him to theirs, *against all Fanatical Contrivances, and Murderers, Assassines;* and other hard Words against such who were called now *Fanatics, Murders, and Assassinations,* were peculiar to his own Religion, and abhorred by all real Protestants.

I only further observe, that to pave the Way for the dispensing Power he had in View, the Laws and Acts of former Parliaments are termed, *The good and wholsom Laws by you hitherto offered:* A very diminutive Way of speaking of the Laws already made, to the

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Legislature, which would not have gone well down in our old *Scots* Parliaments. In the last Place, he commends his Commissioner, as a Person zealous for his Interests in the Time of his greatest Difficulties. Which probably was a true Character, but how far for the Duke's Honour among real Protestants, is left to others to determine.

The Duke of *Queensberry* in his Speech, acquaints the Parliament, that the King's obliging Letter had left little to him to say; and when Matter fails, he falls a punning upon the Day (*April 28.*) and its being the Coronation Day in *England*, and his Majesty's *taking their Advice as soon as he was upon the Throne*, and the Honour they had to be the first Parliament under a Popish King.

Next he tells them, how mindful the King was of this Kingdom's *Duty and Loyalty* to his late Majesty, *and himself when in Scotland*. I did not know before that Loyalty had been due to any Subject, till we have it here extended thus far by this great Patron of it. Indeed the Duke of *Tork* was in effect King in *Scotland* before now. Then, *to compose the Minds of faithful Subjects*, he assures them of his Majesty's *princely Resolutions to maintain the Religion, and Government of the Church established by Law*, and of his Favour to the regular Clergy; and concludes what he is to say upon this Head, with some Encomiums upon *their incomparable Prince*. He was so indeed in more Respects than one, which the Reader may guess at.

His Grace comes next to put the Parliament in Mind of their Work, *to assert the Prerogative of the Crown, and amply to establish the Revenue*; and when they have thus settled their King, their next Work is to fall upon the Sufferers. *The King expects, from their Prudence and Loyalty, effectual Means will be fallen upon for destroying that Party*. This is *Root and Branch Work* indeed; and nothing will answer the Expectation of a Popish King, but the Destruction of Protestants. This had been the Council's Work for some Time, and the Parliament must ratify all they had done; and, to spirit them up to this Work of Destruction, he gives them Names, which, without any Stretch, might be easily turned over upon their bloody Persecutors, *Enemies of Mankind, Wretches of such monstrous Practices, as past Ages never heard, and those to come will hardly believe, and execrable in their Villanies*.

He insinuates, that they are no inconsiderable Party, and have Support and Correspondence not yet discovered; and therefore presseth, *That they be not longer dallied with, but that the utmost Severity may be effectually applied, and all Ways taken to find out their Favourers, and their retired and secret Haunts*. Higher he could not run, than *the utmost Severities effectually applied*; which indeed is a short Character of the Procedure of the Council and Army for some Time; but his own Conscience might know, and the Reader by this Time does know, how much those poor People he speaks of as Fanaticks, *had been dallied with*; and I question much, if any where, even in *France* or *Turky*, we shall meet with such bloody and inhumane Exhortations from a Throne, though they were very consonant, it must be owned, with the Religion of him who filled it.

Further, he comes to urge the Parliament, to manage the Prosecution of the Noblemen and Gentlemen alledged to be concerned in the late Conspiracy, with the utmost Violence; and aggravates that Conspiracy, far beyond any thing that ever could be really found in it; and requires Justice to be done upon the *Concealers*, as well as Advisers and Contrivers of it, as knowing it was only concealing of what, they alledged, the Laws required to be discovered, that could be proven against the Persons to be sifted before them. This remarkable Speech is concluded with a Compliment, as I take it, mainly to himself, *That tho' his Unfitness to be Commissioner, was more obvious to himself than any of them*; yet he was resolved to serve his Majesty firmly and boldly, as, he says, was his former Practice in other great Truits; and this way he would make up his great Defects.

The Chancellor succeeded the Commissioner in a handsom Speech, far better said than the other; but, as the Humour of this Time ran now, larded with most virulent Reflections upon the suffering Party. I cannot but notice one Part of it as the Height of Railing. The Chancellor complains,

‘ That a new Sect was sprung up from the *Dung-hill*, and the *Dregs* of the People, who kill by pretended Inspiration, who, instead of *the Temple of the Lord*, &c. have nothing in their Mouths but the *Word of God*, wresting that blessed Conveyance of his holy Will to us, to justify a Practice suggested to them, by him who was a Murderer from the Beginning; who having modelled themselves into a Commonwealth, (whose Idol is that accursed *Per* of the *Covenant*, and whose only Rule is to have no Rule at all) have proceeded to declare themselves no longer his Majesty's Subjects. He adds, *Those Monsters bring a publick Reproach upon the Nation*, while, in the foreign Gazettes, we are mentioned as acting the vilest Assassinations, and horrid Villanies.’

Here is a Heap of Scandal cast upon the Societies; for though the general Terms used now in the publick Papers, are levelled, so as they may reach all the Sufferers under the Terms of Fanaticks, yet this seems to point at their late Declaration; and yet they many times declared, they never allowed or practised Assassination. This Doctrine then must be left to the Chancellor's Friends the Papists, since the Society People say, they never wrest-



ed the Scriptures to defend, or pretended Inspiration to vindicate it; and, had they been for recriminating, they needed not have gone far off: The daily Murders in the Fields came much nearer Assassinations, than any thing ever they allowed. 1685.

They pleaded likewise, That Self-defence was no upstart Sect nor Doctrine, but as old as the Reformation, Christianity, or Humanity. It was false they were modelled into a Commonwealth; and whatever Overtures were made by one or Two this way, if any such were, ought not to be charged on the whole Society.

A considerable Part indeed of the Sufferers, and many more than under the last Reign, did not own the Authority of a Popish King, and could not subject to him. The Chancellor perfectly mistakes, when he says, *they made an Idol of the Paper of the Covenant*; but most maliciously and groundlessly terms it a *curst Paper*, which we need not be surprized at, from one who either had, or shortly did declare himself a Papist; and the *Covenants* are mostly levelled against Popery. I shall not say, but some ignorant People, then and since, may have in some Sense idolized our *Covenants*, and most excellent Things in themselves are apt to be so dealt with, and have run to some Extremities in their Opinion and Expressions, as to those solemn and religious Ties those Nations are under; but the most Part valued them, as they had good Reason, being national Actions, very much countenanced from Heaven, and really the Honour and Glory of those Nations.

On the whole, this unjust Charge given in face of Parliament, and published to the World, is indeed a publick Reproach upon the Nation, and being false, could not but expose the Reputation of the Kingdom, far more in the Eyes of Foreigners, than any of the little Stories he mentions in the foreign News-papers. I shall say nothing of the beautiful Picture he draws of his Master the King, in the Close of his Speech; I love not to rake in his Ashes; and Allowances must be made to a Servant, by this Time, I suppose, a Papist, and in such a Post; and there was need of all the Chancellor's Eloquence, to recommend a Popish Prince to a Protestant and free People.

When the Parade of those Speeches was ended, the Parliament, at that first Meeting, went through a great deal of Work, or rather consented to what the Managers had made ready to their Hand: Probably it would be their first Work to agree to an Answer to his Majesty's Letter, which is likewise in the last named Number of the *Appendix*.

Generally speaking, this is a Repetition of what was sent to them, and so the less needs be said upon it. They promise to leave nothing undone to extirpate all Fanaticism, especially those fanatical Murderers and Assassines. 'Tis good that any Distinction is made; but however, Extirpation is resolved upon against all, and in this they fully acted their Part in the following Acts.

They chime in with *the offering of Laws to the King*, the Phrase now so much in Fashion; and they desire his Majesty to expect, That *they will think his Commands sacred as his Person, and that his Inclinations will prevent their Debates*; Phrases agreeable enough to the Language of some of the former Parliaments. And they bring in my Mind a few Lines, written lately by a masterly Hand, which perhaps may not be unwelcome to the Reader.

- When first Mankind were sway'd by *passive Rules*,
- Princes turn'd *Tyrants*, and their Subjects *Fools*;
- These laid aside their Sense, those took the Sword,
- And *I will be obeyed* was then the Word:
- To which the silly senseless Slaves replied,
- *We're all your Asses, pray get up and ride.*
- If e'er their Sovereign bid them cut their Throat,
- The Wretch made no Demur, but cry'd, *He'd do't.*
- If Heads were sent for, unjust Sentence given,
- He that withstood his Prince, resisted Heaven:
- So rather than they would their King controul,
- The People damn'd themselves to save their Soul.

This Parliament indeed, as soon as the King's Inclinations were discovered by the Ministry, had few Debates: Every thing went smoothly on, all being upon one Lay, till next Year the dispensing Power awakned a good Number out of their Lethargy; and, at this first Sederunt, Two very material Acts were passed, besides what we have seen.

Decency and Form led them to begin with Religion, and accordingly, an Act, for the Security of the Protestant Religion, is drawn up, and voted immediately. Though one would think, this had been the greatest Work they had to do, under a Popish King, yet it is soonest got through. I doubt not but a preconcerted Draught was ready, and Argyle, and other Patriots and Protestants, who bred some Trouble about the *Test*, are out of the Way. The Act is so short, that it needs scarce be turned over to the *Appendix*, and runs,

Act for the Security of the Protestant Religion.



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‘OUR sovereign Lord, with Consent of his Estates in Parliament convened, ratifies and confirms all the Acts and Statutes formerly past for the Security, Liberty, and Freedom of the true Church of God, and the Protestant Religion presently professed within this Kingdom, in their whole Strength and Tenor, as if they were here particularly set down and exprest.’

Remarks on it.

It was not yet seasonable to appear openly against the Protestant Interest; and therefore, under Pretence of ratifying former Acts, without any thing of new Security offered, a loose and double Expression is thrown in, which might be in due Time explained, *the true Church of God*; and when this was explained, nothing but the mere Profession of the Protestant Religion remained ratified by this Act.

At the best we can suppose, here Matters are left as they were, *Vox & præterea nihil*; and since it was not convenient any thing should be done under his Majesty, that might thwart with Things and Acts of another Nature in View, the Laws for the Reformation are not yet abolished, but left as they stood, and no further Hedges added to hinder a bigotted Papist to model all at his Pleasure; and yet this Act was mightily magnified, as a Proof of the King's Sincerity in preserving our Religion.

The Parliament's Declaration before their Offer of Duty App. No. 107.

That same Day, the Parliament make *their Offer of Duty to the King*. This is in the printed Acts, and lies out of my Road. It is preceded by a Declaration, which I have annexed App. No. 107. that the Reader may observe how much the Spirit of Persecution had depressed and sunk the Scots Nation, and how slavish they are in their Politicks, and how little Sense of Liberty remained now with them. The Parliament, in this Declaration, runs out upon the Antiquity of our Nation, upwards of Two thousand Years, in an uninterrupted Line of One hundred and Eleven Kings, in pretty positive Expressions, whereby their parliamentary Authority is some way embarked upon the Advocate's Side, in his Controversy with the Bishop of St. Asaph.

Remarks.

I hope they are right as to the Antiquity of our Nation, but can never think, that the Blessings narrated in the Declaration, are owing to the *absolute Authority*, wherewith our Kings were invested by the *fundamental Law of our Monarchy*, for this Reason, that they had no such absolute Authority; and it is most plain from our History, and our oldest Records, that the Authority of our Scots Kings was very far from being absolute.

Next, they declare *their Detestation of all Principles and Oppositions, contrary or derogatory to the King's sacred, supreme, sovereign, absolute Power and Authority, which none, whether Persons, or collective Bodies, can participate of any manner of way, or upon any Pretext, but in Dependence upon him, and by Commission from him*. This is a Stretch of the Prerogative beyond Reason, Law, and Scripture, and to me appears to clash with several of our standing Laws, as to the Liberties and Privileges of Parliaments. Consequentially to this Declaration, they *promise entire Obedience to his Majesty, without Reserve*; which is certainly more than any Mortal, far less a Papist, ought to claim. They conclude their Paper with annexing the Excise to the Crown for ever; which is a Step of Loyalty, beyond what other Parliaments could hitherto be brought up to.

By this Time the Reader hath some View of the Progress this loyal Parliament makes in one Day. One would think, they needed have sit no longer, after they had made a Resignation of themselves, without Reserve, to their King, and that they might have left the rest of the Things to be done by him; but it was proper that some more particular Acts should yet be passed, under the Shadow of Parliamentary Power, which I shall just now come to.

Council's Proclamation for putting the Kingdom in a Posture of Defence. App. No. 108.

If once I had noticed, that the Privy Council, this same Day, emit a Proclamation, for *putting the Kingdom in a Posture of Defence*, which is likewise annexed App. No. 108. probably by this Time the Government had some Hints of the intended Invasion upon Scotland, by the Earl of Argyle; and with a View to this; the Council gives this Alarm to the Nation.

Remarks on it.

Observations upon it may be very short. The Title given to the late King, *our dearest Brother, of renowned and eternal Memory*, is one Evidence of the low Pass Religion is at, when the incommunicable Perfections of the Deity, are, without any Ceremony, attributed to Creatures in Flattery and Adulation. The Militia in the eastern Shires, and all the fencible Men in the northern Shires, are commanded to be in a Readiness, with Fourteen Days Provision; and only the Heritors, Feuars, Liferenters, and Wadsetters in the western Shires, have this Trouble given them. The Presbyterian Gentlemen, generally speaking, in those Shires, were either forfeited, or in Prison, and the rest had gone into the *Test*; but the common People, after so much Barbarity, could not be depended upon. Particular Care is ordered to be taken of the Coast-towns; and all are required to obey Collectors, Custom-house Officers, and Waiters, and rise with them upon their Call; and such who correspond with any now called Rebels, or do not inform against them, are to be reckoned Art and Part with them. This brought new Hardships upon the Sufferers.

To return to the Parliament, they are very close at their Work, and the most Part of their Acts, either directly, or by Consequence, relate to the Subject Matter of this History. Upon



Upon the first of May, Two Acts are made to facilitate Processes of Treason before the Justiciary, now in Dependence, and to remove Obstructions in the Road of forfeiting and ruining Noblemen, Gentlemen, and others. By one of them, 'The King and Estates of Parliament, approve and ratify the former Custom used by his Majesty's Commissioners for Justiciary, in proceeding against Pannels already in Prison, and indicted for Treason, in 24 Hours: But for the future his Majesty allows such Pannels to be cited upon 48 Hours.' This is not the last Instance we shall meet with of the Parliament's approving the irregular Procedure of the Managers of the Persecution at *Edinburgh*, yea, to do so, seems to be a great Part of their Work. They make Laws to look backward, and give a Kind of Parliamentary Pardon and Protection, for former Violations of the Rights and Liberties of Mankind. It is but a very little that they mend the Matter, and after they have made themselves guilty of the Irregularities of the Justiciary we have heard of, the Time is allowed to be doubled. I pretend to no Knowledge in criminal Forms, but 24 or 48 Hours appears to me a very short Time for Men to make Defences upon Life and Death. And this it self does not reach the Cases of several we have met with, who were taken, tried, and executed in less than 24 Hours. And the Act's being confined to Pannels in Prison, mends the Matter very little, since the Officers of the Army, and I know not how many others, were impowered to imprison when they pleased.

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Act for allowing the Justiciary to proceed in Processes of Treason upon Citations of 48 Hours.

The other Act, of the same Date, statutes and ordains, 'That such who being cited to be Witnesses in Cases of Treason, House or Field-conventicles, or Church Irregularities, do refuse to depone, they shall be liable to be punished as guilty of those Crimes respectively, in which they refuse to be Witnesses; it being always declared, that those Depositions so emitted, shall not militate against the Deponent himself any manner of way.'

Act about Witnesses in Cases of Treason.

Certainly, it was neither the Necessity, nor Reasonableness of the Matter here statuted, which brought the Parliament into this Law, but merely to ratify and give Weight to the former Procedure of the Privy Council, and Justiciary. Some Reflections, I suppose, have been made already upon this Practice. It must be reckoned severe and hard upon a Man, because he will not witness against his Neighbour, Friend, or Father, for being at a Field-conventicle, to find him guilty, and send him in to Eternity, as is ordained just now by another Act.

Remarks:

It needs scarce be further observed, that this Act is calculated to expose the whole of the Sufferers to the Odium of the World. Treason and Church Irregularities are put on a Level, and classed together. And it is framed to encourage Deponents against the persecuted Party, by freeing them from any Share in the Guilt, that might fall upon them by their Deposition: But some of them, as we have heard, found that the Government wanted not other Means, when their Service was over, to make them as guilty as those against whom they are thus encouraged to swear against, even without using their own Depositions.

By the written Minutes before me of this *Sederunt*, I find that *Cesnock's* Bill for Exculpation, was this Day, May 1. before the Lords of the Articles, consisting of his Defences, that he was *alibi*, that such as he had conversed with, who were at *Bothwell*, had taken the Bond, that his Case was *res habtenus judicata*, and an Enumeration of the Steps of his Loyalty: But the short Hints before me do not bear what was done about it. We shall find him afterwards forfeited.

*Cesnock's* Bill for Exculpation.

Upon the 6 of May, Three other most iniquous Acts were made; the first whereof, my written Account says, was passed *nemine contradicente*; and all of them, with the former Two, were that same Day touched with the Sceptre, to the lasting Reproach of this Parliament, and as Evidences what Men, Protestants, and Presbyterians in particular, may expect under a Popish Prince. They deserve our particular Consideration.

The first of them is against the Covenants, and I insert it here. 'Our sovereign Lord, and Estates of Parliament, do hereby declare, that the giving or taking the National Covenant, as explained in the Year 1638. or of the *League and Covenant*, (so commonly called) or writing in Defence thereof, or owning them as lawful or obligatory upon themselves or others, shall infer the Crime and Pains of Treason.'

Act against the Covenants.

No doubt, by this Act, the Prelates and Enemies of Presbyterians, reckoned they had gotten the *Grave-stone* put upon the *covenanted Work* of Reformation; but a very great Body of People still owned it, and that notwithstanding this Iniquity established by a Law; and this Work, which was the Glory of these Kingdoms, had and hath its Witnesses, and even a Resurrection at the happy Revolution, when our Doctrine, Worship, Discipline and Government were legally settled.

Remarks

In the first Book of this History, some Remarks have been made upon the Treatment given by the first Parliament after the Restoration to those solemn and religious Ties upon those Nations. It was not so decent in King *Charles II's* Lifetime, to declare him a Traitor, and his Father much the same, for ratifying the National Covenant with the Explanation of it in Parliament. This Honour was reserved for his Brother, who had never



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King Charles II.  
his Letter to  
his Brother,  
Nov. 10 1654.

taken the Covenants indeed, but probably was a good Catholick from his very Youth, at the Expence of contradicting his Father's dying Charge.

When I am upon this Head, I cannot but take notice of that remarkable Letter King Charles II. wrote with his own Hand to his Brother then Duke of York, to prevent his turning Papist, November 10. 1654. It hath been already printed, but being but in the Hands of but a few, I thought it a Piece of Justice to his Memory, to preserve it here, and it follows.

Dear Brother,

Cologne, November 10. 1654.

I Have received yours without a Date, in which you mention, that Mr. Montague has endeavoured to pervert you in your Religion. I do not doubt but you remember very well the Commands I left with you at my going away, concerning that Point, and am confident you will observe them; yet the Letters coming from Paris say, that it is the Queen's Purpose to do all she can to change your Religion; which if you hearken to her, or any Body else in that Matter, you must never think to see England or me again; and whatever Mischief shall fall on me or my Affairs, from this Time I must lay all on you, as being the only Cause of it: Therefore consider well what it is, not only to be the Cause of ruining a Brother that loves you so well, but also of your King and Country. Do not let them perswade you, either by Force or fair Promises; for the first, they neither dare nor will use; for the Second, as soon as they have perverted you, they will have their End, and will care no more for you.

I am also informed, there is a Purpose to put you into the Jesuits College, which I command you on the same Ground never to consent unto; and whenever any Body shall go to dispute with you in Religion, do not answer them at all; for though you have Reason on your Side, yet they being prepared, will have the Advantage of any Body that is not upon the same Security that they are.

If you do not consider what I say to you, remember the last Words of your dead Father, which were, to be constant to your Religion, and never to be shaken in it. Which if you do not observe, this shall be the last Time you will ever hear from,

Dear Brother,

Your most affectionate Brother,  
Charles R.

Remarks.

It had been the late King's Interest, if he had in the succeeding Part of his Life, discovered an equal Concern for the Protestant Religion, to what he shews in this Letter; and it held true in great Measure, *That the Mischief which fell on him and his Affairs, was to be laid upon his Brother's turning Papist.* However, this Letter was forgot, as well as his Father's Declaration to his Mother, *That the Covenanters were his firmest Friends,* when the King came in to Popery, and now to this virulent Act against the Covenants.

It was an Act very agreeable to the first Parliament of a Popish King, and a necessary Prelude to the Introduction of Popery to Scotland, the national Covenant being, since the Reformation, our great Barrier against Popery, and even the Explanation of it, a strong additional Security. And to promote this Reintroduction, now so much at the King's Heart, and less or more in his Eye in all his publick Steps, he sticks not to cast a Slur upon his Brother, Father, and Grandfather: Holy Mother Church, the scarlet Whore, is dearer to him by far than their Reputation.

It is hard to tell how much Iniquity and Wickedness is wrapped up in this short Act. Perhaps in part it was designed for a Vindication of the former Actings of the Managers, for several Years, against Multitudes whom they butchered, for little other Reason, than their adhering to those sacred Vows unto the Lord.

The declaring *writing in Defence of the Covenants* to infer Treason, was evidently unreasonable and severe, but very agreeable to the Popish Methods of keeping People in gross Ignorance of the Truth, to say nothing of its bringing many eminent and learned Divines through all the Reformed Churches, whom I could name, under the Guilt of this statutory Treason.

I do not enter upon the Irreligion and Impiety of this singular Act. Multitudes have unanswerably proven, that nothing is contained in those solemn Transactions with God, but what, prior to the superadded Religion, and Tie of those Oaths, was morally obliging upon the Consciences of all, by the divine Law. What a dreadful fighting against God, and counteracting of his holy Law, a casting his Cords from them, and his Law behind their Back, must the Authors of this Act then ly under?

In short, this was, as far as lay in the Parliament's Power, a national Step backwards to Rome and Popery, and a practical Renunciation of the solemn Resignation made of those Lands to the Lord; and consequently Matter of deep Mourning even to Posterity, and a Blot



Blot upon a reformed Kingdom, which cannot be taken off by reformatory Acts, till we return nationally with Weeping and Mourning, and join our selves to the Lord in a Covenant never to be forgotten.

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Here I cannot but observe, what I have from Two worthy Persons, present when the late excellent Dutches of Hamilton, more than once, told the Sentiments of Dr. Turret, since Day when the Conversation fell in upon the Sufferings of Presbyterians, for adhering to the Covenant, the Doctor spoke of the national Covenant with a great deal of Respect, and said, *He believed it would never be well with Scotland, until we returned to that Covenant, and renewed it.* This was when the Doctor was last in Scotland, about the 1683, if I remember.

Dr. Turret's  
Sentiments on  
the national  
Covenant.

Indeed, in my Opinion, this may be reckoned an overt Act of Treason against Heaven, and the one Lawgiver, who is able to save and to destroy, a national Sin, which tinctured our Cup very much, and a trampling under Foot the Glory of this Nation, an Act, in one Word, which could never have been made but by apostate Protestants, under a Popish Prince.

As the former Act was ungodly, so the next was unreasonable. The *Articles of the Gentiles* clause the Two together, in the primitive Times, and they have frequently since been found to be of a Kin. By this they obliged Husbands to be liable for their Wives Fines. The Unreasonableness of it hath been pointed at before. The Matter of this Act passed the Council with a considerable Struggle, and now it must have a parliamentary sanction, to take the Managers from After-inquiries; and this is almost the very Narrative of the Act.

No Pretence of Righteousness or Equity is alledged, but we are frankly, if not bluntly, and plainly told, 'Our sovereign Lord considering, *that the Lords of his Privy Council, and others commisionate by his Majesty and them, have fined Husbands for their Wives, withdrawing from Ordinances*, doth, with Advice and Consent of the Estates of Parliament, declare the said Procedure to have been legal, and ordains the same to be observed in all Time coming, and ratifies all Decrets and Sentences granted against Husbands for such Fines, reserving always Power to the Lords of his Majesty's Privy Council, to absolve or mitigate the Fines of such Husbands, as are known to be of loyal Principles.'

The Unaccountableness of this Statute needs not be insisted upon. This Parliament, in their wonderful Power, declare a Practice legal, for which there was never a Law, and of which a just Reason can never be given, and ordain it to be observed in all Time coming; and though the Reservation at the End of the Act be added, in order to soften so shocking a Thing, yet really there is nothing here but a Blind, since the Council had this Power as to the Matter of Fines in every Case, and were ready enough to exercise it in the Procceses of Kin, Friend, and Ally.

Remarks on it.

Their Third Act this Day, runs yet deeper, and was framed, not only to look back to what was past, but to catch a great many Gentlemen and others, and bring them to Ruin in their Bodies and Estates. The illegal and harsh Sentence passed by the Judiciary, at the Direction of the Council, against that excellent Gentleman and Christian *John Porterfield* or *Douchal*, above narrated, made a terrible Noise, and was plainly enough perceived to have been in order to gratify a particular Manager with his Estate.

Adjoining  
the Sentence  
of the Council  
against  
John Porterfield.

It was necessary then *ex post facto*, to confirm this Sentence by a posterior Law. Therefore, 'the King and Estates of Parliament do ratify, approve, and confirm the Sentence of Forfeiture, pronounced by the Commissioners of Judiciary, against *John Porterfield*, sometime of *Douchal*, and the Interlocutor and whole Proceedings of the said Commissioners in that Process, and declare the same was conformable to the Laws of this Kingdom; and in general, statute and declare, that the concealing and not revealing of Supplie, given to, or demanded for Traitors forfeited for Treason, against the King's Person and Government, is Treason, and is to be judged of accordingly.'

Unhappy were the people who lived at this Time! for I scarce see how any Body almost of Business, could be free from the Things now made Treason. This Act was a Second Punishment for the same Fault, if it be a Punishment, and not an Honour, to be condemned by such a Parliament as this. This good Man, for any Thing I know, was neither called nor heard in his own Defence, before this Second sentence, and the Iniquity done to him is established by a Law, to be a Rule to judge others by.

Upon the 8 of May, the Parliament come to give the last Stroke, and I may say, to do their utmost against Conventicles, and the Liberty of the Gospel, in their Eighth Act against *Preachers at Conventicles, and Hearers at Field-conventicles*, which deserves a Room here as a flaming Evidence of the Wickedness of this Time. 'Our sovereign Lord considering the Obstinacy of the Fanatical Party, who, notwithstanding of all the Laws made against them formerly, persevere to keep House and Field-conventicles, which are the Nurseries and Rendezvous of Rebellion, therefore his Majesty, with Consent of his Estates of Parliament, doth statute and ordain, that all such as shall hereafter preach at any man's House or Field-conventicles, as also such as shall be present, as hearers, at Field-conventicles, shall be punished with Death, and Confiscation of Goods.'

Adjoining  
the Sentence  
of the Council  
against  
John Porterfield.

It is an irksome Task I have brought my self under, to transcribe all those terrible Acts; and

Remarks



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and it had been much for the Honour and Reputation of Scotland they had never been made. But since the Actors were not ashamed of such bloody Laws, it is but reasonable they should bear the just Reproach owing to them, by a faithful Narration of Matter of Fact; though it is with the utmost Regret I intermix my History with those unparalleled and sanguinary Acts.

If I did not fully know the native Spite and Enmity of many of the Managers against Presbyterians, and the preaching of the Gospel, which was, in the Case of Conventicles, heightened by the Virulence of the Prelates, and made them stand at nothing, that might bear hard upon those Sufferers; I would have been ready to imagine, that such an Act as this was made as a Preface and Inducement to all sober People, to remove the penal Laws in *Gro*, at the next Parliament, and Matters were screwed up to this Height, that all might break, and Papists get free. But it was better ordered in Providence, and the Shadow of parliamentary Power, was never got interposed in this Matter; and Presbyterians chose to ly under those horrid Laws for some Time peaceably, rather than have any active Hand in taking down the Fences of the Reformation; and any Thing done this way, as we will hear, was done by the assumed Power of a Papist.

To return, the Reader already knows, what the Law at this Time made to be a House-conventicle, wherever more than Five Persons not belonging to the Family, are in a House at Worship, or a Sermon; and in this Case he who preached or prayed must die, and have his Goods confiscated. If any such Law as this was made since *Nero's* Time, it is more than I know of, and sure it cannot be paralleled in any Protestant Country, and very little like it offers to me, even in Popish Countries, that Ministers of the Gospel, for preaching of the Gospel, and, according to their Charge from their Lord and Master, *fulfilling their Ministry*, should for this forfeit their Life.

Had it been restricted to preaching against the Government, there had been some Colour for so terrible an Interdiction; but for preaching Christ, and the saving Truths of the Gospel, in a private House, as the Apostles did, when most groundlessly Presbyterian Ministers had fallen under the Displeasure of the Government, and were never deprived or censured by any competent Power, that for this, I say, they should die, is a Wickedness beyond my Expression; and that Clergymen, Protestant Bishops, should not only approve and vote this, but press and procure its being passed into a Law, cannot but astonish Posterity.

The same Things, and several more might be said, as to Hearers at Field-conventicles, their being appointed to Death by the other Part of this Act. Any who look into the printed Acts will see, that by *Act 5. Parl. 2. Sess. 2. Char. II. against Conventicles*, it is declared to be a Field-conventicle, where there are more Persons present at Sermons preached in any House, than the House can hold, so as some be without Doors. By this Act I am upon, any Person present at such Meetings, is punishable by Death, and Confiscation of Goods, in the same Manner as the Meeting had been held in the Fields.

This Act, beyond Contradiction, discovers the true Spirit of Antichrist, that Malignity and Bitterness against the Gospel of Christ, and the pure preaching of it, to be now working; and Popery at this Time diffused it self every where from the Throne. Indeed the whole of the Managers almost were now either Papists, or ready to declare themselves Papists, or People of such slavish Principles, as to fall in with every Thing which would please the zealous Papist upon the Throne. This is the best and only Apology I know of for such Acts as those. They had promised to hold the King's Commandments sacred, and without Reserve, to obey him even in his very Inclination, when known; and they were as good as their Word.

Act concerning judicial Confessions.

Another Act follows that same Day, *concerning judicial Confessions before the Justiciary*, and it is statute, 'That all Confessions of Parties after an Indictment, in case of Treason, emitted before the Justiciary, and signed by the Pannel or Judges, are to be probative to the Assize, as if the same had been emitted in their Presence, and if the Assize attollie in this Case, they are liable to a Process of Error.'

I know not the particular Views of making this Act. Whether it was designed to vindicate their bringing in the Acknowledgments of Prisoners, before the Council and Committee for publick Affairs, as sufficient Documents before the Justiciary, because signed by the Clerk and some Lords, which the Act indeed comes not fully up to, or it may be the Managers inclined to be rid of the Gentlemen of the Assize in some Examinations before the Justiciary, where in some Cases they had proved troublesome to the Judges; and yet it appears highly reasonable, that the Assize being Judges of the Probation and Matter of Fact, ought to be present, and have all the Light they can during the Pannel's Examination, and not depend upon the Judges and Clerk, who are in this Case the only Witnesses of the Pannel's Confession; and accordingly their Presence was ordered by *Act 90. Parl. 11. Jam. VI.* But it was some easier to get judicial Confessions worded as the Clerk and Court pleased, signed by themselves, to be laid before the Assize; and this may be presumed to have been the Case of the poor ignorant Country People, who were soon, as we heard, circumvented by captious Questions, to declare they had owned the Covenants, and had been at Field-meetings, which was now Death.



The last Act I name, pass'd this Day, declares all Subjects who refuse to accept of the Offices of Magistrates, Justices of the Peace, Constables, Officers of the Militia, or any other Employment laid upon them by his Majesty or his Council, to be fineable for their Contempt. This was hard enough upon People of Conscience, who could not think of being Executors of these dreadful sanguinary Laws at this Time made, and proved a good Handle for exacting swingeing Fines from many worthy and excellent Gentlemen and others, who refused Concurrence in those Things. It was now an Happiness to be out of Scotland.

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Act fining such who refuse to pay actively in the present Measures by taking Offices of Trust.

Upon the 13 of May, the Parliament pass the *Act for Supply*, which needs not be insert here. In short, from their alledged Sense of Hazard from Fanaticks, and because the present Forces may be too few for protecting the Country, they offer his Majesty Two hundred and sixteen thousand Pounds yearly, over and above the Five Months Cess already imposed, which amounts to Eight Months Cess yearly; and this they settle upon his Majesty during his Life, imagining, it seems, they would never be rid of Fanaticks while he lived and reigned. Indeed the Proceedings of this Period awakned People out of their Slumber and Security, and revived a Sense of Liberty, and Concern for Religion. This was truly the Character of the most Part now called Fanaticks; and if those be they, the Managers were not rid of them this Reign.

Act for Supply.

The same Day the Imposition of the Test is renewed by their 13 Act, *for taking the Test*; which being a little longer than those before, the Reader will find *App. No. 109*. By this Act the Test is extended to all Heritors, Liferenters, Tacksmen, &c. of the Protestant Religion, above Eighteen years. It is observed in a written Account of this Parliament before me, 'That the Bishops of *Ross* and *Dumblain*, reasoned against imposing Oaths on ignorant People; and humbly moved, that this might be further considered before the Act passed. To break this, or to wave it, *Lawderdale*, seconded by *Eglintoun* and *Linlithgow*, moved, that it should be extended to Women as well as Men. But this was not gone in to. Sir *John Lawder* moved first, that the Test should not be limited to those of the Protestant Religion, as being designed to exclude Papists, and Bishop *Ramsay* seconded him; but was answered by the Bishop of *Edinburgh*, who appeared a mighty Advocate for the Roman Catholicks that Day, and mostly insisted upon the Act against Separation in the Parliament 1670. which was restricted to these of the reformed Religion.' This Court Bishop carried his Purpose; and the Act was voted and touched that Day.

Act for taking the Test. App. No. 109.

What I have said before on the last Act of Parliament as to this Subject, will save me the Trouble of making Remarks here. The Duke of *York's* threatening, that the Edge of this Act should be turned from Catholicks, is now fully accomplished. And it was scandalous in Protestant Bishops, to appear for the Relief of Papists, when Protestants were tied down.

The Refusal of the Test is now only to be punished with such pecunial Sums as the Council thinks fit, and by this Act Women are delivered from the Test. And all such as have already sworn and signed, are not obliged to renew the same. Perhaps in all this Softness there might be a Snake in the Grass: But it were desirable, that the Equity of that Clause against renewing the taking of Oaths already sworn, were imitated more in the Imposition of publick Oaths. Lastly, what the Council, &c. did in offering the Test, is ratified, and declared to be good Service, that is, the Explication given by them, as I take it. And so the noble Earl of *Argyle* is vindicated upon the Matter, in offering an Explication to the Council, when he took the Test; and the most and strongest Reasonings against him in his Process, fall.

That same Day, in the Afternoon's Sederunt, their 16 Act, *anent the Justices of Peace*, is passed. It is very much calculated to carry on the Persecution up and down the Country; and so I have annexed it, *App. No. 110*. The Justices of the Peace were nominated by the Managers about *Edinburgh*, who took care to name such as were agreeable to their Designs. Those Justices of the Peace lived generally in the Country, and were at the Clergy's Hand, to apply to, and concert Measures for oppressing their People.

Act anent the Justices of the Peace App. No. 110.

In order to this, after an ample Confirmation of all their Powers, they have the Execution of the Law against *Conventicles*, *irregular Baptisms and Marriages*, and *withdrawing from Church-ordinances*, committed to them, and they are allowed to proceed summarily, and have the Fines given them that are not uplifted from Heritors. The Council, by the former Act of Parliament, are impowered to fine, at their Pleasure, such as are nominate, and do not wait on at the Meetings of the Justices, and to nominate Justices of the Peace, and enlarge their Powers; and what the Council does herein, is ordained to have the Strength of an Act of Parliament. It was above noticed, that this affords a good Foot for persecuting a great many worthy Gentlemen, who lived peaceably and regularly, and yet would not actively concur in the oppressive and bloody Measures now formed into Laws.

May 15. the criminal Process comes on against the Noblemen and Gentlemen underwritten, who, we heard, were cited to this Day; and I shall give all this Process together, in the different Diets of it, in this Place, from the written Account I have more than once referred to; and when this is over, which was one of the chief Works of this Parliament, we

Criminal Process against the Noblemen and Gentlemen underwritten



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shall quickly get through the rest of the Acts. The late alledged Conspiracy was the Pretext of forfeiting those worthy Patriots; but this Process was really intended against them, because they were averle from Prelacy, Favourers of Presbyterians, and Possessors of good Estates.

This Day the Parliament have read before them the King's Letter to the Council, and their Orders to the Advocate to cite them, the Dittay against them all, a Libel against *Harden* younger, Two additional Libels against *Hay of Park*, and *Arckinglass*. Then the Executions, and Oaths of Heralds and Witneiles are taken; and the Advocates for the Pannels, *Mrs. Hume*, *Fletcher*, *Pringle*, are admitted, and all Bills and Objections are remitted to the Lords of the Articles. There were present, *Sir William Scot*, *Cesnock* elder and younger, *Hay of Park*, *John Weir* of *Newtoun*, *Campbel* of *Arckinglass*. The other Sixteen, already named in the Citation, are absent.

Sir John Cochran.

Friday, May 22. Dittay is read against *Sir John Cochran*, *Polwart*, *Torwoodlee*, and the Heirs of *Mr. Martin*; and the Advocate insists *imo* against *Sir John Cochran*. The first Article of his Libel, anent the Plot, is voted relevant. Probation is, *Alexander Monro*, who is present, and adheres to his Deposition formerly given in *Ferviswood's* Process, and printed there, which is read to him, and he signs it. Then, contrary to repeated Promises and Declarations, as we have heard, *Mr. Carstairs's* printed Deposition is read, and the Clerks deponed they saw him sign it. Next, *Burn* and another *English* Man's Depositions, signed by the *English* Secretary, are read. Then the Advocate adduced the Form of Proceedings in the like Cases before the Parliament, in the Case of the *Popish Lords*, 1594. and against *Robert Logan*.

After all, the Advocate had a Speech to the Parliament, wherein we may guess he would aggravate the Conspiracy, from what we saw above in *Ferviswood's* Case. Then the Parliament voted the Probation sufficient.

The Advocate, in the next Room, insisted upon the second Article of the Dittay, seeking and collecting Money for the late Earl of *Argyle*; and for Probation, the Laird of *Ponock*, and *Craigends* elder, their Confessions in their own Processes were adduced, That *Sir John* had demanded from the First Fifty, and the other Twenty Pounds *Sterling*. This Probation is next voted good.

The Bishops remove under Protestation, and are called in again.

Then the Question was stated, Whether the Pannel being found guilty should be forfeited. Whereupon the Bishop of *St. Andrews*, in his own Name and that of his Brethren, desired to be excused, tho' they had voted in the Relevancy and Probation, as to this Vote, and asked Liberty to remove. When he removed, he gave in a Protestation, and took Instruments in the Register's Hands, that this should be but Prejudice to their parliamentary Privileges. The Bishop of *Edinburgh*, at his removing, had a stated Speech, exclaiming against Popery and Presbytery, as the great Enemies of Bishops, with a Deduction of the Sense and Opinions of Canonists, as to Bishops voting in Cases of Blood. When the Bishops had removed, they were called in again at the Advocate's Motion, he alledging the Parliament was not full without them, wanting one of the Three Estates. During the calling of the Roll they were silent.

When the Vote for forfeiting was over, *Mr. Thomas Gordon* read the Sentence, and the King's Trumpets sounded thrice, upon which the Doom was pronounced by the Dempter, and the Trumpets sounded again; and the Sentence was intimated at the Cross by the Lyon and Heralds. It is exactly in the same Terms with *Ferviswood's*. I shall, for Shortness, wave those Circumstances as to the rest.

Polwart, Torwoodlee, and the Heirs of Mr. Robert Martin.

That same Day in the Afternoon, the Dittay read and found relevant in the Forenoon, against *Polwart*, *Torwoodlee*, and the Heirs of *Mr. Robert Martin*, was admitted to Probation. The Probation was taken from the Depositions of *Philiphaugh*, Earl of *Tarras*, *Gallashiels*, and *Commillary Monro*, which are printed in *Ferviswood's* Case. The Register read the Act of Parliament *James V. Parl. 6. Chap. 1.* relating to Forfeiture, for Treason in the Predecessor. As to the Heirs of *Mr. Martin*, the Probation was voted good, and Sentence pass, at which the Bishops renewed their Motion, and did not vote, and Doom was pronounced, as in the Forenoon.

Sir Thomas Stuart of Cultnefs.

Wednesday, May 27. Dittay was read against *Sir Thomas Stuart* of *Cultnefs*. The Articles were his sending Meat and Drink to the Rebels at *Bothwell*, his resetting Men that went to and came from the Rebels, and his fleeing a little after, and taking Guilt upon him, being denounced Fugitive. Probation, *James Cowper* saw *Cultnefs* stand at his own Gate, and send off a Sledge with Bread, Flesh, and Drink, and that he took back his Gardiner and Butier, who had been at *Bothwell*. Another depones, he saw his Servants carry the foresaid Meat to *Hamilton-muir*. *James Black* depones, that he sold Six Gallons of Ale, carried it to *Hamilton-muir*, got Money from *Cultnefs's* Servant. *Thomas Stevenson* depones, he saw *Cultnefs's* Servants in the Rebellion. Probation is found relevant, Sentence voted, and Doom pronounced as above. The Reader will easily perceive, that nothing here proven by Two Witneiles militates directly against *Sir Thomas*; and this Sentence is much of a Kin with *Blackwood's*, and others we have heard of.



June 4. Mr. Robert Fergusson's Process comes on; and Mr. West and Burn's Declaration, printed in Sprat's History of the Plot, and elsewhere, are all the Proof against him, and he is sentenced as above. No doubt, he deserved the Sentence much more clearly than any of the Pannels, and if any formed Design was laid against the King and Duke, he was privy to it, and none of the rest were in the least accessory.

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Mr. Robert Ferguson.

Some more of the Pannels are dispatched June 13. They begin with the Lord Melvil, and his Dittay is read, bearing, that he gave Intelligence to the Rebels at Bothwell-bridge, and his Accession to the Plot. Both are voted relevant *separatim*. As to the first Article, John Miller in Watersbaugh depones, That the Lord Melvil sent him upon Saturday June 21. with down their Arms and surrender, they would get good Quarter; that the King's Army was decamped that Night, and none knew whither they were to march, but the Duke of Monmouth; and that he went to the Rebels Camp, and Wisbaw went Three Miles with him; and that he met Cultness's Man, Thomas Steil, who told him Wisbaw had been at Cultness's. Wisbaw depones conform in omnibus. And John Strang, who kept a Pals for the Rebels, depones, John Miller came to him at Midnight, and let him see the Backs of his Letters. John Lockhart of Bars depones, he went with John Miller to Mrs. Nasmith's in Lamlinton, and that the Letters were directed to Mr. Welsh, Mr. Hume, and Robert Hamilton. This Probation is voted good. As to the second Article, for Probation, Commisary Monro's, and Mr. Carstairs's Depositions are adduced, and the Confessions of the Two Cessnocks, as agreeing with what Commisary Monro said of the Lord Melvil. This Article is also found proven.

Lord Melvil

Next, Montgomery of Langshaw's Dittay is read, and his Accession to the Plot found proven by Monro and Carstairs's Depositions, and the Cessnocks Confessions.

Montgomery of Langshaw.

They follow next that Day, and their Dittay is read, charging Cessnock elder with Accession to Bothwell, and both of them with the Plot. The Advocate restricts their Libel to the Plot, and for Probation, adduces Commisary Monro and the Gentlemen's own Confession, which was read, viz. 'That they acknowledged they were at the Meeting mentioned in Monro's Deposition, and threw themselves upon the King's Mercy.' And Mr. Carstairs's Depositions were read again. The Parliament found the Dittay proven.

Cessnock.

The Lord Melvil and Langshaw are sentenced, as the rest above, in common Form; but in Cessnocks Case, the Time and Place of their Execution is remitted to the King *simpliciter*, the Commissioner having signified, he had Instructions to spare their Lives, if they would be ingenuous.

After Sentence was pronounced with the usual Solemnities, old Cessnock desired Leave to speak a Word; and, Liberty being granted, he said, 'The Sentence was very weighty, and he wished it may be noticed by all concerned; but one Thing weighed him more than any thing which concerned himself, and that was, that his Creditors were like to suffer with him, and humbly supplicate, that his Grace the Commissioner might represent their Condition to the King's Majesty; for before they should be Losers, he would rather be content to starve.'

June 16. the Parliament remit the rest of the Persons cited before them, to the Justiciary, with Power to the Lords to proceed as if they had been cited before them, and dispensing with their not giving a List of Assize and Writnetles; and we have heard of the Procedure there already.

Others cited before them, remitted to the Justiciary.

That I may give all I have met with as to these Gentlemen, let me here subjoyn what I have observed this Year in the Council-registers, concerning some of them. April 29. I find the Council order Campbel of Ardkinglass to be transported from Blackness to Edinburgh, under a strong Guard. This seems to have been in order to his Appearance before the Parliament, but I meet with no more about him. August 14. Hay of Park is liberated, upon Bond of a Thousand Pounds Sterling, to live regularly and orderly; but the Persons I find most about, are Cessnock and Sir John Cochran.

Procedure against these Gentlemen, from the Council registers.

As to Cessnock, July 9. a Letter is read from Secretary Murray, that Cessnock's Remission is to be sent next Post; and, July 28. the Remission is come down, and the Council order the Keepers of the Seals to give the Remission gratis for Sir Hugh and Sir George Campbel of Cessnock; and, September 3. by a Letter from the King, Cessnocks elder and younger, are ordered to be sent to the Bass, till his Majesty's Pleasure be further known. September 18. the Council write to the Secretaries. 'My Lords, There being a Letter from the King, ordering the Two Campbels of Cessnock to be sent to the Bass, notwithstanding his Majesty's Remission for their Lives and Fortunes, and the said Cessnocks being put at Freedom and Liberty upon the said Remission, before the said Letter came, they desire to know his Majesty's Pleasure.' October 5. a Return comes from the Secretary, bearing, that he had received theirs, and communicated it to his Majesty; and he adds, 'I am commanded to let you know, that his Majesty is not well satisfied with the Delay that has been, in putting his Pleasure concerning the Two Campbels of Cessnock, in Execution; and 'tis now his Majesty's Will, that with all convenient Diligence, you cause them to be sent under a suffici-

Cessnock.



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Sir John Cochran.

'ent Guard to the *Bas*, with the necessary Orders for their being detained Prisoners there during his Majesty's Pleasure.' Accordingly, the Council dispatch an Express to Lieutenant-colonel *Murray*, for apprehending them, and bringing them in to the *Bas*. This is all I meet with about those Gentlemen. And as to Sir *John Cochran*, *August* 17. I find the Council order a Party to be sent with Sir *John Cochran* and his Son *John*, with *John* called Colonel *Aylie*, to put them aboard the King's Yacht, to be transported to *London*. We shall, in the last *Section*, meet with some Things the Council represent about Sir *John*, when he is thus sent up.

Thus I have given as short and distinct an Account, of this remarkable criminal Process before the Parliament, as I could, mostly from the written Minutes before spoken of; and we shall meet with an Act annexing their Lands to the Crown, before we end this *Section*; but I return again to the Detail of their Acts, which concern the Subject Matter of this Work.

Forfeitures of  
Monkland, *Fer-*  
*riswood*, and  
*Argyle*, ratified  
in Parliament.

Upon the 13 of *May*, where we left, the Parliament ratify the Processes of Forfeiture against *Robert Hamilton* of *Monkland*, *Mr. Robert Bailly* of *Feriswood*, and *Archibald* late Earl of *Argyle*. We have seen, these were Three of the most iniquitous Sentences pronounced by the Justiciary; and had not the Witnesses failed in *Cesnock's* Process, we should have had all the unjust Interlocutors upon that Head ratified this Day likewise, in all Probability.

Act for taking  
the Oath of  
Allegiance.

*May* 22. by their 17 Act for taking the Oath of Allegiance, the Parliament ratify all done by the Council, Justiciary, and such who were commisionate by them, in banishing, imprisoning, and fining such as refused the Oath of Allegiance, and the Assertion of the royal Prerogative, above inserted in this History; and ordain all Subjects to assert and swear the same, when required by the Council, Justiciary, or such as are commisionate by them, under the Pains of Banishment, Imprisonment, or any other Punishment determined by the foresaid Courts, not reaching to Life or Limb.

Tho' this be an Indemnity to the Managers for what is past, yet to me it appears to leave a Tash upon the former bloody Procedure of those Courts, where, as hath been observed, severals were condemned to Death on this head; and indeed this was the Case of the most part of poor Country People. However, the Voters of this Act bring upon themselves, all the innocent Blood shed by those iniquitous Sentences, and Multitudes died on this Score, and many at Sea, and in their Banishments.

Act ratifying  
the Opinion of  
the Lords of  
Council and  
Session, upon  
the Sentence  
of Execution.

*Tuesday June* 2. the Parliament by their Act 23. ratify the Opinion of the Lords of Council and Session, *November* 22. last, mentioned before; the Act being singular and short, shall be insert here. 'Our sovereign Lord, with Advice and Consent of the Estates of Parliament, ratifies, approves, and confirms an Opinion given by the Lords of Council and Session, upon the Day of *November* 1684. whereby they find, that any of his Majesty's Subjects, being questioned by his Majesty's Judges or Commissioners, if they own a late traiterous Proclamation, in so far as it declares War against his sacred Majesty, and asserts that it is lawful to kill such as serve his Majesty, or who shall not disown the same, are thereby guilty of high Treason, and are Art and Part of the same treasonable Declaration; and also ratifies, approves, and confirms all the Processes of Treason led, or to be led thereupon in Time coming. Reflections have been made upon this Subject above. This Parliament seems to be tied down to approve every Thing done of late, by the Managers at *Edinburgh*, and to make Laws of their Practice, and to be Sharers with them in their Guilt. What an unreasonable Thing was it, *brevi manu* to make every one guilty of high Treason, who would not instantly disown that Declaration, and perhaps had never seen it, or when they heard it did not understand it? which, I am perswaded, was the Case of several who were at this Time butchered.

However, as the Parliament, so far as I observe in their Act, do not resume the Opinion of the Lords of Council and Session, upon which the Council's Act is founded; so they seem in their Approbation to restrict the Council's Act to Processes, and a formal Indictment, as the Lawyers had done. And even here they do not approve of the Orders given for shooting in the Fields, above narrated. That was a little too gross, to be swallowed even by such a Parliament as this.

Act, *June* 2. for  
Regularity.

At this Time, the Clergy could scarce be satisfied with any Methods could be thought on for bearing down Nonconformity. We have seen the bloody Laws already made, and the Execution of them put in the Hand of the Justices of Peace: But a new Way is yet fallen upon, in which they may with some more Ease, vent their Spite and Malice against such who could not joyn with them; and we need not doubt but the Parliament will fall in with every Thing which comes from them; and so, by their 24 Act *June* 2. for Regularity, which I have insert *App. No.* 111. they ordain, that Tenants be obliged by their Tacks to live regularly.

App. No. 111.  
Remarks upon  
it.

This Act had a double Advantage. It would bring Heritors and Gentlemen, who were any way favourably affected to the Presbyterian Establishment, to new Hardships; and likewise, it would afford a short Way for the Curate or his Substitute, to raise Processes before any



any Court. The Reader will observe, that in the Act each Tenant obliges himself, his Family, Cottars, and Servants, shall live regularly, free of all fanatical Disorders, under Pain of Half their Moveables; and if the Matter fail in taking such Tacks, he shall be fined in a Year's Rent of the Lands. And all former Tacks without this Clause in them, are to be renewed; and if Tenants refuse to renew their Tack in this Form, they shall pay to their Master a Year's Rent. This is plain and short Work, and I wonder it was not fallen upon before this Time, when they were racking their Heads upon Methods for securing Conformity. Masters are both threatened and bribed to fall in with the Clergy and Government, in harassing the poor Country for mere Nonconformity.

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How vastly do those Tacks differ from those, I am well informed were in Use among some excellent Gentlemen in the West of Scotland, particularly that eminently religious Gentleman the Laird of *Carlton* in *Carrick*, about the 1638. and afterward? The Tenants without any Force, and by their own hearty Consent, bound themselves in their Tacks against all Vice, swearing, lying, Sabbath-breaking, &c. and engaged to keep Family-worship Morning and Evening, bear Witness against, and reprove the Sins of their Neighbours, and the like, under such and such Penalties; and these Penalties were exacted strictly at every Baron Court, and faithfully applied for the Support of the Poor of the Parish.

Tacks by Presbyterian Gentlemen to former Times

By the Way, I cannot but declare my Opinion, that Gentlemen and Heritors might be singularly useful to the Reformation of Manners in the Country, if they would fall upon joint Measures, and make such Tacks once customary, and see to the Execution of them in their Courts. Than which, through the divine Blessing, nothing would tend more to stem the Torrent of Immorality, unless it be their own personal, sober, and religious Walk, without which the other will be almost impracticable, and, though practised, very much useless.

The next, and 25 Act of this Parliament, ratifies and confirms that hard and severe Act of Council above narrated, July 8. 1682. upon which Remarks have been already made. The Authority of Parliament is interposed, both for the more vigorous Prosecution of Contraveners, and the After-security of the Authors of such a rigorous Act, in case a Time of Inquiry should ever happen. Indeed the Managers screened themselves under the Authority of this Parliament, but every Body saw through those Fig-leaves. There were not many of the Council Acts, distressed the Country more than this Act did.

Act ratifying the Act of Council, July 8. 1682.

Their 26 Act about *Adjudications for Fines*, I leave to Lawyers to consider. It appears to me rigorous enough, that when Lands are adjudged for Church-irregularities, and there is a Competition of several Diligences, the King and his Donatar should be preferred to the real Creditors upon the Lands. This many Times is not done in Cases of Forfeiture for *Perduellion* it self, but lawful Creditors have their real Debts satisfied. But this Parliament prefer the violenting People into their Church Establishment, to Righteousness and Equity.

Act about Adjudications for Fines.

By the 27 Act, the Kingdom is secured against People coming from abroad, and a very unusual Hedge and Incumbrance put upon Trade and Business. The Council had done somewhat like this before, and therefore the Parliament must go some further. Every Master of a Ship must bring all his Passengers at their Arrival, before the next Magistrate, who is to secure them till they give such Accounts of themselves as may free them from all Suspicion. And the same must be done, when Passengers go out of the Kingdom; and that under the Pain of such Fines and corporal Punishment upon the Master of the Ship, as the Council shall think fit.

Act for securing the Kingdom.

To make their Processies for Treason the more troublesome to the Lieges, and easy to the Persecutors, they, by their 29 Act, approve of the Practice at the Circuit Courts, in citing Persons even for Treason upon porteous Rolls, by Messengers and Sheriff-officers. Whether this was disagreeable to former Practice, and the very Letter of some Acts of Parliament, I must leave to others.

Act about citing Persons Proceller upon the porteous Rolls.

In the written Minutes of this Parliament, I find this same Sederunt, June 2. they ratify and approve the Procedure of the Council and Justiciary; and in all Time coming, order all Persons who refuse to abjure the *Sanquhar Declaration*, to be prosecuted criminally.

June, 2. their Act for Security of the Officers of State, and others, is passed, and deserves a Room here, as a parliamentary Evidence, that the Severity of the late Years was so much out of the Road, that it needed an Indemnity. 'Our sovereign Lord considering the great and acceptable Services done to his Majesty by the secret Committee, his Majesty's Privy Council, and others his Judges and Officers, and being desirous to secure them for their Acting and Omissions in his Majesty's Service, in most ample Form, doth, with Advice and Consent of his Estates of Parliament, indemnify and secure all and every one of his present Officers of State, the Members of the secret Committee, Lords of Privy Council, and all his Majesty's Judges, both civil and criminal; the Officers of the Army, and all others who have acted by his Majesty's Commission, or by Commission from his Privy Council, against all Pursuits or Complaints, that can be raised against them any manner of way, for their Actings in his Majesty's Service; as likewise for their Omissions, and wherein they have fallen short of their Duty, and that as fully as if every particular Crime or Misdemeanour

Act for the security of the Officers of State and others, containing an indemnity.



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were particularly specified in a Remission under his Majesty's Great Seal, or contained in an Act of Indemnity; requiring all his Majesty's Judges to interpret this Indemnity in the most favourable Sense, as they will be answerable.

Remarks on it.

One cannot but observe here, the Power and Stings of an evil Conscience. The Managers were, most of them, in Places of Trust, and had the Execution of the Laws in their own Hand, and at present were in no Hazard from Men. They had got the most and worst Part of their Actings already approved by the preceeding Acts of Parliament, yet they must have a general parliamentary Pardon.

I have heard of People now in publick Trust, who had Remissions from the Sovereign in their Pockets, in case of After-inquiries. And it hath been said, most Part of the present Managers had Papers of this Nature in their keeping, how truly I cannot say; but this is the first Instance I have met with, of a standing Blot recorded in the Laws of a Nation, by a Set of People upon themselves. And I hope this may be a good Apology for me, if any harsh Expressions have dropt in my Accounts of them. But however, by this they may have escaped Judgment from Men, most Part of them by this Time have felt, that this Indemnity is useless at an higher and more awful Tribunal; where, if Repentance and Faith in the propitiating Blood have not intervened, they have not escaped the righteous Judgment of God.

AA for the Clergy.

Passing the bitter and violent Address of this Parliament, against the good Earl of Argyle, and the *Act of Annexation* of his Estate, till they come in upon the next Session, I come to their *Act for the Clergy*, June 13. It ratifies all the former Acts, particularly those mentioned under the last Reign in their Favours; and not only ordains, that the Assassins and Murderers of Bishops and Ministers, should be punished, which is highly reasonable, but ordains the Parishioners where the Attempt is made, to pay such Sums to their Wives and Heirs, as the Council shall think fit, which looks like a punishing of the innocent with the guilty.

Yea, this Act makes the Attempt to break or rob the Houses of the Clergy, Death to the Invader. Before the Restoration, and since the Revolution, Presbyterian Ministers required no such Acts. I shall only notice, that a Christian and ministerial Carriage, and suitable Management of the ministerial Work among a People, is a better Hedge than Twenty such severe Clauses. At the Close, all the former Acts in Favours of Bishops and Archbishops, and the Government of the Church by them, are ratified in the general. There was no Difficulty in this, neither was it any Bar in the Way of the projected Design of introducing Popery, to which in Scotland Prelacy still led the Way.

AA annexing the Lands of the forfeited Gentlemen and Noblemen to the Crown.

By the 40 Act of this Parliament, 'the Lands of Sir John Cochran of Ochiltree, Sir Patrick Hume of Polwart, Thomas Stuart of Culneth, Pringle of Torwoodlee, George late Lord Melvil, David Montgomery of Langshaw, Sir Hugh Campbell of Cessnock, Sir George Campbell younger of Cessnock, Mr. Robert Martin, Walter late Earl of Tarras, Mr. Robert Bailly of Ferviswood, Thomas Kennedy of Grange, John Porterfield of Douchal, Mr. William and Alexander Gordons, late of Earlstoun, James Gordon younger of Craighen, are for ever annexed to the Crown, not to be dissolved from it but by Parliament, and that not upon general Narratives, but particular Causes and Services to be specified, that it may appear the same is not granted upon Importunity, or upon private Suggestions, but for true, just and reasonable Causes of publick Concern.'

All these worthy Persons, I think, have had a Room in the former Part of this History, and I say no more of them, but that they had Justice done them after the Revolution. This Annexation, with such Solemnity, to the Crown, was by People, who knew Matters, reckoned Grimace and Farce, and upon the Matter their Estates were already in the Hands of the chief Managers of the Persecution; and in the very next Parliament, we shall find Dissolutions of several of them made, upon no Considerations of publick Concernment, but to gratify particular Persons who had been active in the present Measures, and were Favourites, and made Use of to corrupt People into the Plot against the Protestant Religion. And it is certain enough the Rents of all of them, and Multitudes of others forfeited, were one way or other running to the private Use of Favourites.

I find there was an Act proposed in this Parliament, for taking away the Act requiring the Oaths from Advocates, Clerks, and Writers, but it was delayed by a Vote, and dropt. And June 16. the Parliament was adjourned to the last Tuesday of October, and afterward to April next Year, then we shall meet with the last Session of Parliament in this Reign. And the Commissioner in the King's Name, thanked them for their Loyalty and Pains.

Thus I have given as short and distinct an Account as I could, from the printed Acts, of the Procedure of this Parliament, and added an Abstract of their criminal Procedure, against the worthy Gentlemen and others abovenamed, from the foresaid written Account and Minutes.

General View of the Procedure of this Parliament.

From the Beginning to the End, their great Scope was to exalt the Prerogative of a Popish Prince, to approve the most severe and unaccountable Procedure of the Managers, further to load and burden the Kingdom with Cess and Taxes, during the King's Life, that there might be as little Use for any more Meetings of this Nature as possible; and indeed, had it not been to effly the rescinding of the penal Statutes against the King's Friends, probably we



we had had no more Parliaments; and lastly, to increase Hardships upon the Sufferers, and pave the Way for Popery, the first free Parliament we had, did cast what was now done. Let me come now to give some Account of the Attempt of the noble Earl of Argyle, to rescue his Country from those Evils.

1685.

## S E C T. IX.

*Of the unsuccessful Attempt of the Earl of Argyle, May 1685. to rescue the Nation and Church from the Burdens they were under, with some Account of his taking, Trial, and Martyrdom.*

**H**itherto I have seen no satisfying Account of this unsuccessful Essay, to recover the Religion and Liberties of Scotland, by the Earl of Argyle. There is a printed Letter, of the Date January 1686. giving a short, but true Account of the Earl of Argyle's Invasion, in the Year 1685. It is published in Holland, and the Style is such, or the Print so incorrect, that in some Places it is hard to make Sense and Grammar of it.

No distinct Account of the Earl of Argyle's Attempt hitherto published.

I have just now before me some short Hints, probably designed as Materials, from which an Account of the Earl's Attempt was to be given, with a Letter from his Lordship to Madam Smith at London. My Copy was taken from the Papers the Earl wrote with his own Hand, or dictated in Prison. Those Hints are evidently unfinished; but as to a plain Narrative, and the most considerable Facts, they are the best Account I have seen of this Matter. From both these, especially the last, and some Papers more common, I shall endeavour to form as clear a Narrative of this Matter as I can, till some better Hand, from more Materials, shall let us in further to it.

Materials from which the Account here is formed.

We heard before, the Earl got safe to London, after his Escape from Edinburgh Castle, and was entertained sometimes in the Country, and oft in the City by Madam Smith. The King was not ignorant of his being in the City, and very great Offers were made in his Name to the Earl, if he would fall in with the ruining Measures then on Foot, for establishing Popery and arbitrary Power; but this good and gallant Nobleman, would neither be cajoled nor corrupted from his Duty; and finding himself unsafe in England, he retired to Holland, where the Earl of Shaftsbury and the Duke of Monmouth were before him.

The Earl leaves England, and retires to Holland.

From several Persons who were Witnesses to the Earl of Argyle's Conversation in Holland, I am assured, that his Walk was singularly pious and religious. If he wanted those undeniable Evidences of pure Religion and undeiled, in his first Years, which I cannot determine; yet now, especially after his Escape, he gave undoubted Proofs of his being not only what he had still appeared to be, a firm Protestant and steady Patriot, but likewise an extraordinary Christian. He spent much Time in private religious Exercises, and Preparation for Death, which he reckoned not to be far off. He was a close Searcher of the Scriptures, pleasant and prudent in his Conversation, and frequently checked Looseness in Principles, and jesting with sacred Things, which were but too common at this Time.

His religious Carriage there.

During King Charles's Life, the Earl of Shaftsbury made several Proposals of doing somewhat to put a Stop to the Duke of York's Measures, and the Earl of Argyle was once, and but once, in Conversation with him. When finding Shaftsbury to be one, who appeared to him to have somewhat personal in View, rather than any Thing really for Religion and Liberty, the Earl declined meeting with him after that.

Once in Conversation with the Earl of Shaftsbury, and but once.

Monmouth was not forward to do any Thing during his Father's Life; but when he was dead, and that in so very suspicious a Manner, he, with the banished Noblemen from Britain, thought it high Time to bestir themselves, judging Things now come to a Crisis, by the Accession of a bigotted Papist to the Throne, and all like to go as Rome would have it.

Was in Concert with the Duke of Monmouth after his Father's Death.

Accordingly, in the End of February, in March and April, there were several Meetings kept in Holland; and an Invasion was resolved upon as necessary. The Duke of Monmouth, with the English Refugees, were to land in England, and the Earl of Argyle, with the Scots People, were to essay to land in Scotland; and it was agreed, that both should be as much as possible about the same Time. The Duke of Monmouth's Attempt I shall wholly leave to the English Historians, and confine my self to the Earl's Design upon Scotland.

In the Spring this Year an Invasion was resolved upon Britain.

I have before me the Minutes of a Meeting of our Scots People at Amsterdam, April 17

A Meeting of the Scots People at Amsterdam. Persons present at it.

O. S. this Year, and the Reader will desire to have them here. There were present the Earl of Argyle, Mr. Charles Campbell his Son, Sir John C. Chran of Ochiltree, Sir Patrick Hume of Polwart, George Pringle of Torwoodlee, William Lennox of West-

S f f f f f



1685.

Their Resolutions.

*Westbiels, George Hume of Bassindean, John Cochran of Waterside, Mr. George Wisheart, William Clellan, James Stuart Advocate, and Mr. Gilbert Elliot.* Sir John Cochran was elected *Protes pro hac vice*. They unanimously resolve,

That the abovenamed Persons, and other Gentlemen of the Kingdom of Scotland, joyn-  
ing with them in a great Undertaking, intended by them in the Defence, and for the Re-  
covery of the Religion, Rights, and Liberties of the Kingdom of Scotland, shall assume  
and take upon them the Quality and Character of a Council, for consulting and determi-  
ning whatsoever relates to that great Undertaking, and Management thereof; and that so  
soon as they come to Scotland, such of the Nation as shall joyn themselves to them in the  
Prosecution of the said Undertaking, shall likewise have Access unto, and be joyned in the  
foresaid Council.

The Persons foresaid, in the Character and Quality above expressed, do resolve to make  
War to the Effect abovementioned, against James Duke of Albany and York, and such as  
shall adhere to him; and for the Command and Conduct of the Army they shall be able to  
gather together, they did unanimously choose and appoint Archibald Earl of Argyle, to the  
Office of Captain-general, with as full and ample Power as any Captain-general is ordinari-  
ly in Use to have from any free State in Europe.

They elected and nominated Mr. William Spence their Clerk, and recommend it to the  
said James Stuart, to perfect the Declaration of War they design to publish, and that against  
Munday next.

It is resolved, that Mr. William Veitch, Mr. George Barclay, and William Clellan, be dis-  
patched to Scotland, and instructed for that Effect; and that the Earl of Argyle, Sir John  
Cochran, Sir Patrick Hume, George Pringle, and William Denholm, meet to Morrow at the  
Earl's Chamber, at Eight of the Clock in the Morning, to expedite their Instructions, and  
adjourn their Meeting till Munday at Eight of the Clock at Night, to Sir John Cochran's  
Chamber.

No doubt they met at the Time concerted, though I have seen no more of the Minutes of  
their Procedure, and I reckon then they agreed to the Draught of their Declaration, which  
shall in its own Room be inserted. Probably after that, they did not often meet, for the  
Time agreed upon 'twixt them and the Duke of Monmouth and his Company, was now ha-  
sting on. I find Mr. Barclay, and William (afterwards Lieutenant-colonel) Clellan, were in  
Scotland before the Earl came over, and no doubt kept by their Instructions.

The Earl and  
his Friends  
leave Holland  
May 1. The  
Duke of Mon-  
mouth leaves it  
not for a  
Month after,  
which was to  
the Prejudice  
of them both.

Upon the 1 of May, the Earl and his Friends left Holland, with a very few Ships, and a  
considerable Number of Arms. The Money expended on these, was mostly raised on the  
Earl's Credit. The Duke of Monmouth, with the English Gentlemen, had faithfully engaged  
not to stay above Ten Days after them in Holland; but it was a Month before they landed  
in England. Whether this was done of design, or necessarily, I do not determine. It was  
rumoured, that this Delay was advised, that the English Forces might be poured down upon  
Scotland, and their Game thus be the easier in England. However, it is certain, the Duke  
of Monmouth was extremely concerned when the Earl's Party was broke, and the Earl him-  
self taken; and indeed his Interest could not have met with a forer Dash. It is plain, the  
English not keeping to the Terms of Agreement, tended much to heighten the Earl's Mal-  
heurs, and to the Ruin of both.

The Earl's De-  
sign made  
known to the  
Government,  
and collisly en-  
terprised in  
Scotland.

The Court of England had very exact and particular Information of the Number, Force,  
and Designs of the Earl's little Squadron, before they came off. And Notice accordingly was  
given to the Managers in Scotland to be upon their Guard. Their touching at Orkney did  
further alarm Scotland; and so much had the late imposed Oaths corrupted the Generality,  
and so great was the Influence of the Managers, that there appeared a very general Opposi-  
tion against the Earl's Attempt; and such was the Consternation and Terror upon Friends,  
and so far were they sunk by long Oppression, that at best they were silent, and would not  
so much as correspond with such as were sent over from Holland, and a coming.

In short, as the Earl himself in the foresaid Hints, more than once, remarks, *the Lord's  
Time was not yet come.* The Body of Presbyterians in Scotland, were sorely broken in the  
Place of Dragons, their Ministers scattered, and the Bulk of People, who wished well to this  
Enterprise, were perfectly dispirited under Twenty four Years sore Sufferings. The Fur-  
nace had not altogether healed the Rents and Breaches among them; and the Party who  
were in Arms, wandring and hiding in the Fields, too many of them were gone to those  
Heights, which did not permit them to joyn with any Frankness in this Design, as hath been  
observed; and the rest were miserably born down, and frightened with the Soldiers and Mili-  
tia; and most of the honest Presbyterian Gentlemen were either in Prisons, or forfeited, and  
so scattered, as they could do nothing in Favours of the Earl. And above all, the Self-con-  
ceitdness, Cowardice, Ignorance, and miserable Differences among some who were embark-  
ed in the Design, spoiled all; so it is no Wonder I have a very melancholy and sorry Account  
to give of this Enterprise.

The Procedure  
of the Privy  
Council

Before I come to give an Account of the Earl's Attempt it self, I shall insert what I meet  
with in the Council-registers relative thereunto, till the Earl was seized, from which it will  
appear



appear how exact their Information was. I take the Appointment I find in the Council-books, *March 12.* to have come from some Hints of a designed Invasion. 'The Marquis of *Arbuthnot* is ordered to raise Five hundred Highland-men, for securing the Peace of the Shire of *Argyle*, and that they have Meat and Drink provided, with Arms and Ammunition, out of the King's Magazine.' Their Information, it seems, has been very particular and early, for *April 28.* the Council write a Letter to the Lords Justices of *Ireland*, thanking them for sending down the Forces to the Coast, and acquainting them, that by this Time they reckon the late Earl of *Argyle* is sailed with Three Ships. That same Day they publish a Proclamation, ordering all the Subjects to be in a Readiness to assist the King in case of an Invasion. And next Day, *April 29.* they grant a Commission to the Marquis of *Arbuthnot*, to be Lord Lieutenant of the Shires of *Argyle* and *Tarbet*. He is ordered to march with some Forces to that Shire, and every Place he goes through is ordained to furnish him with Baggage-horses. And *May 8.* the Council declare, that by that Clause in the Marquis's Commission, *That he should take Provisions necessary to such as were under his Command*, they understand that he may take Quarters.

1685.  
upon the Earl's Attempt.

*May 11.* the Council publish a Proclamation, ordering out all the fencible Men; which, since it is in common Form, with those at *Bothwell* and *Pentland*, needs not be insert. *May 17.* Letters are writ by the Council to the Duke of *Gordon*, and a great many others in the northern Shires, acquainting them, that the Earl of *Argyle* is appearing on the western Islands, and appointing them to call forth the Heritors. That same Day *William Spence* and *Blackadder*, are ordered to be brought South to *Edinburgh*. And *May 19.* all the Heritors on the South Side of *Tay*, are ordered to attend upon the King's Host. That same Day, 'Lord *Neil Campbell*, *William Cochran* younger of *Ochiltree*, the Master of *Mulhal*, and 'Pringle' younger of *Torwoodlee*, are required to enter their Persons within Twelve Hours, 'in the Castle of *Edinburgh*.' This is all I have observed in the Registers, till *June 20.* when the Earl of *Argyle* is ordered to be brought to *Edinburgh* under a Guard, as we shall hear. I return now to give a Narrative of the Earl's Attempt.

At first their Voyage was very promising, and in Three Days they were at *Orkney*, and happily escaped the dangerous Tides there; and under a considerable Storm they were kept together, and free of the Rocks, when they could neither see the Coast nor their Lanterns, by reason of a thick Mist: But next Day, unhappily they found themselves on the wrong Side of *Orkney*, and had missed the Passage 'twixt *Orkney* and *Zetland*; so they were forced to put in to get Pilots, not without Hopes of Assistance, but were disappointed.

They came to Orkney in Three Days.

*Mr. Blackadder*, Son to *Mr. John Blackadder*, of whom before, was sent in by the Earl to get Intelligence, and *Mr. William Spence* would needs go with him, to visit an Uncle of his who lived in *Kirkwall*, the chief Town in *Orkney*. Both were discovered, and caught by the old Bishop there. This was a great Loss, and alarmed the Country very much, and Notice was soon sent to the Government, of the small Force the Earl had with him.

*Mr. Blackadder* and *Mr. William Spence*, sent by the Earl to *Kirkwall*, and seized.

The Earl was peremptorily resolved to recover the Two Gentlemen, and ordered *Sir Patrick Hume*, with a Party of Fusileers, to attack the Town where the Bishop and they were, which might have been easily done; but some of the Company influenced the Earl, and much more the Masters of the Ships, pretending they might ly long there, detained by contrary Winds; so the Design was dropt, and only Five or Six Prisoners seized.

From *Orkney* the little Fleet hasted away by the Inside of the western Islands, as the shortest Course; and had they got thither straight, they would have surprized a Gentleman, *Ballechan*, in *Ila*, with Four or Five hundred Men: But the Wind calmed, and afterwards blew hard and contrary, which made them tack in to the Sound of *Mull*, that, if possible, the Earl might touch at *Lorn*, a Part of his own Lands. And if such as they expected had joyned them, that Country had been easily raised, and the Earl in full Time at *Ila*, to have surprized *Ballechan* and his Party; but they were kept back for Forty eight Hours, and missed him but by one Hour.

In *Tobermore* in *Mull*, they dropped Anchor, and were by several Rubs kept there Three Days, which was mightily to the Disadvantage of their Cause; for every Hour's Loss now was more than of a Day at another Time, and a Day like a Month. From *Mull* they carried Three hundred Men with them, and waisted over to *Kintyre*. Here they met with new Disappointments, many, from whom they expected much, failed them. However, in this Place they stayed some little Time, and sent over some of their Men to the Lowlands, to prepare the West to joyn them.

The Earl and his Company anchor at *Mull*, and sail to *Kintyre*.

At *Campbeltown* in *Kintyre*, was first published and dispersed the Declaration and Apology, &c. drawn up in *Holland*, as the forementioned Minutes bear, by *Mr. Stuart* that eminent Lawyer, and excellent Person. I have Two Copies of it under mine Eye; that printed at *Campbeltown* in *Kintyre*, in the Shire of *Argyle*, and the other reprinted some Time after in *Holland*, said to be taken from a correct Copy, which is inserted App. N<sup>o</sup>. 112.

Where their Declaration and Apology, &c. is published.

This Declaration and Apology the Reader will find drawn with a vast deal of Judgment, Candor and Calmness, and it contains a most pathetical and affecting Account of the present State of Things in *Scotland*, and the preceeding History will afford Vouchers for many

App. N<sup>o</sup>. 112.



1685.

Mr. Charles the  
Earl's Son sent  
with Letters to  
his Friends.

Particulars in it. It might have been expected this Declaration would have much awakened the Kingdom, but indeed it had very little Influence that way.

When they were at *Mull*, or coming to it, the Earl sent off his Son Mr. Charles, and he went ashore at the Castle of *Dunstaffage*, with Letters to his Friends. Some, whom he supposed to be his Friends, basely discovered all, and others were very backward to joyn. The Lairds of *Lochniel* and *Loup* had Letters among other Gentlemen of the Shire. The First gave Mr. Charles his solemn Promise to joyn the Earl with all the Men he could raise, and that upon a Day appointed; and yet most treacherously he sent by an Express the Earl's Letters, and probably his Declarations, to the Council at *Edinburgh*, and afterwards joyned the Marquis of *Athole*, with his Forces, at *Inveraray*.

Mr. Charles used all his Interest in that Country to convocate them; but, except an Hundred or Two hundred Volunteers, he had very little Success. Some pretended they did not believe the Earl was come in Person, otherwise he himself would have come to the Shire; others professed their Willingness to stand and fall with the Earl, but pressed he might go and fight the Enemy, otherwise their Families lay presently at their Mercy; and indeed the best of the Gentlemen in the Earl's Company were for this, but it was as violently opposed by others.

All Mr. Charles got done, was putting a Garison in the Castle of *Carnafory*, the dwelling House of Sir *Duncan Campbel* of *Auchinbreck*, and the settling of himself with a few Men in a little Town belonging to Sir *Duncan*, about Four Miles distant; and informed his Father thence, of the State of the Country.

While the Earl was at *Kintyre*, he had Letters from Mr. *George Barclay*, who had been sent over, as we heard, and was a considerable Trustee in the Lowlands. By those he had Accounts, that all possible was done, in order to dispose the Country for befriending him; but no Assurances could be given of any considerable Party their joyning him; that several had the Matter under their Consideration, but were come to no Resolution. In short, all was but faint Probabilities.

Causes of the  
Earl's continu-  
ing so long in  
*Kintyre*.

Matters standing thus, we need not wonder the Earl and his Party stayed some Time in *Kintyre*. The Earl was indeed very much blamed, as losing Time, and giving his Enemies Time to draw together an Army; but Necessity hath no Law. And further, as was then given out, he had promised to the Duke of *Monmouth*, to continue in some retired Place of the Country, till he had Notice of the Duke's being in Action in *England*. He had likewise given Assurances of raising a considerable Number of Men in his own Shire, and we see how much he was disappointed. Scarce any of his Friends there, save Sir *Duncan Campbel* of *Auchinbreck*, with about Eight hundred Men, joyned him.

Very few resorted to him while in *Kintyre*; only he had one Addition of about Three hundred Foot, and One hundred Horse. Upon this small Accession, he proposed to send off a West-country Gentleman to the Castle of *Ardmillan*, who declined going till some Intelligence came; and then he was not only willing, but rash and hasty to undertake that Expedition, till, with much Difficulty, the Earl hindered him, having received Advices the Country was full of Forces, and some *English* Frigates upon that Shore.

The Earl  
comes to *Tarbet*.

About this Time the good News came, that *Auchinbreck's* Men were ready; whereupon the Earl ordered him to march with them to the *Tarbet*, a very central Place, and opposite to the Lowlands; and thither the Earl came with his Three Companies from *Ila*, and Three Companies from *Kintyre*, commanded by Colonel *Aylief*, *Robert Elphinstoun* of *Lapness*, and Major *John Campbel*, afterward executed at *Inveraray*, and a Troop of Horse commanded by *Rumbold*.

APP. N<sup>o</sup>. 113.

At the *Tarbet*, upon the 27 of *May*, the Earl printed, and caused disperse his own Declaration, which I have annexed App. N<sup>o</sup>. 113. This Paper bears the Reason of it in its own Bosom. The Earl had concurred in the former large Declaration; but it was given out by his Enemies, that he had private Views to recover his own Estate, and the Lands of his Neighbours. This he fully obviates, and promises to pay not only his own but his Father's Debts. The other Particulars the Reader will find in the Paper it self, and so I say no more of them. This Declaration, it seems, very much displeased the Government, since they print it at full Length; whereas the former Declaration is printed in some short Hints, with perverting Clauses insert by way of Commentary, and for the Refutation of it, of which some Notice hath been taken. Both were published by Authority.

And modelled  
his little Army.  
The Officers.

At that same Place, about a Thousand Men joyned the Earl, mostly with Sir *Duncan Campbel*. Here the Earl modelled his very small Army into Three Regiments, which were not much above Five hundred Men per Piece. Sir *Duncan Campbel*, *John Aylief*, and the Laird of *Lapness*, were Colonels; Major *Alexander Campbel*, the Laird of *Barbreck*, and a Third, were Lieutenant-colonels; *James Henderson*, *John Fullarton*, and Major *John Campbel*, were Majors; and all inferior Officers were at this Time nominate, and this Handful put in the best Order might be.

The Earl was fully determined to have attacked *Ballechan*, who was lying about *Inveraray*, waiting for the Marquis of *Athole* and the Earl of *Broad-albin* their coming up: This was



a very reasonable Proposal. That Gentleman had but about Six hundred Men with him, which might have easily been given Account of, and *Argyle* Shire settled and secured, and the Earl's Army at least doubled.

1685.

But I find in the abovementioned Paper, that Sir *John Cochran* and some others of his Party would by no Means consent to this; but were peremptory to have some Hundreds of Men, and Half of the Arms and Ammunition, brought from *Holland*, given Sir *John*, and him sent to the Shire of *Air* instantly: He was so peremptory, that he said, if no Body would go with him, he would go alone with a Corn-fork in his Hand. This was not the only Contradiction Sir *John* gave the Earl, if the Accounts of those Times may be credited.

To do every Man Justice, as far as my Accounts afford Materials in this irksom Story, I am apt to think, Sir *John* laid too much Weight upon some Informations which came from the Lowlands, and promised himself a great deal more than came to pass. I have before me a Letter without any Date; but I take it to be at this Time, from *William* (afterwards Lieutenant-colonel) *Clellan*, to Sir *John*, which, with some other Accounts of such a Nature, might have put an Edge on Sir *John*'s Expectations, especially in a Matter he would so willingly have had true. It deserves a Room here, as what at least will let us into the Activity and Endeavours of that gallant Gentleman, in the Trust committed to him. It follows.

## S. P. I.

If you knew what Hazards I have run, and Travel I have been at, you would be satisfied I have not been negligent. I have turned all Stones, and hope, by God's Assistance, Things shall go well. The great Multitudes of Enemies, and the Remissness of some Friends, have retarded mightily. By God's Help, I hope the Malecontents are gained, and begin now to act: I have this Order to write in their Names, that if Mr. *Ker* be for the Work of Reformation, carried on from the 1638 to the 1648. they are for him. Let him not spare to speak them fair, and not to be any way troubled for what they may write to him. Keep you strong where you are, and keep the Enemy in as great Vexation as you can, till you see a Beacon upon *Lowdon-hill*. I hope in Eight Days or thereby all shall be in a Flame. Send us Intelligence to *Moffat-well*, if possible, where I shall have a Man or Woman with a Knot of broad red Ribbons about their right Arm, to whom they shall give all their Intelligence. Haste to send it. The Enemies did prevent us as to Horses, but we are minded to retake them. If you could frequently alarm the Enemies, it would exceedingly weaken them. In short, Things are brought to a probable Posture.

Mr. Clellan's  
Letter to Sir  
John Cochran.

This Probability did misgive, and those termed Malecontents, the Society People in the South and West, fell into Differences, as we heard, as to the Terms upon which they would joyn with *Argyle*. But I can find nothing of their Scruples as to his being against Monarchy, and for a Commonwealth, which is a mere Reproach: And nothing was effectually done.

However, such Accounts as these made some of the Gentlemen stiffly oppose the Earl his going to *Inveraray*, when he had an excellent Prospect of many Advantages by so doing. To determine their different Sentiments, a Council of War was called, and there, contrary to the Earl's Sentiments, it was resolved to make an Invasion upon the Lowlands. The Earl calmly submitted, but indeed this Step was mightily to their Loss.

The Earl hindered from going to *Inveraray*, and it is related to in an Account upon the Lowlands.

At the Isle of *Bute*, another Stop befel them; a Company of Foot, and some of *Rumbold*'s Horse, could not have Boats to come up soon enough, and waiting for them, the Earl was detained Three Days. When they arrived, the good Project upon *Inveraray* was laid aside, and the Forces transported, the best Way they could, to *Cowal* in *Argyle* Shire, just opposite to the Lowlands, whither the Gentlemen would be. And Sir *John Cochran*, Colonel *Elphinstoun*, and Major *Fullartoun*, were sent to the Lowlands.

Sir John Cochran and others sent from Cowal to the Lowlands.

By this Time the Coasts were guarded, and some *English* Frigats come up, so that Sir *John* durst not land in the *Largs* in *Air* Shire, as was projected, but put in towards *Greenock* for Intelligence, and some Meal for their Army.

He put in towards Greenock.

When they came within Musket-shot of Land, there appeared a Body of Horse upon the Shore. Sir *John* having the Command, ordered Colonel *Elphinstoun* to essay landing with about Twenty Men, which was all they could land at once for Want of Boats; but the Thing being impracticable at that Place, and the Colonel's Orders being only to obey in as far as reasonable, taking this to be just the losing so many Men, he flatly refused.

Sir *John* prevailed upon Major *Fullartoun*, with about a Dozen of Men, to attempt to land in another Place near by, which he did under the Fire of the Militia, and got safe ashore, and into a Sort of Ditch for Shelter. The printed Account aboven mentioned bears, 'That the Militia seeing them ashore, gave over firing, and the young Laird of *Houffac*, and

What passed there.



1685.

*Crawfordsburn*, came up to the Major, and another with him, and had some Conversation, and passed their mutual Words of Honour, to use no Hostilities till the Parley was over. After they had asked some Questions at the Major, to his great Surprise, they discharged their Pistols at him, which happily missed him, and he returned his, and killed one of their Horses, and wounded another.

By this Time some more Men were landed to the Major's Assistance, and those with the first Party behaved so well, that the Militia retired to the Face of an Hill opposite to the Ships, who fired some Guns at them, which reached so near them, that they retired, and some did not draw Bridle till they came to *Passy*. This is the Account given in the printed Narrative beforementioned; I cannot assert it as certain, and have set it down as I find it.

Having communicated what is above, to a worthy Gentleman present at this little Scuffle, he is pleased to acquaint me, That the Heritors of *Renfrew* Shire, formed in a Troop under the Lord *Cochran*, at the Council's Appointment, were at this Time keeping Guard at *Greenock*. When Mr. *Fullartoun* landed near the Kirk of *Greenock*, *John Houstoun* younger of that Ilk, Lieutenant of the Troop, and *Thomas Crawford* of *Crawfordsburn* elder, Quartermaster to it, with some Gentlemen in Company, rode down towards Mr. *Fullartoun* and his Men, who had put up a Signal for Parley; and *Houstoun* having expostulated with the Major on their Invasion, he answered, *They were come to their native Country, for the Preservation of the Protestant Religion, and Liberties of their Country, and it was Pity such brave Gentlemen should appear against them, in the Service of a Popish Tyrant and Usurper*. Upon which *Houstoun* said he was a Liar, and discharged his Pistols amongst them, as did also the rest of the Gentlemen with him, and the Major and his Men returned their Fire very briskly, but did no Execution; only *Houstoun's* Horse being of Mettle, and unused with Fire, threw him, but he soon remounted, and returned to the Troop.

Upon their Flight, Sir *John* with the rest came ashore, and entered the Town of *Greenock*, and endeavoured to prevail with the Inhabitants, to joyn in Defence of Religion and Liberty. He seized about Forty Bolls of Meal, instead of the Two hundred the Earl had ordered him to bring for the Use of the Army; and then, upon a false Alarm, went off in the Night, and sailed back to *Cowal*, and there, too late, declared it was Folly to attempt the Lowlands as yet, they being every where guarded with Soldiers and Militia.

The Design upon *Inveraray* resumed under many Disadvantages.

All now left to the Earl, was to make the best he could in his own Country; and so he renewed his Design to attempt *Inveraray*, though now at a vast Disadvantage. Accordingly, he divides his small Army, and gave the one Half of it to Colonel *Rumbold*, and sent him to guard a Pass, by which the Marquis of *Athole* might attack him; and likewise to raise the Country as much as possible: The other Half he took with himself to *Inveraray*; but the Winds being contrary Six or Eight Days, and the English Frigats being come up, he was forced to shelter his Vessels under the Castle of *Allangreg*. There he took out such Arms and Ammunition as he at present stood in Need of, and laid them up in the Castle, which he fortified as well as in so short a Time he could, and then marched by Land to *Inveraray*, resolving to attack the Marquis of *Athole*, if his Ships should get up to him. He left Two Companies of Men in the Castle.

Colonel *Rumbold*, with about Five hundred Men, went and seized the Castle of *Ardringlass*; and when the Marquis of *Athole* sent off a large Fisher-boat full of Men, to know the Colonel's Numbers and Strength, Captain *Duncanson* manned out a little Fishing-scout, with Ten Men, and chased her within Pistol-shot of the Town, very much to his Honour: However, some Regiments were ordered from *Inveraray*, to retake the Castle of *Ardringlass*.

But the Earl, by this Time, was got up with the Regiments he had with him, to *Rumbold*; and the Enemy finding their Mistake, made a Halt at the Head of *Lochfin*. Upon which the Earl himself, with Five Companies of Foot, and Two of Horse, went to attack them, leaving the rest to be brought up by Sir *Duncan Campbell*. The Marquis of *Athole* being apprised of this, sent off some of his Men in Boats, to land upon the Earl's Rere, and cut off his Retreat; but Sir *Duncan* prevented that by his seasonable coming up.

The Earl gets a small Advantage over the Marquis of *Athole*.

But is forced to retire to the Castle of *Ardringlass*.

The Earl with the first named Companies, attacked the first Body of the Enemy, and entirely put them to the Flight, and pursued them a good while up a steep Hill, till the Ground grew so disadvantageous, that he saw fit to sound a Retreat. In this Action he had but one Man killed, and severals of the Enemy were killed and wounded.

After this Advantage the Earl returned to the Castle of *Ardringlass*, and designed next Day with his little Army to attack *Inveraray*, where the Marquis of *Athole* was reckoned Five thousand strong, to be sure the Earl was scarcely 1200. But unhappily the King's Frigats and Men of War, at this Time were coming up pretty near the Castle of *Allangreg*, where the Earl's Ships were; and some of the Gentlemen who would not come with the Earl to *Ardringlass*, and had differed with him all along, threatened to quit all and go to the Lowlands: The Earl therefore, after Four or Five Hours refreshing his Men, was obliged to return to the



the Castle of *Allangreg* with Three Companies of Foot, ordering the rest, under *Rumbold* and *Sir Duncan*, to meet him at the Kirk of *Glenderule*, if there was need; which they did. 1685.

Thus a second Time the Earl was marred in his Design upon *Inveraray*, when it had most probably succeeded, tho' the Marquis of *Arbuthnot* had double his Numbers, since upon this small Ruffle great Numbers of the Marquis's Men left him. In short every Thing went cross the Earl's Designs, and that when just about to be happily executed.

When the Earl came to *Allangreg* in this critical Juncture, he resolved to man out Four Prizes he had got at Sea, and Thirty large Cowans or rather-boats, with the Thousand Men he had with him, and joyn his own Three Ships with them, and attack the Men of War that were coming up; but another Mutiny was raised among the Seamen, by those who still embarrased the Earl, so the Design was entirely broke, and the Earl forced into the Measures of those, who, cost what it would, resolved to be at the Lowlands.

Thus the Castle of *Allangreg* was left to the Laird of *Lapsford*, with a sufficient Garison, and Men to guard the Ships, and the Governor ordered, in case he was not able to hold it out, to blow up the Magazine, and either to draw up the Ships, so as they might be recovered, or to sink them. But Two Days after the Earl with the Forces had left them, the Garison forsook all, being, as they said, in Want of Provision, leaving a Train of Powder to blow up the Castle, and neglecting the Ships intirely; and which was worse, they left behind them the few Prisoners taken at *Orkney*, who being left at Liberty, immediately acquainted the Captains of the Frigats, who came ashore in long Boats, discovered the Train, and seized all.

No wonder that this vexed the Earl, when the Garison came up to him in his March, toward the Head of the *Gareloch*; and now nothing was left him but to march into the Lowlands, under a Thousand Disadvantages. In the Way they met and defeated several of the Enemy's Parties; and such of them who escaped, alarmed the Country before the Earl, and distressed up the regular Forces, acquainting them of the Road the Earl had taken; so that when he crossed the Water of *Levin*, a little above *Dumbarton*, he found all the King's Army and Militia upon him, treble to him in Number, and the Earl of *Dumbarton* on their Head.

Here the Earl of *Argyle* took up a Ground, which was inaccessible and safe, but they could not stay in it for Want of Provision. By their miserable Divisions they lost another Opportunity here, to have fought a Part of their Enemies before General Cannon, or Ammunition were come up. This was pressed by the Earl, but he was over-ruled. When all the King's Army was come up, and they must either do or die, the Earl calls his Council of War.

The Bulk of the Gentlemen were for marching by the Enemy, and letting them fall upon their Rere, which, in the foresaid Hints, says the Earl, would have been present Destruction. The Earl and *Aylieff* were for engaging, knowing indeed they were treble their Number, but that likewise they wanted not Friends among them. This was violently opposed by the other Side, as perfectly impracticable. *Rumbold* moderated their Heats, and a Night Attack was agreed upon; but the Earl was again over-ruled and balked in that also; so that it ended in a Retreat to *Glasgow*, or *Bothwell-bridge*, and so towards the South.

Accordingly Fires were kindled, and Men left with them, which took so well, that they got all pretty well 'twixt the Enemy and *Glasgow*. Several of their own Number gave them false Alarms, pretending to see Parties marching towards them, and such like Imaginations. *Sir John Cochran* is charged in the printed Account, as being very instrumental in discouraging the Men, and pressing them to separate and flee; how truly, I am not at this Distance to determine.

But it is certain enough, their Guides misguided them, and carried them near Four Miles about, and instead of leading them to *Glasgow*, brought them down upon *Kilpatrick*; and the Earl, in the foresaid Hints, says, he was a Mile in the Dark before he perceived the Cheat, and could neither help it, nor perswade them to halt to draw up, so that their Retreat turned to a Rout. He stayed in the Rere, and sent *Rumbold* to the Van to stop them, but, says he, it was impossible, and concludes, so I was left necessarily to be taken.

At *Kilpatrick* a few of them put a Militia Company to Flight, and had it been possible to have rallied their scattered Forces, they might have got out of the Reach of the Enemy; but that was impracticable, when a good many of themselves urged separating and fleeing.

*Sir John Cochran*, *Sir Patrick Hume*, and some other Gentlemen went straight to *Clyde*, and would not so much as stay to reason the Matter with my Lord *Argyle*. They were received with the Fire of some of the Militia Horse, when they came to the other Side. The Laird of *Lapsford*, the Laird of *Barbreck*, with a few Soldiers, coming up in another Boat, fired at the Militia, and obliged them to bear off with some Loss, and having got ashore, they joyned the rest, and were pursued for some Time by Two Troops of Militia, commanded by Captain *Clellan* of *Fasken*. At length a Scuffle happened near *Muirdyke*, in *Lochrumnoch*, wherein Captain *Clellan* and some others were killed, and the Laird of *Blair*, (other Accounts make it *Sir Adam Blair* of *Carberry*.) with some others, wounded. Upon the

Another Design to attack the King's Frigats, broken.

They leave the Castle of *Allangreg* with a Garison under the Laird of *Lapsford*, which is seized with all the Magazine, by the English Frigats.

The Earl marches to the Lowlands.

And comes near the King's Army under the Earl of *Dumbarton*.

They resolve upon a Retreat toward the South.

They get by the Enemy in the Night.

And being misled by their Guides, come down to *Kilpatrick*.

*Sir John Cochran* and some others pass *Clyde*, and a Scuffle happens at *Muirdyke*.



1685.

Account of  
some further  
Particulars as  
to the Earl's  
Attempt, and  
the Scuffle at  
*Muir-dyke*, from  
a Narrative by  
one present.

other Side, a Gentleman of the Name of *Campbel* was killed, and Major *Henderson*, and Mr. *Archer* (of whom afterwards) was sore wounded.

Having given this Account of what passed since the Earl's coming from *Holland*, before I enter upon the Earl's personal Misfortunes, let me subjoin here several other Hints concerning this Attempt, and particularly the Encounter at *Muir-dyke*, from a Narrative come to my Hand, since I wrote what is above, written by a Person of good Reputation yet alive, who came over with the Earl, and was present at the *Muir-dyke* Encounter. 'When we set sail from *Holland*, we were not above Three hundred Men in all, but had our Three Ships laden with good Arms and Ammunition. We had a quick Passage, but came to the wrong Place of the Kingdom, *Orkney*, where Two of our Men were taken. When we came about to the Earl's Country, a good many Highlanders joyned us. Upon Notice of an English Man of War in Pursuit of us, we went down a little Creek to the Castle of *Alangie*, where we lodged all our Arms and Provisions, and built a Fort on the West Side of the Castle, and planted some Cannon, in case the Frigats should come down. We left an Hundred and Fifty Men there, and went in quest of the Marquis of *Athole's* Men, who constantly fled from us. Thus we were taken up several Days: Mean while the Frigats came down upon the Castle, which our Men could not defend, and were forced to quit it, laying a Train to blow all up, which misgave, and all fell into the Enemy's Hand.'

'This mightily discouraged the Earl, and we left pursuing *Athole's* Men, and marched to the Lowlands, hoping our Numbers would increase. When at Night we were setting our Watches, a Party of the King's Troops appeared, so that instead of getting Rest, we marched all Night towards *Glasgow*; and after we had sent out for Provision, which we very much wanted, the whole of the King's Army appeared; so we drew up on a Muir Side, there being a Water 'twixt us and them, being firmly resolved to fight them, tho' much inferior in Numbers; but they never approached us all that Day. At Night we marched off, leaving great Fires in our former Camp, and our Leaders mistaking the Way, led us into a Moss, which quite disordered us, so that though we were a good Army at Night, there were not Five hundred of us together in the Morning. Our Discouragements being great, Multitudes, and *Kumbold*, and many brave Men who had no Mind to part with us, lost their Way. Those who kept together came to *Kilpatrick*. We crossed *Clyde*, where was a Troop of Militia Horse, which Sir *John Cochran* and *Polwart* soon defeated, and made them run more than a Mile before they halted: So we sent the Boat to and again, till we brought over an Hundred and Fifty Men, and the Earl with the rest refused to come over. On the South Side of *Clyde* we refreshed our selves with some Provision, in a Gentleman's House at the Water Side, which had been designed for the King's Forces, and indeed we needed it, for some of us had tasted little these Three Days; then we resolved to march in a Body South to *England*.'

'But the Militia Troops we had chased from the Water Side, had got Two others joyned them, and came toward us, which made us alter our Rout. Sir *John Cochran* divided us in Three Companies, one he commanded himself, *Polwart* the other, and Major *Henderson* the Third. We went to attack the Militia, who fled, and we saw no more of them till the Afternoon. Two Troops commanded by Captain *Clellan*, and my Lord *Ross*, with some Militia, came near us, who now were decreased to about Seventy, and attacked us; we stood our Ground, and had Mr. *Thomas Archer* wounded. A Treaty was begun, and they offered Quarters, which we refused, and got into a little Fold-dyke, which was a kind of Defence unto us. There they made a furious Attack upon us, wherein Captain *Clellan* was killed, and renewed their Attack, wherein we were told my Lord *Ross* was in Hazard; and if he had not had Harness, would have been killed, as several others were. We had one Man killed, and Two wounded; and Sir *John Cochran* had Two Shots, which lighted on his Buff-coat, and smarted much, but did not pierce it. After this, the Enemy retired a little, and compassed us round at some Distance, which gave me (says the Writer) Opportunity to observe Mr. *Archer* lying, who was extremely weakned by his bleeding. He was carried into the Herd's House, where the Enemy afterward found him, and he was taken into *Edinburgh*.'

'When Night came, Sir *John* ordered us to march out from the Fold we were in, in a close Body, and endeavour to force our Way through them, apprehending they resolved to guard us in till more Forces should come up. But we found them retired to *Kilmar-nock*, and so after staying about a Day's Time together, in a Tenant's House of Sir *John Cochran* his Father, and upon hearing that the Earl of *Argyle* was taken, Sir *John* dismissed us, and we separated, and shifted for our selves the best way we could.'

To return to the Earl thus deserted, and almost alone, he rode about a Mile in the Road to *Glasgow*, accompanied only with Sir *Duncan Campbel*, Major *Fullartoun*, Captain *Duncan-son*, and his Son Mr. *John*, and sent off Sir *Duncan* and the Captain to make a new Levy, if possible; and after having laid down a Method for Correspondence, parted with them, and went to a certain House, where one lived who had been his Servant some Years, hoping to be safe there, but was peremptorily denied Access.

The Earl  
crosses *Clyde*.

This



This forced him and the Major to cross *Clyde*, and they went straight to the Water of *Inchaban*, where at the Ford he was stopt by a Party; whereupon the Earl turned his Horse, and went up the Water Side. *Fullartoun* entertained the Party at the Water in the mean Time, partly by fair, and at length with brisk Language, till the Earl was a little off, pretending he would not be forced or stopt. Mean while, a Country Fellow came and told the Commander of the Party, that the other was not a Country Man, and that he had parted with his Horse, and taken the Water upon his Foot, upon which a Party was ordered up to him. This the Major endeavoured to prevent, and offered rather to yield himself, than that the Country Man his Guide should be troubled. The Earl was in a mean Habit, and the Major in good Clothes. To this the Commander of the Party condescended; but as soon as the Major was disarmed, he sent off Two to take the supposed Guide, contrary to Agreement; which the Major seeing, railed at him, and grasping at one of the Swords, resolved either to kill or be killed. But he was soon overpowered, and carried away Prisoner, and afterwards very wonderfully escaped, of which I want the Particulars.

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And is taken  
at the Water  
of Inchaban.

By this Time, those sent came up to the Earl, and fired at him while he was in the Water: He got through the Water, and presented a Pocket Pistol to some who met him upon the other Side, but being spoiled with the Water, it did not fire. One of them seeing this, cut him on the Head with a broad Sword. The Laird of *Greenock* came up with another Party, and immediately knew him, and seized him, and carried him in Prisoner to the Earl of *Dumbarton*, at *Glasgow*. The Country People, when they knew it was the Earl, regretted what they had done most bitterly. This is the Story told by the printed Account, but very confused and indistinct, and in some Circumstances I scarce find it agree with other Accounts I have heard.

Therefore I add the Earl's own Narrative of it, from the forsaide Paper so oft cited. The way of my taking was in short, when our Friends had run so far, that to follow and rally them would never do, I was past a Possibility of getting to *Argyle* Shire. I attempted to hide, but I fell from one Difficulty into another, till Two Militia Men fell upon me, after I had laid by my Sword to pass for a Country Man. I answered their Challenges civilly, but at last they laid Hands upon me, one upon each Side, all of us on Horseback. I grappled with both, and one of them and I went to the Ground; but I got up, and rid myself of them both, by presenting my Pocket Pistols. After that Five came on me, and fired close at me, without touching me, and I was like to get rid of them, till they knocked me down with their Swords. As soon as they knew what I was, they seemed to be much troubled, but durst not let me go.

The Earl's  
own Account  
of his being  
seized.

Thus I have brought this great and gallant Nobleman again into the Hands of his Enemies. He was most unaccountably treated by too many, embarked with him in the Design for rescuing this Nation: Never any Enterprize he designed almost, but he was crossed in it; and he never had any Success but once, when he went over their Inclinations, and left them behind him at the Castle of *Allangreg*. And one is almost ready to say, that it had been *Scotland's* Interest and his own, if he, and those who still thwarted with him, had never met again, and that he had suffered them to go to the Lowlands, as they threatened; but this excellent Patriot was but too well-natured to such unreasonable Proposals as were advanced, and too ready to expose himself, rather than suffer any Thing to fall in contrary to that Harmony he so vehemently wished for.

Remarks on  
the whole.

I shall shut up this lamentable Narrative of this Matter, with a few Passages more from the Hints dashed down by the Earl when in Prison, which will give us farther Views both of the Earl's excellent and Christian Temper, his Sufferings, and the Uneasiness he had from those who were with him.

After the Account of his being left and taken, he says, 'Even in this I found many concurring Providences, which said, *God would have it so*. I submit to the Lord's Providence in it, I hope all is for the Good of my Soul. There are some hidden ones, but I see no great Party in this Country, that desire to be relieved; only my poor Friends in *Argyle* have appeared in all *Scotland*. I was busy this Day (those Hints are written in Prison a few Days before his Execution) treating for them, and in some Hopes; but this Evening Orders came, that I must die upon *Monday* or *Tuesday*, and I am to be put to Torture, if I answer not all Questions upon Oath, yet I hope God shall support me. My Wife is now admitted to come to me, so I will leave off further writing at present. If my Methods had been followed, in all Probability the Ships had been saved, and sent back, and Matters continued some Months, but there had been much Bloodshed. God hath ordered it otherwise, and certainly best, tho' not to the Humours of any engaged. I thank God I submit heartily to his Will.'

The Earl's  
own Reflections.

At another Time he adds, 'Those who went with me kept continual Cabals, sent Messengers, received Intelligence by themselves, and acquainted me with but what they pleased, and were trepanned by Spies sent out by the Enemy; and to the last Hour never got me one Intelligence of Use, nor assured me of one Man to joyn with me; and when they spoke or sent to any, did it in their own Name. Once they perswaded me, like a Fool, to give



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‘ a Letter of Trust to one they sent out, and, like the Raven, he never returned. They designed sometimes to have seized some of the Ships, Arms, and Provision, and effectually did break open, use, and embezel what they pleased, without me. Some of them lived riotously, and spent the Provisions as they pleased, so that many Arms were spoiled, and many lost, and Provisions were spent sooner than was necessary: And, except Two hundred Ducatoons I left, I spent all the Silver upon them, and they claimed all as their Due. After the Vessels were lost, they once, without my Knowledge, seized all my rowing Boats; and if I had not perceived it, were running away of their own accord, with as many as they could engage, even after I had undertaken my last fatal March, by their Advice.’

Upon another Bit of Paper the Earl goes on, ‘ I say not this to accuse any, but that you may pity me, and know the Providences, in bringing me to the Case I am now in, were numerous and very remarkable. It was the Hand of God, let us submit to it. We have not been thankful for former Deliverances, and we have too much trusted the Arm of Flesh. It was certainly a determined Counsel of God, not to deliver Scotland at this Time, nor by my Hand especially; I must be taken, as I was. But again, alas! whom is there to be delivered? I doubt not but there are some hidden ones, but the Generality have perverted their Way. Some frailty yielded, and intulily persisted even to the same Excess of Riot. The Heritors and Militia were trusted, yet the very Men we trusted have done us most, and, it may be, the only Mischief. Of the Militia who wounded and took me, some wept, but durst not let me go. - - - Friends were our greatest Enemies, all without Exception, both to betray and destroy us; and indeed - - - and - - - were the greatest Cause of our Rout, and my being taken, tho’ not designedly, I acknowledge, but by Ignorance, Cowardice, and Faction.’

The Earl adds upon another Piece of Paper, ‘ I am not pleased with my self, I have so hard Epitaphs of some of my Country Men; seeing they are Christians, pray put it out of any Account you give; only I must acknowledge, they were not governable, and the Humour you found begun, continued. Poor Rumbold was a great Support to me, and a brave Man, and died christianly. But unhappy Aylieff is still at Glasgow, he hath attempted to end himself with his Pen-knife.’

Those Hints give a naked Representation of Matter of Fact, and being from one of so great Probity and Religion as the Earl, their Truth cannot be questioned; they are the true Springs of this Business’s misgiving so miserably. They seem to be written by the Earl at different Times, probably as Materials of an Information to Madam Smith, to whom he wrote a Letter, among the last Things he did, which shall be just now insert, as I follow this extraordinary Person to his Martyrdom.

Council's Orders June 20. about bringing the Earl to Edinburgh.

The Earl being taken, was carried into the Town of Renfrew, and when at some Refreshment there, he said (as I am certainly informed) to Thomas Crawford of Crawfordburn, to whom he had a peculiar Regard, and after his taking by the Two Country Men at Inchanan Water, gave him a Silver Snuff-box as a Token of his Respect. ‘ Thomas, it hath pleased Providence to frown on my Attempt, but remember I tell you, ere long one shall take up this Quarrel, whose Shoes I am not worthy to carry, who will not miscarry in his Undertaking.’ From Renfrew the Earl was taken to Glasgow, and from thence was carried into Edinburgh, under a strong Guard. By the Council-registers, I find, June 20. they order Archibald late Earl of Argyle, to be brought along the long Gate to the Water-gate, and from thence to be carried up the Street, with his Hands tied behind his Back, bare-headed, in the Militia of Captain Graham’s Guards, with cocked Matches, and the Hangman walking before him; that the Horse Guards march before and behind, and he be carried to the Castle, and laid in Irons.

It was debated at Edinburgh, whether to intent a new Process upon this present Invasion, and pass Sentence upon him for it, or to execute him upon his former Sentence unrepented. To be sure, a Sentence upon the present Invasion, which might soon by the present Laws have been found Rebellion, would have been far more equal in the Eyes of many, but then it would have taken some Time; and such was the Zeal of the Managers, they would not seem to question the Injustice of their former Sentence, which every Body saw iniquitous, and all the World, and, I imagine, most of themselves by this Time were convinced of its Unrighteousness. However, to make short Work, they looked upon him as already condemned, and proceeded, without any Ceremony, to take away his Life.

This was the Opinion of the Counsellors at Edinburgh, and they had Orders from Court agreeable thereto, as we shall hear. Great Pains were taken to bring the Earl to a Confession, which might involve others in the same Measures they were resolved to take with him; and as he himself signifies above, he was threatened with Torture, but, as far as I can learn, they did not bring him under it. He was frequently visited by the Managers, and Committees of Council met, and he was brought before them. And the Interrogatories put to him by the Council deserve a Room here, from the original Copy I am favoured with by a Person of Quality.



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*Interrogatories for the late Earl of Argyle.*

- W**HO were accessory to your making your Escape out of the Castle of *Edinburgh*, and who did reset you upon the Road, and did furnish you Horses?
- Who entred into the Transaction with you, at *London* and elsewhere, for the Thirty thousand Pounds *Sterling* which should have been transmitted from *London*?
- Who should have managed the raising of the Thousand Horse upon the Borders, and who, in *Newcastle* or *Berwick*, should have corresponded with you?
- With whom, in *Holland*, or the Provinces of the Low-countries, or *Spanish* Nether-lands, or Courts abroad, did you keep Correspondence, and should have contributed with you, and particularly at *Amsterdam*?
- What Noblemen, Officers of the Army, or others in *England*, did correspond with you?
- Who in *Ireland*? and why those in *England* or *Ireland* rose not?
- What *Scotsmen* were concerned, or if *Stairs*, *Saltoun*, or *James* (here is a little Blank in the Original, which I supply not, though I take it to be Mr. *Stuart*) were not concerned?
- If it was treated that the Duke of *Monmouth* should be King?
- Who was to be raised to the Throne, if this King was to be laid aside?
- Who was to have raised the Forces in the Borders and West at this Time?
- Why you imployed *Rumbold* or *Baifour*, being Assassimators, and why they went not rather with *Monmouth*, than came here?
- If there was any Delign for assassinating the Officers of State, or Garisons?
- Were there any Ships to land in *Forth*, *Fife*, or elsewhere, and if there be any Ships yet to come?
- Who were to joyn you in *Murray*, and why you resolved to touch there?
- Why *Spence* came to you, and what Correspondences he brought?
- Why you brought up your Ships to *Clyde*, knowing the King's Frigats would block you up there?
- Why were you so long in going to the West Country?
- If there was any of the indulged Ministers who corresponded with you since you came to *Scotland*? and what were the Names of the Ministers who were with you? and generally, who corresponded with you from *Scotland*, or any other Place?
- If *William Cullen* was sent by you from any Part of *Holland*, and where he was sent?
- and if any Person be sent to *Galloway* with Arms, or what Officers are sent to *Galloway*, or elsewhere, and what Correspondents they have?
- What did the Sum amount to, which you got to be the Fund of this War?

Interrogatories for the Earl of Argyle, from the Original.

At the End of the original Paper, whence I transcribe those Interrogatories, what follows is written by the Earl's own Hand, as I am assured by the Person who gave it me, and perfectly well knows the Earl's Hand. 'This is the very Principal of the Interrogatories given me, which I answered but in Part, according to a Paper under my Hand, and signed'

*Argyle.*

This Paper of the Earl's Answers I have not seen, which I am sorry for, and make no question but they were candid and prudent, and every way agreeable to his extraordinary Parts, Quality and Piety. This is all I know about him in Prison, till the coming of an Express from Court, for his Execution on his former Sentence, which was willingly obeyed by the Managers.

I find by the Council Registers, *June 29.* 'the Letter underwritten, from the King, read and ordered to be recorded. *X. R.* Right trusty, &c. We greet you well. Where-as the late Earl of *Argyle* is, by the Providence of God, fallen into our Power, 'tis our Will and Pleasure, that you take all Ways to know from him those Things which concern Our Government most, as his Assistants with Men, Arms, or Money, his Associates and Correspondents, his Designs, &c. But this must be done, so as no Time may be lost in bringing him to condign Punishment, by causing him to be demeaned as a Traitor, within the Space of Three Days after this shall come to your Hands, an Account of which, with what he shall confess, you shall send immediately to us or our Secretaries; for doing of which this shall be your Warrant. *Whitehall, June 22. 1685.*

King's Letter to the Council upon the Earl's being taken.

*Melford.*

That same Sederunt of Council I find what follows in their Registers. 'The Lords of Justiciary having referred the Place and Manner of the late Earl of *Argyle*'s Execution to

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the Council's Act about his Execution *June 25.*



1685.

the Council, they require them, in obedience to his Majesty's Letter, to pronounce for Sentence against the said Earl, That to Morrow the 30 instant, 'twixt Two and Five of the Clock in the Afternoon, he shall be taken to the Market-cross of *Edinburgh*, and shall be there beheaded, and his Head thereafter affixed to the Tolbooth of *Edinburgh* on an high Pin of Iron; and that the Magistrates of *Edinburgh* see the said Sentence executed accordingly, and receive the Person of the said late Earl at the Castle Gate of *Edinburgh*, by Twelve of the Clock precisely, from which they are to carry him down to the laigh Town Council-house with a strong Guard, where they are to keep him till the ordinary Time. They likewise grant Warrant to permit Eight of the Earl's Friends and Relations to be present on the Scaffold with him to Morrow, and no more.

Process and  
Sentence be-  
fore the Just-  
iciary June 29.

By the Justiciary Books I find they obtemperate all, and what is there, follows. *June 29.* *Intrat Archibald Campbel*, sometimes Earl of *Argyle*, to hear and see the Time, Place, and Manner of Execution appointed to him. 'The said Day, forasmuch as by Doom and Sentence of Forfeiture pronounced upon the 23 of *December 1681.* *Archibald Campbel* sometimes Earl of *Argyle*, as being found guilty and culpable by an Assize, of the Crimes of Treason, Leasing-making, and Leasing-telling (for which he was detained in Prison in the Castle of *Edinburgh*, but after the Verdict made his Escape) was decerned and adjudged to be executed to the Death, and to underly the Pains of Treason and utter Punishment appointed by the Laws of this Realm, when apprehended, at such a Time, Place, and in such a Manner as his Majesty in his Royal Pleasure should think fit to declare and appoint.

Likeas, the Lords of Council, by their Act dated *June 29. 1685.* mentioning that they had received a Letter from his Majesty, dated *June 22.* instant, whereby his Majesty declares his Will and Pleasure, that *Archibald* late Earl of *Argyle* shall be demeaned as a Traitor, within Three Days after the opening of the said Letter; and they considering that the Lords of the Justiciary having formerly referred the Way, Manner and Place of his Execution, to his Majesty, they therefore, in obedience to his Majesty's Letter, do thereby require the Lord Justice General, Justice Clerk, and Commissioners of the Justiciary, to pronounce Sentence accordingly.

The Lords therefore decern and adjudge the said *Archibald Campbel* late Earl of *Argyle*, to be taken to the Market-cross of *Edinburgh* the 30 Day of this instant *June 1685.* and there, 'twixt Two and Five in the Afternoon, to be beheaded, and ordain his Head thereafter to be affixed on the Tolbooth of *Edinburgh*, on an high Pin of Iron: Which was pronounced for Doom.

The Earl's  
Carriage be-  
fore his Death.

I come now to give all I can recover, of the excellent and Christian Carriage of this worthy Nobleman, the Two or Three last Days of his Life; and I form my Narrative of it from Accounts left by Ministers and others present, one of them then waiting upon the Countess; and what I give is left under their Hand, and other original Papers I shall insert.

*June 28.* being the Sabbath before his Death, the Earl spent it in the most spiritual and heavenly Manner could be; and indeed to him it was a Prelude of the everlasting Sabbathism he was just entring upon. His Sister, the Lady *Lothian*, came to take her Leave of him, and was very much affected; which the Earl perceiving, said to her, 'I am now loosed from you, and all earthly Satisfaction, and long to be with Christ, which is far better. It seemeth, the Lord thought not me fit to be an Instrument in his Work, but I die in the Faith of it, that it will advance, and that the Lord will appear. Sister, I hear they cannot agree about the Manner of my Death: As to that I am at a Point, for I have given up my self to the Lord's Disposal, and am assured of my Salvation: As for my Body, I care not what they do with it. Be kind to my *Jeany*.' The excellent Lady answered, *She would, and the more for his Cause;* and Tears stopped her, and they parted.

While in the Castle, he had these remarkable Expressions in Conversation with a dear Friend. 'My gross Compliances are now sad and grievous to me, for these the Lord will not honour me to be instrumental in his Work; but I desire to die in the Faith of a Deliverance to his Church and People; and though I will not take upon me to be a Prophet, yet having strong Impressions thereof upon my Spirit, I doubt not but Deliverance will come very suddenly, and I hope I shall be well. It is true, my Family is low, and I have nothing to leave them, but if they seek God, they will be wonderfully seen to and provided for: And if they do not, I care not what come of them. I fear, some have eyed me too much as an Instrument. Lean not to the Arm of Flesh.

These Expressions speak for themselves. The Earl pretends not to prophesie, yet the Secret of the Lord is with them that fear him, and was with him; and the Nearness of an Outgate to poor *Scotland*, was very much upon the Spirits of many at this Juncture. His Father, I may say, was our first and Proto-martyr, and after, his Son, and some few others, who, as we shall hear, suffered upon the same Account. We have not many more Sufferers to Death till the Deliverance come.

As the noble Marquis his Father went first, and his Blood opened, as it were, the Flood gates to a great Stream we have seen running, so the Son almost closes up this River of Blood



Blood, shed for our Religion and holy Reformation. His Expressions are heroically Christian, with relation to his Family and Posterity, and some way prophetic; they have indeed been wonderfully seen to and provided for, and, even as to their outward Estate and Grandeur, advanced to greater Honour and Riches than the Earl or Marquis had. The Hundred-fold hath been in some Measure given them in this Life, and all the Lovers of their Country, Religion and Liberty, will pray, That such of their Seed as remain, may have it continued, and in the End have Life eternal.

1685.

The Earl was beheaded *Tuesday June 30.* In the Morning, he had, in the greatest Throng of necessary Avocations, much Calmness and Serenity of Soul, yea, much Joy and Peace in believing. We have observed the same with relation to his Father. To one standing by him the Earl said, *I have more Joy and Comfort this Day, than the Day after I escaped out of the Castle;* and I nothing doubt but it continued with him, until he entered into the Joy of his Lord.

He is beheaded  
June 30.

This Day he wrote, and caused others write, several Letters to such as he had a peculiar Concern in. I begin with that he wrote with his own Hand to Madam Smith, because it gives us a very pleasant View how Matters were with himself. Any Body who knows the common Accounts of this Time, need not be informed, that this excellent Gentlewoman had been extremely useful to the Earl in his Design, and advanced vast Sums of Money for promoting it; and this Letter contains the Earl's last Token of Regard to her. And it follows.

His Letter to  
Madam Smith  
that Day.

Dear Madam,

Edinburgh-castle, June 30. 1685.

- While any thing was a Burden to me, your Concern was, which is a Cross greater than I can express; but I have, I thank God, overcome all; and I hope God Almighty shall comfort you, and give you Joy in the Holy Ghost.
- I was hardly used at first by those in whose Hands I am, but God hath melted their Hearts, and now I am very civilly used. I die upon mine old Sentence, and nothing of what past lately, is to be in Publick on either Hand.
- Your Name could not be concealed, and I know not what any Paper taken may say, otherwise I have named none to their Disadvantage.
- I fought Liberty to send this, that you might not think I had forgot you, and I took it as a Kindness to have it granted.
- I thank God he hath supported me wonderfully.
- I have fully resigned all to his holy Will; I leave this World willingly, not for Fear of Trouble, but with Hope of Glory.
- This is all you can expect from me from such a Place. The Lord God be with you;
- bless, comfort and reward you, for all your Kindness to all Saints, and to

Your faithful Servant,

ARGYLE.

I pray, God bless all my Acquaintances  
with you.*Directed on the Back,*

For Madam Smith.

I am well informed, that the Earl dined this Day in the Castle, and was very pleasant and hearty at it; and being used to sleep a little after Meat, and knowing the Want of it might probably discompose him for his publick Appearance, he retired to the Closet, and laid himself down on a Bed, and, for about a Quarter of an Hour, slept as sweetly and pleasantly as ever he had done.

He sleeps most  
calmly a Quar-  
ter of an Hour  
before he was  
carried to his  
Execution,  
while one of  
his Persecutors  
is not so easy.

In the *interim*, one of the principal Managers came up to the Castle, by Orders from the Council, which sat in the Forenoon, to speak with the Earl about somewhat or other, before he came down the Street. He timed his Coming so, as he reckoned the Earl would be done with Dinner, if he could suppose him at a formal Meal, when so near his End, and so came just when the Earl was asleep.

The Officer of State came in, and asked for the Earl; his Friends told his Lordship, that he was taking a Nap after Dinner, as he used to do, and had left Orders not to disturb him. This was, and, one would at first think, not without Ground, reckoned a Subterfuge, and he insisted to see the Earl. He was assured of the Truth of the Thing, and, for his Satisfaction, the Closet Door was softly opened, and he saw the Earl sleeping as calmly as ever in his Life.

Such a Sight raised a Storm in the Bosom of the other, and he slept out of the Room without speaking one Word, and rather run than went out of the Castle, to the Lodgings of a Relation of his own, in the *Castle-hill*, and in much Confusion got into a low Chamber, throwing himself over in a Bed, groaning, and in no small Distress. When the Servants

acquaint-

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1685.

acquainted the Lady of the House, she came in where he was, and seeing him in Disorder, imagining it was some sudden Sickness, called for a Glass of Sack, begging his Lordship might take it. No, no, said he, that won't help me. She insisting to know what troubled him, he told her, I have been in at *Areyle*, and saw him sleeping as pleasantly as ever a Man did, within an Hour of Eternity; but as for me, &c.

This Account I have from unquestionable Hands, and it affords a charming View of the Power of Religion, and a peaceful Conscience in the greatest of Shocks, and may let us in to the inward Horror, and Stings of Mind some of the Persecutors had from an unseen Hand, when they had nothing to fear from Men. And really, the Circumstances of our Martyrs were even here, more eligible, than those of their Burriers.

The Time came, when the Earl must for ever leave the Castle, and go out to his Execution, and he was accompanied with several of his Friends, down the Street to the high Council-house, whither he was ordered to be carried before his Execution, as we have seen.

Here I find the Earl writing his last Letter to his dear and excellent Lady, which is so valuable a Remain of this dying Saint, that I should wrong the Reader not to insert it.

His Letter to his Lady, from the high Council-house just before his Execution.

Dear Heart,

Edinburgh, high Council-house.

‘AS God is of himself unchangeable, so he hath been always good and gracious to me, and no Place alters it; only I acknowledge, I am sometimes less capable of a due Sense of it: But now above all my Lite, I thank God, I am sensible of his Presence with me, with great Assurance of his Favour, through *Jesus Christ*, and I doubt not it will continue till I be in Glory.  
‘Forgive me all my Faults, and now comfort thy self in him, in whom only true Comfort is to be found. The Lord be with thee, bless thee, and comfort thee, my Dearest.  
‘Adieu.

My Dear,

Thy faithful and loving Husband,  
ARGYLE.

This Letter, writ just as he was going to the Scaffold, breathes such an Air of solid Christian Piety, Affection, and the primitive Temper of the first Christian Martyrs, that I wish it may leave Impressions of the Reality of Religion, the Excellency of Christianity, and its glorious supporting Power, when all other Things fail, upon the Mind of the Reader. And certainly it ought to do so, when we see so great a Man stepping into Eternity in such Serenity, and admirable Composure, parting with his nearest and dearest Relatives, in so full Assurance, and Plerophory of Faith.

To me this cannot but be a bright Proof of the Earl's Conscience of his own Innocence, when under a Load of Reproach, and just stepping out to suffer, as an evil Doer, by Mens Sentence; and I can have no Doubt, but as his Cause was good, so his gracious God, whose he was, and whom he served, now gave him the first Fruits of that glorious Reward he was immediately to enter upon.

Another to Lady Sophia Lindsay.

Whether it was at this Time, or some former Part of this Day, that he wrote the following Letter to his Daughter in Law, Lady *Sophia Lindsay*, I cannot be positive. The Earl had an extraordinary Value and Affection for her, and the Two Letters generally go together in the Copies I have seen, so I am apt to think they are written at the same Time. Sure it deserves a Room here.

My dear Lady Sophia,

‘WHAT shall I say in this great Day of the Lord, wherein, in the Midst of a Cloud, I find a fair Sunshine. I can wish no more for you, but that the Lord may comfort you, and shine upon you as he doth upon me, and give you that same Sense of his Love in staying in the World, as I have in going out of it. Adieu.’

ARGYLE.

P. S. ‘My Blessing to dear Earl of *Balcarras*,  
‘the Lord touch his Heart, and incline him to his Fear.’

He wrote another to Lady *Henrietta Campbell* and Lady *Auchinbreck*.

This Day, and probably at this very Time, the Earl wrote a Letter to another of his dear Relations, Lady *Henrietta Campbell*, Sister to the former, and Lady to Sir *Duncan Campbell* of *Auchinbreck*. This excellent and singularly religious Person being yet alive, should I say but a little of what I might and could say of her, it would offend, and her excessive Modesty forbids me; and therefore, without saying more, I shall add it here.

Dear



Dear Lady Henrietta,

June 30. 1685.

1685.

I Pray God sanctify and bless this Lot to you. Our Concerns are strangely mixed, the Lord look on them. I know all shall turn to Good to them that fear God, and hope in his Mercy. So I know you do, and that you may still do it more and more, is my Wish for you. The Lord comfort you. I am

Your loving Father and Servant,  
ARGYLE.

When the Earl went to the Scaffold, the Council allowed Two Ministers to wait upon him, one of their Nomination, Mr. *Annand* Dean of *Edinburgh*, and the other of his own Choice, Mr. *Laurence Charters*, who, as we heard, was laid aside for not taking the Test, and preached for many Years after the Revolution. No Presbyterian Minister would they allow him, and indeed there were not many in the Kingdom at this Time, all of them being banished, or on their hiding.

Two Ministers  
wait on him  
to the Scaffold,  
with what palli-  
ed.

Before they went out of the Council-house, the Earl in his pleasant Way addressed Mr. *Annand*, and asked him, if he thought the Pope was that Antichrist the Scripture speaks of? Mr. *Annand* answered, Yes, my Lord, the Protestant Churches hold so. But, said the Earl, what think you? I think so too, my Lord, replied Mr. *Annand*. Then said the Earl, Be sure you instruct the People so.

When they were mounted the Scaffold, before the Earl spake any, Mr. *Annand* addressed him to this Purpose. 'My Lord, you are now standing upon Mount *Calvary*, and ere long your Soul must be transported out of this Valley of Tears into an Estate of eternal Bliss and Happiness; and it is your Concernment to wish and pray that the Lord may carry you safe through that Valley of the Shadow of Death, and may give his Angels Charge over you, to attend you and carry you safe to his own Bosom, where you may be ever with himself throughout all the Ages of Eternity.' The Earl gave a very close and reverent Attention to his Advices, and turned about to Mr. *Charters*, who spake to him to this Purpose.

'My Lord, your Lordship is now standing upon the very last Nick of your Time, and I do not question but you have been busy ere now to get Matters ordered aright 'twixt God and you; yet it is of your last Concernment to be managing well this final Moment of Time that the Lord is pleased to allow you, and if there be any Sin unrepented for, to lay it open before God, who is ready to forgive all penitent Sinners.'

To this the Earl answered, 'It is true, Sir, I think it a Duty incumbent upon me to make an Acknowledgment of my Sins; and in order to that, I think this deserves the first Place above the rest, that I did not set Time enough apart to wrestle with God in private in behalf of his Work and Interest, and my own poor Soul; and likewise, that I did not worship God in my Family so much as I should have done, partly because it was too much the Custom of this Nation to neglect so heavenly an Exercise, and partly because I never looked on my self as a Person very fit for such an Employment, and likewise my public Failings, which are well known, and for which I have reason to be ashamed this Day.'

Mr. *Annand* here struck in and said, 'My Lord, you are not now to stand upon the particular Enumeration of your Failings and Shortcomings, but you are to know, that God is very willing and ready to pardon all Penitents.'

But the Earl, without taking any Notice of this Interruption, proceeded: 'Likewise, I have reason to bemoan this as a great Fault, that I did not improve the Time of my Banishment, and these three Years Respite the Lord was pleased to give me, so much for his Glory, and the Advancement of his Work and Interest, as I might have done in my Station; and I earnestly beg that one and all of you who see me die this Day, may be ware of those and the like Sins, as you would not desire the like or worse Punishments to be inflicted upon you; for I do really look on my Death as a just Punishment inflicted on me by God for my Sins, though undeserved at the Hands of Men; and I would have thought as little to have appeared in this Place some Time of Day after this Manner, as many of you who are now fatiating your Eyes in beholding me: But the Lord, in his divine Wisdom, hath ordered it otherwise; and I am so far from repining and carping at his Dispensations towards me, that I bless his Name, and desire heartily to give him endless Praise and Thanks for the same.'

After this he said, Mr. *Charters*, will you pray? Mr. *Annand*, it seems, reckoned this his Due, and so prayed. In his Prayer he had this Expression, 'That the Earl was not to look on his Body as any thing else, but a Litter that kept his Soul from soiling on high to enjoy the Company of his sweet Mediator Christ Jesus.' He said also, 'that it was very much to be regreted, that such a Pillar of the Church was falling this Day.'



1685.

I have heard it said, that this Expression was extremely displeasing to some of the Managers, and Mr. *Annand* was reprimanded for it, either by his Ordinary, or some other of the Bishops. It was Truth he said, and if he was sincere and serious in that Part of his Prayer, he might have Peace in it, though it was not done *permissu Superiorum*.

My Lord *Argyle* was for no such Commendations in publick, and as soon as Prayer was ended, he turned to Mr. *Charters*, saying, Sir, why don't you pray? Then Mr. *Charters* prayed most fervently and seriously. After him, my Lord fell down upon his Knees on a Cushion to pray. When he was kneeling, he was desired by some appointed to wait on him, to pray within himself, which he did for a considerable Time, having his Face covered, and his Hands clasped together.

Whether it was now or at his first coming up to the Scaffold, I know not, but, in the Audience of a vast Multitude, he delivered his Speech to the Spectators, which hath been more than once printed; but 'tis so apposite, grave, and Christian, that I cannot but place it here.

*Earl of Argyle's last Speech.*

*His last Speech:* ' *Job* tells us, Man that is born of a Woman, is of few Days and full of Trouble; and I am  
' a clear Instance of it.'  
' I shall not now say any Thing of my Sentence, or Escape about Three Years and an half  
' ago, nor of the Ground of my Return, lest I may thereby give Offence, or be tedious;  
' only, being to end my Days in your Presence, I shall, in some few of my last Words, assert  
' the Truth of the Matter of Fact, and the Sincerity of my Intentions and Professions  
' that are published.'  
' That I intend mainly to say now, is, to express my humble, and, I thank God, cheerful  
' Submission to his divine Will, and my Willingness to forgive all Men, even mine Enemies;  
' and I am heartily well satisfied, there is no more Blood spilt, and I shall with the Stream  
' of it may stop at me; that if it please the almighty God to say, as to *Zerubbabel*, *Zech-*  
' *riah* iv. 6. *Not by Might, not by Power, but by my Spirit, saith the Lord of Hosts.*  
' I know, Afflictions spring not out of the Dust. God did wonderfully deliver me, and  
' provide for me, and hath now, by his special Providence, brought me to this Place. I  
' hope none will either insult or be stumbled at it, seeing they ought not; for God Almighty  
' doth all well, for good and holy Ends, though we do not always understand it. Love and  
' Hatred is not known by what is before us. *Eccles. ix. 1, 2, 3.*  
' Afflictions are not only foretold, but promised to Christians, and are not only tolerable,  
' but desirable. We ought to have a deep Reverence and Fear of God's Displeasure, but  
' with all, a firm Hope and Dependence on him, for a blessed Issue in Compliance with his  
' holy Will; for God chastens his own, to refine, and not to ruine them, whatever the  
' World thinks. *Heb. iii. 10, 12. vi. 10. xii. 2. James i. 2, 11, 12.* We must not shun  
' Sufferings, we are called to them. *Matth. x. 18---40. and xvi. 24, &c.* We are called  
' to imitate our Saviour in his Sufferings. *1 Pet. ii. 23. and iv. 16, &c.*  
' We are neither to despise our Afflictions, nor faint under them, both are Extremes.  
' We are not to suffer our Spirits to be exasperated against the Instruments of our Trouble,  
' for the same Affliction may be an Effect of their Passion, yet sent to punish us for Sin;  
' though it is a Comfort when we can say of them with *David*, *Psal. lix. 3. Not for my*  
' *Transgression, nor for my Sin.* Nor are we by fraudulent pusillanimous Compliance in wick-  
' ed Courses, to bring Sin upon our selves, (faint Hearts are ordinarily false Hearts) choosing  
' Sin rather than Suffering, a short Life with eternal Death, before temporal Death and a  
' Crown of Glory: Such seeking to save a little, lose all, and God readily hardens them to  
' proceed to their own Destruction.'  
' I know, many, like *Hazael*, *II Kings viii. 13.* go to Excesses they never thought they were  
' capable of. Let Rulers and others seriously read and weigh *Prov. i. 20, &c. II Chron.*  
' *xxv. 6---16. Prov. xxiv. 10, 11, 12. and xxviii. 10. and Isa. lix. especially Verse 15. and*  
' *avoid what is bad, and follow what is good.*  
' For me, I hope by God's Strength to joyn with *Job*, *xiii. 15.* and the *Psalmist*, *23 Psal.*  
' *4. and to trust as Psal. cxlvii. 11. and shall pray as Psal. lxxiv. 19, &c. cxxiii. 6, &c. and*  
' *Luke i. 74, 75. and shall hope as Psal. xciv. 15.*  
' I do hereby forgive all that directly or indirectly have been the Cause of my being brought  
' to this Place, first or last, and pray God may forgive them.'  
' I pray God send Peace and Truth to these Three Kingdoms, and continue and increase  
' the glorious Light of the Gospel, and restrain a Spirit of Profaneness, Atheism, Oppressi-  
' on, Popery and Persecution; and restore all that have backslidden from the Purity of their  
' Life or Principles, and bless his whole People with all Blessings, spiritual and temporal,  
' and put an End to their present Trials.'



‘ I intreat all present to forgive me wherein I have offended, and to concur with me, that the great, good and merciful God would sanctify my present Lot, and for Jesus Christ his sake pardon all my Sins, and receive me to his everlasting Glory.’ 1685.

‘ It is suggested to me, that I have said nothing of the Royal Family, and this remembers me, that before the Justices, at my Trial about the Test, I said, that at my Death I would pray, that there might never want one of the Royal Family, to be a Defender of the true ancient Apostolick, Catholick, and Protestant Faith, which I now do; and that God would enlighten and forgive all of them, that are either hid in Error, or have thrunk from the Profession of the Truth; and in all Events, I pray God may provide for the Security of his Church, and that Antichrist, nor the Gates of Hell may never prevail against it.’

I need make no Reflections upon this excellent Speech, it is solid and judicious, and favours strong of Heaven, and of one who had made the Law of God his Meditation, and had the Word for his Comfort in his Affliction.

When he had ended, he turned to the South Side of the Scaffold, and said, *Gentlemen, I pray you do not misconstrue my Behaviour this Day; I freely forgive all Men their Wrongs and Injuries done against me, as I desire to be forgiven of God.* Mr. Annand repeated these Words louder to the People. Then my Lord went to the North Side of the Scaffold, and had the same or the like Expressions. Mr. Annand repeated them again, and said, *This Nobleman dies a Protestant.* The Earl stepped forward again, and said, *I die, not only a Protestant, but with a Heart-hatred of Popery, Prelacy, and all Superstition whatsoever.*

Then he came to the Midst of the Scaffold, and took Leave of his Friends, heartily embracing some of them in his Arms, and taking others by the Hand. He delivered some Tokens to the Lord Maitland, to be given to his Lady and Children: Then he stripped himself of his Clothes, and delivered them to his Friends; and being ready to go to the Block, he desired, the Executioner might not be permitted to do his Office, till he gave the Sign by his Hand; and falling down on his Knees upon the Stool, embraced the Maiden (as the Instrument of beheading is called) very pleasantly; and with great Composure he said, *It was the sweetest Maiden ever he kiss'd, it being a Mean to finish his Sin and Misery, and his Inlet to Glory, for which he longed.* And in that Posture, having prayed a little Space within himself, he uttered these Words Three Times, *Lord Jesus, receive me into thy Glory,* and then gave the Sign by lifting up his Hand, and the Executioner did his Work, and his Head was separated from his Body.

Thus died this excellent, and truly great and good Man. His Character is far beyond any Thing can be offered by me, and I shall leave it to a better Pen. This much I may venture to say, he inherited, with his Blood and Estate, the noble and excellent Qualities of his Father.

I know no Family in Europe of this Eminency, whom the Lord hath honoured so much, as this of Argyle. Father and Son indeed, in the Style of the late Times, were Sufferers for Rebellion; but that Language is now out of Doors, and I hope ever shall; and to all Persons of Consideration and Reflection, they both shine brightly as Martyrs for Religion, Liberty, and their Country. And it is beyond Contradiction, the Lord wonderfully owned them both, and sealed a deep Sense of his own Favour upon their Souls; and in such a remarkable Manner carried them through their last Appearances, as Enemies behoved to acknowledge God was with them, and in them, of a Truth.

After their Death, the Lord to whom they committed their Family, then very low, hath singularly appeared in its behalf. That extraordinary Genius, and accomplished Statesman, the Earl's Son, had an eminent Encomium bestowed upon him by no less a Judge of Men than King William, and was advanced to be a Duke; and at this Day (November 1715) Providence is honouring his Grandchild to defend poor Scotland from the same Plot of Rome and Hell his Grandfather essayed to break; and I hope God will honour him effectually to dissipate that same Popish and malignant Party, and some of the very same Persons who had a good Share of the Bloodshed I have been describing.

The Procedure of the Parliament against the Earl, and the Desolation made upon his Lands, with the Trials and Execution of severals, upon the score of this Attempt, I shall refer to the next Section, this being already so much swelled.

Let me conclude with observing, that the Earl was so full of Composure, and the Thoughts of his Death were so easy to him, that the Day before his Execution he wrote those following sort, pleasant, and affecting Lines, as his own Epitaph, which deserve a Place here.

Thou Passenger, that shalt have so much Time  
To view my Grave, and ask what was my Crime:  
No Stain of Error, no black Vice's Brand  
Was that which chas'd me from my native Land.  
Love to my Country, twice sentenc'd to die,  
Constrain'd my Hands forgotten Arms to try.  
More by Friends Fraud my Fall proceeded hath,  
Than Foes; tho' now they thrice decreed my Death.

Y y y y y

The Earl's  
Epitaph by  
himself.

On



1685.

On my Attempt tho' Providence did frown,  
His oppress'd People God at length shall own.  
Another Hand, by more successful Speed,  
Shall raise the Remnant, bruise the Serpent's Head.  
Tho' my Head fall, that is no tragick Story,  
Since going hence I enter endless Glory.

Turned into  
Latin by Mr.  
William Jamison.

This Epitaph of the Earl's own Composure, was turned into Latin Elegiacs, by the reverend and learned Mr. *William Jamison*, Preacher of the Gospel, and History-lecturer in the University of *Glasgow*, my dear and much honoured Friend; and they having so much of the Spirit of the original Lines in them, I have likewise added them, with Two Lines of his own, which dropt from him when translating them, as a just Debt he owed to this great Man. And tho' they were written in the Days of his Youth, a little after the Earl's Death, I am perswaded he needs not be ashamed of them in his advanced Years, and after he hath favoured the World, and defended the Interests of Religion and the Church of *Scotland*, by his learned and larger Performances, even tho' blind from his Infancy.

*Audi, hospes, quicunque venis, tumulumque revisis,  
Et rogitas quali crimine tinctus eram.  
Non me crimen habet, non me malus abstulit error,  
Et vitium nullum me pepulit patria.  
Solus amor patriæ, verique immensa cupido,  
Dissuetas jussit sumere tela manus.  
Opprimor, en! rediens, vi sola, & fraude meorum,  
Hostibus & savis victima terna cado.  
Sit licet hic noster labor irritus, haud Deus aequus  
Despiciet populum secula cuncta suum.  
Namque alius veniet fati melioribus ortus,  
Qui toties ruptum sine beabit opus.  
Sat mihi credo datum (quamvis caput ense secetur)  
Hinc petor atherei lucida templa poli.*

*Hic situs est heros indigna morte peremptus,  
Heu! decus hic patriæ, proditur a patria.*

G. J.

Remarks on  
the Accounts  
given by the  
English Histori-  
ans of this  
Attempt.

After so large Accounts of this Attempt, I shall not make any Remarks upon the indistinct, and, in several Circumstances, false Narratives given of it by the *English* Historians. I wish Mr. Archdeacon *Eachard* had reconsidered his Narrative of the Earl's Attempt, as he hath done that of his Trial, and he would have found Cause to acknowledge his Partiality here, as well as formerly. His Abbreviate of the Earl's first Declaration, p. 750. is taken from that published by the Earl's Enemies at *Edinburgh*, to expose him, and ought not to be palmed on the World as his. Multitudes of other Reflections might be made, almost on every Sentence Mr. *Eachard* hath in this Matter; but I hope the preceeding Account will set this Affair in such a just Light, as we shall have no more so gross Misrepresentations from *English* Writers.

## S E C T. X.

*Of the Acts of Parliament against the Earl of Argyle, the Execution of Rumbold and Mr. Thomas Archer, and the Forfeitures and great Trouble others were brought to for this unsuccessful Attempt.*

None executed  
after the Earl  
for this At-  
tempt: save  
Mr. Archer.

Here I am to bring in what further hath come to my Hand, as to the Earl of *Argyle's* fruitless Attempt for the Religion and Liberty of his Country; and it is but a Hint I shall give of the Parliament's Procedure against him, after his being taken, and the Fellow-sufferers with him. Indeed it was much, considering the Manner of the Managers after *Pentland* and *Bothwell*, that none were executed after the Earl, but worthy Mr. *Archer*. Whether this proceeded from the small Numbers that were taken, or from the Change



Change of Measures and Intentions hinted at before, I do not determine. The Popish King, having rid himself of the Earl here, and *Monmouth* in *England*, and there being few or none who resorted to them, perhaps designed to shew some Lenity, that People might be the better disposed to favour the taking off the penal Statutes.

1685.

I begin with the Procedure against the Earl, by the Parliament sitting when he made his Attempt, and shall subjoyn somewhat about the Severities used upon the Shire of *Argyle*, and then come forward to the Executions and Forfeitures upon this account.

The Parliament made Two Acts with relation to my Lord *Argyle*, their 36 and 40 Acts, which are both printed, and I shall not swell the *Appendix* with them. Allowances no doubt must be made at a Juncture when they were frightened with an Invasion, yet there appears a Virulence in them, which even this will not vindicate.

Two Acts of Parliament about the Earl

June 11. they pass their first Act, which they term, *Address against the arch Traitor* *Archibald Campbel, sometimes Earl of Argyle*. Many Observes might be made upon this Address. The Character the Parliament give their Popish King, for extraordinary Prudence, Courage, and Conduct, is not easily to be reconciled with the mad Steps taken in a Protestant Country, during his Reign. His Courage and Conduct may be quelled at, from the known Accounts of his Management after the Prince of *Orange's* Arrival.

The first dated June 11.

Remarks on it.

The Parliament are pleased to bestow the Epithets of *hereditary* and *arch Traitor* upon the Earl. I know not if their Successors, the High-lifers, would so far debase their sacred Phrase of *hereditary Right*, as to apply it to those they reckon Traitors, tho' greater Paradoxes have been advanced, than to say *hereditary Right*, as maintained by them, is *hereditary* and *continued Tyranny*. The Family of *Argyle* may glory in, and boast of a successive, and, if they like the Word, an *hereditary* Appearance for Religion and Liberty; but for Treason, they have been all along free of it.

They insist upon King *Charles II.* his restoring the Earl after his Father's Forfeiture, as an Aggravation of the present Attempt for his Country, and his raising the Family of *Argyle* to a greater Lustre than ever. Providence hath done so indeed now after their pretended Treason, but how King *Charles* did it, I am to seek. And as the Earl was all along loyal beyond Exception to that Prince, and this necessary and lawful Attempt was delayed till the Accession of a bigotted Papist to the Throne, so this is a very ill Argument *ad hominem*, under this Reign; since every Body then knew it was the Duke of *York*, who for the Earl's hearty Regard to the Protestant Interest, and appearing for it in Parliament, had meditated his Ruin, and resolved upon his Death at his first Trial, tho' I am sure it was no personal Pique for this, that moved the Earl to make this Essay, but his Regard to Christ, and his Country.

The Earl's supporting the fanatical Party under the last Reign, does not appear, unless they mean Protestants by Fanaticks, and he himself owns his Compliances with all that came about, till the Test, and that with Regret.

It were tedious to run through all the Misrepresentations in this Address; and upon those they found the petitory Part of it, *That the Earl might find no Favour*, which would be easily granted by a Popish King, who had been seeking his Life before he had such an Handle as now he hath; but beforehand, and most needlessly, they will involve themselves in his Blood.

What follows is very agreeable to those bloody and violent Times, but a little extraordinary. They beg, *That the Earl's Family, the Heritors, Ringleaders, and Preachers who joyned him, should be for ever declared incapable of Mercy, and bearing any Honours or Estate in the Kingdom, and all Subjects discharged, under the highest Pains, to intercede for them any manner of way*. This needs no Remarks, it is so perfectly agreeable to the Principle of rooting out of Hereticks. But what would have come of many of them, had they been so dealt with after their joyning *Cromwel*, and upon other Occasions I could name! They close the Address by pressing the King to enquire into the Abettors of the Earl abroad, with a Design, in some at least, to fix this Attempt upon the next Protestant Heir and Successor, but in vain; and shut up all with an Offer of their Lives and Liberty in their King's Defence.

By their other Act, June 16. they annex the Offices belonging to Earls of *Argyle*, to the Crown. They have a base and unjust Innuendo, if I mistake it not, reflecting on the Reformation it self, that the Family of *Argyle*, in the last Age as well as this, did commit execrable Treason: And upon this Narrative, they for ever annex the many and honourable Offices that noble Family enjoyed, to the Crown inseparably; yet, the very next Parliament, they are parcelled out to Papists and Favourites.

The other Act June 16.

Let me next take Notice of the Council's Actings after the Earl's Death. July 1. the Earl's Speech, with Lieutenant-general *Drummond's* Letter (which I have not seen) concerning the Earl of *Argyle's* Arms and Ammunition, is ordered to be transmitted to the Secretaries, with the following Letter.



1685.

My Lords,

Council's Letter to the Secretaries, the Day after the Earl's Execution.

His Majesty's Royal Letter, of the 26 of June last, anent the disposing of his Forces to ly in *Anandale, Nithsdale*, or other Places nearest the Town of *Carlisle*, on the *Scottish* Side, until further Order, was opened and read in Council, and an authentick Extract thereof was immediately transmitted by the Clerks of Council, to the Earl of *Dumbarton*, Commander in Chief of his Majesty's Forces, who will certainly see his Majesty's Commands exactly obeyed: But as it is our Duty to give ready Obedience to all his Majesty's sacred Commands, so we are bound, by our Fidelity, humbly to represent what seems to be expedient for his Majesty's Service, which is oft-times more obvious to us who are near hand, than it can be at a Distance. In the present State of Affairs, we wish and hope that his Majesty shall not need to withdraw the few standing Forces which are here, from this Kingdom; for albeit the great Strength of this Rebellion be broke, by the Blessing of God, (and indeed it is the Work of God, and not of Man) yet there are none killed, and few taken; so that a great Number of the late *Argyle* his Accomplices, are yet lurking in the Country, where there are a vast Number of Fanaticks ready for all Mischief, upon the first Occasion: And their Malice fancies Grounds of Hope on false Reports of the late *Monmouth's* Victories, and we doubt they will conclude that these few Forces are strong, and the King too weak in *England*, when they perceive that these few Forces are called from hence, whereupon they may be easily encouraged to rise in Multitudes, and, in several Places, both to ruine the Country, and to cut Mens Throats; and this Day we have Information from my Lord *Dumbarton*, that they are seizing Horses up and down the West Country, which is a great Symptom of their designed Rising: But if the standing Forces be rightly posted, and actively managed, it may be expected that this Rebellion will be so far crushed in a short Time, as to incapacitate them from rising any manner of way. The late *Argyle* was beheaded Yesterday, and his Head ordered to be affixed on the Tolbooth, that being the Sentence, which was the utmost that the Crime he was condemned for could bear; and the Three Days appointed by his Majesty's Letter, could not allow a new Process, and the most Part thought it unfit to have intended a new one, altho' there had been Time; but his Majesty's peremptory Commands left no Room for such Considerations. Yesternight we had an Account, that Sir *John Cochran*, with his Son *John*, (called of *Waterfide*) and a Stranger with them, were taken lurking at the House of an Uncle of Sir *John's*, but we want yet the Particulars. We have sent your Lordships herewith, a Copy of the late *Argyle's* Speech, (the Original, all writ with his own Hand, we have) and, upon Oath, he declared that he had neither directly nor indirectly left any other Speech or Paper upon this Occasion. Your Lordships will be pleased to remember to send down the Remission to the Two late Lairds of *Cesnock*, which was sent up some Time ago, marked with my Lord Advocate's Hand. These Things we desire your Lordships to represent to his most sacred Majesty, whose Royal Commands shall be obeyed by the Council, in whose Name this is signified to your Lordships by

My Lords,

Your Lordships most humble Servant,

PERTH Cancel. I. P. D.

Postscript.

Receive the Inclosed from General-lieutenant *Drummond*, giving an Account of the Arms and Ammunition belonging to the late Earl of *Argyle* and the Rebels, and acquaint us with his Majesty's Commands anent the Disposal thereof.

Return, July 9.

This Letter needs no Reflections. July 9. the Council have a Return from the Secretary, signifying theirs came by the flying Packet, and the King is resolved to have the Detachment of the standing Forces posted near *Carlisle*; that *Cesnock's* Remission is to come next Post, with his Majesty's Pleasure about the Arms and Ammunition.

Ravages committed on the Earl's Lands.

After the Parliament's Procedure with the Earl, when alive, we need not be surprized at the horrid Barbarities committed upon his Lands, had it not been done by some of his nearest, tho' unnatural, Relations. I have heard much of the extraordinary Cruelties exercised in *Argyle* Shire, after the Earl's taking; but being favoured with no particular Accounts from thence, I can only give some general Hints, contained in the forementioned printed Letter.

As soon as *Athole* and *Broad-albin* heard of the Earl's being taken, they exercised great Severity upon the Friends and Tenants of the Earl. Four or Five Gentlemen of the Name of *Campbel*, after they had gotten Protection and Quarter at their Surrender, were sent to *Athole* by a very near Relation of the Earl's, with Letters pressing earnestly their

being



being punished as Rebels. The Marquis, with all Care and Diligence, caused put them to Death with Eighteen more.

He would have gone on in this Work, had not the Privy Council, upon Representations made to them of his Barbarity, sent an Express, discharging any more Lives to be taken, till further Orders from them; which, 'tis said, were unwillingly obeyed. Great were the Severities exercised in besieging Sir *Duncan Campbell's* House; and *Dugal M'Intosh* of *Dunardary* was executed in Sight of the Garrison there; and many more had gone the same Way, notwithstanding of the Council's Orders, under Pretext of taking that Strength, had not these in the House, having Notice of the Earl's being taken, surrendered it upon very honourable Terms: Notwithstanding of which, about Three Days after, contrary to the Articles, the Marquis thought fit first to plunder the House, and then to burn it. Then he harassed and plundred the whole Country, for Thirty Miles about *Inveraray*, which belonged to the Earl and his Friends; and the Spoil carried away to the Marquis's Lands is beyond Computation.

All this did not satisfy, but Parties were afterwards sent to pull down Houses, break Mill-stones, and burn the Woods. In this last their Spite was remarkable, the upper Part of the Timber was cut down and disposed of, and Fire set to the under Part, and the very Roots burnt: This was done both to barren and Fruit-trees. Great Barbarities were exercised towards the poor Women who came to look after their Husbands Goods, and the whole Shire of *Argyle* was dreadfully depopulated.

And when Providence was pleased to send a Relief to the starving People, by a remarkable Take of Herring, especially about *Lochgil's* Head, and the poor People were making some Shift to support themselves, the Marquis of *Athole's* Men came down upon them, and broke their Boats, and burnt their Nets. The Government was so sensible of those Exremities, that in a short Time the Marquis lost his Lieutenantancy of this Shire, and it was given to Lieutenant-general *Drummond*.

To end this general Account; notwithstanding the Earl's Cause was most just, yet he, his Family, and Friends were ruined as much as lay in the Managers Power. His Estate was given to Strangers, his Children brought to extreme Necessity, his Creditors defrauded of their just Debts, and his Friends and Vassals were oppressed and harassed continually. Yea, to that Height of Madness did some Bigots run, that an Act was a framing, to be presented to the Parliament, for the utter abolishing of the Name of *Campbel*.

So high did the Tide run at this Time against this noble and excellent Family, that the Earl's Brother, that excellent Person Lord *Nell Campbell*, could have no Liberty to live at his own House; but, as we have heard, was conned at *Edinburgh*; and when the Act of Parliament obliged all Protestant Heritors to take the Test, and my Lord could not obtemper, he was forced to go in the Hazard of his Life to *America*, and leave his Lady and Family behind him.

We have heard of Sir *Colin Campbell* of *Ardkinglass* before. He was apprehended in his own House, and kept Prisoner, I think, since the Close of the last Year, and cited in, and tried before the Parliament for alledged transmitting of Money for the Earl's Use when abroad, entertaining Mr. *Thomas Forrester* and some other Ministers in his House. After the most exact Enquiry, nothing of Moment was evidently proven against him; however his Trouble continued a good while, because in Principle he was against Prelacy, and did not swear the Test. Thus far I have abridged the abovementioned Letter.

In short, the Oppressions of almost all the Gentlemen and Heritors of the Name of *Campbel*, through the Kingdom, were great, and many more than I can run through; a few will come in from the Judiciary Registers ere I end this Section. Generally speaking, they were heartily averse from Prelacy and Popery; and consequently the Managers in Church and State resolved to be at them, and great Numbers were forfeited. We have heard of the Earl of *Lowdon*, and *C'sack* elder and younger, and we shall meet with *Auchinbreck*, *Barbreck*, *Allangreg*, *Otter*, and others.

I shall now give what I meet with in the Council-registers, relative to those concerned in the Earl's Attempt, leaving what is there relating to such as were before the Judiciary, to be brought in afterwards.

June 24. the Council issue a Proclamation for apprehending several Traitors and Fugitives, which I have annexed App. N°. 114. The Reader will perceive in it the bitter and venomous Spirit of the Penner of it, against the noble Patriots, who had embarked in the Design of recovering the Religion and Liberty of Scotland.

To blacken the Earl's Expedition, they publish to the World Colonel *Aylieff's* Design to make himself away; which as it does not at all affect this Attempt, so it might be the Effect of their own Severities; and I find the Fact very much questioned by Persons of good Sense, who lived at that Time: However, personal Failures of Persons engaged in a good Cause, do not affect the Cause itself; and 'tis a proof, People are reduced to their last Shifts when those Things are insisted upon by a Government.

1685.

Hardships on the Earl's Family, and an Act of Parliament projected by him against the Name of Campbell.

Lord N<sup>e</sup> Campbell

Sir Colin Campbell of Ardkinglass

Procedure of the Council against him with Argyle.

Proclamation June 24 App. No. 114.

Remarks on it.



1685.

After this Preamble, Rewards are offered to such who shall apprehend *John Cochran* of *Ochiltree*, *Patrick Hume* of *Polwart*, *Archibald Campbel* Son to Lord *Neil Campbel*, *Charles* and *John Campbels* Son to the late Earl of *Argyle*, *Pringle* of *Torwoodlee*, *Sir Duncam Campbel* of *Auchinbreck*, Eighteen hundred Merks for each. A small Sum, when compared with that set on Mr. *John Welsh*, the Murderers of the Archbishop, and others, long ago, and for *Sir William Denholm* of *West-shiels*, *Balfour*, and *Fleming*, Murderers of the Archbishop, *William Clellan* and *David Stuart* younger of *Cultness*, a Thousand Merks. The last is described by an Epithet, I am perswaded, he glories in, *Grandchild to Sir James Stuart* sometime *Provost* of *Edinburgh*; though they designed it as a Reflection on that worthy Person's Memory. And they put a Thousand Merks on every Minister who was with *Argyle*; and then goon to make it Treason to harbour, reset, correspond with, or comfort any of those Persons. And any who shall not give Intelligence of them, or Assistance against them, are declared Art and Part of their Treason, and accessory thereunto.

Notwithstanding of this severe Clause, they were sheltered and harboured by many; particularly, that eminent religious Lady, *Eleonore Dunbar* Aunt to the present Earl of *Eglintown*, did enquire diligently after the Gentlemen lurking in the Country, and getting notice of *Sir Patrick Hume* of *Polwart*, and the Laird of *Kaitloch*, she invited them to *Kilwinning* where she lived, and maintained them for several Weeks in an empty House there, till they were safely conveyed to *Holland*. The Countess of *Lowdon* did employ a trusty Servant, and sent Money and other Things to Gentlemen lurking in the Country. There was also a singularly pious Woman in *Irwine*, *Jean Rollock*, who harboured *David* (since Doctor) *Dickson* for several Weeks, till he got safe to *Holland*.

And to make new Grounds of Oppression to the Country, all the Subjects are discharged to harbour, reset, lodge, or entertain any Person whatsoever, unless they have a Pass from those authorized lately to give it. I have already observed the Hardships of this as to the Lieges Trade and Liberty, and those Orders brought Multitudes to very great Straits and Difficulties. This Proclamation is ordered to be read from all the Pulpits in the Kingdom, which would be carefully seen to by the Lords of the Clergy.

That same Day, with the abovenamed Proclamation, the Council give Orders to disband the whole Militia Regiments, through the Eastern and Northern Shires. July 6. *William Cochran* of *Ochiltree* younger, is allowed to go about his Affairs, upon Bond, to compare when called, under the Sum of a Thousand Pounds Sterling. His Father was now seized, as we have heard.

Militia dissolved. *William Cochran* of *Ochiltree* liberated.

Prisoners sent to New England. *William Blackadder* appears before the Council; a Remission comes down to him.

Marquis of Arbole's Commission for the Shire of Argyle, July 16.

The same to *Drumakill* and *Arnprior* for *Dumbarton* and *Stirling*.

King's Letter July 24. about the meaner Prisoners.

July 9. Fifteen Prisoners taken with *Argyle*, of the meaner Sort, are banished to *New-England*, and given to *William Arbuckle* on his Petition to the Council. July 14. Mr. *Blackadder* taken in *Orkney*, appears before the Council, acknowledges the King's Authority, and his sacred Majesty to be his Liege Lord, and upon his Desire of some Time to consider the Oath of Allegiance, the Council allow him till Thursday; and September 3. I find a Remission comes down to Doctor *William Blackadder*.

July 16. The Lords of his Majesty's Privy Council empower *John Marquis* of *Arbole*, to keep Watch in the Shires of *Argyle* and *Tarbet*, and to take under his Protection the said Shire against Thefts, Robberies, &c. with Power to him, for that Effect, to convocate his Majesty's Lieges in Arms, and to follow, pursue, take, and apprehend any Person or Persons guilty of, or accessory to the said Crimes, either by Reset, or otherwise, till they be brought to a legal Trial; and further, is authorized to seize upon, and retake the Goods and Gear reset and stolen from any of the Inhabitants. We have heard how much this Commission was used against *Argyle's* Friends and Tenants there. That same Day, *William Buchanan* of *Drumakill*, and *Buchanan* of *Arnprior*, have the same Powers given them for the Shires of *Dumbarton* and *Stirling*. And July 20. the Council take off the Confinement laid upon the Captain of *Carrick*, and several other Gentlemen of the Name of *Campbel*, upon their taking the Oath of Allegiance.

July 30. a Letter from the King is read in Council, as to the Prisoners of the more common Sort. Right trusty, &c. Whereas We are informed that a greater Number of Rebels are taken Prisoners than we think fit to be executed, according to their Deservings, We do hereby authorize you to order our Advocate, to prosecute before your selves, such of the meanest Sort as you think convenient, and banish them to the Plantations; with Certification, that if they return without Leave, they shall be denounced as Traitors. We do also authorize you to prosecute before our Justiciary, in order to their Execution, such of the said Rebels as you shall think fit, for deterring others from committing such Crimes for the Time to come. For all which this shall be your Warrant. *Whitehall*, July 25.

M E L F O R D.

Accordingly we have seen great Numbers of them banished and transported towards the End of this Year, upon the 4 Section. August 4. Major General *Drummond* is empowered to seize all the Arms brought in by *Argyle*, wherever he finds them. December 3. I find Letters are written to the several Shires, that Lists be sent in of Heritors who attend not on the King's Host.



Host. The Returns are to be made next Year: And since I want the Council Registers, I can give no Account whether any Prosecutions followed. No more offers upon this Head, save what may come in upon the last *Section*.

1685.

I come now to give the criminal Prosecutions of those who were with the Earl before the Justiciary; and I shall begin with *Rumbold* and Mr. *Archer*, who were executed, and then touch at some others who were before the Criminal Court, and yet escaped with their Lives.

Prosecutions before the Justiciary.

Not long after the Earl, that gallant and good Man Colonel *Rumbold* was taken. I have no distinct Account of the Manner or Place; but am told, that being attacked by the Country Militia, he made his Way easily through them, and being of great Courage, Skill and Strength, when Two or Three attacked him at once, he was abundantly able for them, and maintained a running Fight, and was like to get off, till one of them wiser than the rest came up and cut his Horse's Legs miserably, and disabled him so, that he was no longer of Use to him; and then he was soon oppressed with Numbers, and terribly wounded.

*Rumbold* taken soon after the Earl.

When the Accounts came to *Edinburgh*, that *Rumbold* was taken, and coming in Prisoner, June 22. The Council ordain the Magistrates of *Edinburgh*, as soon as he comes to the Water-gate, to put him in a Cart, and cause the Hangman put a Rope about his Neck, and the Hangman's Man going before him leading the Horse, *Rumbold* being fettered and bare-headed; and Captain *Graham* is to receive him with Drums beating, and Colours displayed, and carry him to the Cattle: And June 23. the Advocate is ordered to process him before the Justiciary. And June 25. before the Justiciary meet, the Council make the following Act and Recommendation. The Lords of his Majesty's Privy Council do hereby recommend to the Lords Justice-general, Justice-clerk, and remanent Commissioners of his Majesty's Justiciary, to meet to Morrow by Ten a Clock in the Forenoon, and to call the Dittay of high Treason against

As to the Manner of his being received at *Edinburgh*.

*Rumbold*, commonly called Colonel *Rumbold*, or the *Maltster*; and after he is found guilty of the said Crimes, do recommend to the said Lords, to cause him, the said *Rumbold*, to be immediately taken from their Bar, to the laigh Council-house, to be examined by the Magistrates, and hear Prayer in the ordinary way; and that Order may be given by them to the said Magistrates, that a Scaffold and an high Gibbet be erected above the Cross, towards the West, and that after he is examined, and Prayer heard, they cause him be led down by the Hangman, having his Hat, to the Scaffold, and there to be hoisted up the Gibbet, with a Rope about his Neck, and immediately to be let down, and the Rope being about his Neck, his Heart to be cut out by the Hangman, and shown to the People upon the Point of a Bayonet or Dagger, round about on the Scaffold, who is to express these Words, *Here is the Heart of a bloody Traitor and Murderer*, and which thereafter the Hangman is with Disdain to cast in a Fire prepared on purpose on the Scaffold, and thereafter his Head is to be cut off, and shown to the People by the Hangman, in Manner foresaid, and expressing the former Words; and then his Body is to be quartered, and one Part thereof to be affixed at the Port or Tolbooth of *Glasgow*, another at *Jedburgh*, a Third at *Dumfries*, and a Fourth at the *Newtown* of *Galloway*, his Head being to be affixed at the West-port of *Edinburgh*, on an high Pole; and do ordain the Magistrates of *Edinburgh* to see this Order put in Execution accordingly.

As June 26. about his Execution.

We may easily guess from this severe Act, how this Gentleman would be treated when before the Managers. I am well informed, that when examined by the Council, he was basely insulted, which did not much move him, but with great Calmness he owned the Cause he had appeared for, and his Joy in his Sufferings. Whereupon one of them railed on him, calling him a confounded Villain. With the utmost Sedateness he replied, *I am at Peace with God through Jesus Christ, to Men I have done no Wrong, what then can confound me?*

His Expression before the Council when insulted.

According to the Council's Act, the Justiciary proceed June 26. *Richard Rumbold*, designed Colonel *Rumbold*, Maltster at *Rye*, in the County of *Hartford* in *England*, enters the Pannel. His Indictment is read, that *Richard Rumbold*, the most execrable of all Traitors, did conspire, undertake, and endeavour to kill the King and his late Majesty, at their Return from *New-market*, and being disappointed in this, he fled over to *Holland*, was with the late Earl of *Argyle*, and with him invaded this Kingdom with Ships, Men, Arms, and Ammunition, upon the

Procedure of the Justiciary against him June 26.

Day of *May* last, and sent over their treasonable Proclamations, convocate Subjects, and was in open Rebellion, and continued therein till taken.

The Advocate restricts the Libel to his being with that execrable Traitor, *Archibald Campbell* sometimes Earl of *Argyle*, and associated with him to invade this Kingdom, as above; and for Probation adduceth the Pannel's own Confession, as follows.

That he did associate himself to the Earl of *Argyle*, invade the Kingdom, was a Commander, and assaulted some of the King's Forces at *Ardkinglaffs*, where there was one killed on each Side; that he did not know *John Balfour* of *Kinloch* till aboard, that he was designed to have been a Cornet of Horse, and was in the Highlands. Confelleth, he knew *James Stuart*, who was privy to their invading *Scotland*; that the said Mr. *Stuart* said to him, that the Earl of *Argyle* would spoil all by landing in the Highlands, and lingering there, that the best and surest Way for them was, to land in the main Land, in the West of *Scotland*,

His Confession.



1685.

land, and offer Arms to such as would take them; that he heard the late Earl of *Argyle* say, Mr. *Stuart* had given the Duke of, *Monmouth* Counsel to assume the Title to the Crown.

Sentence.

Very soon the Affize found him guilty, and the Lords pass their severe Sentence, *That he be taken from the Bar to the laigh Council-house of Edinburgh, &c.* just in the Terms of the Council's Act above mentioned, and ordain this Sentence to be put in Execution this 26 Day of *June*, twixt Two and Five in the Afternoon.

Which was put in Execution.

Accordingly it was put in Execution in every Article of it. *Rumbold*, when brought to the Scaffold, was so weak, that he could not walk his alone, but was supported by Two Officers, and not being able to stand, he was led to the North Side of the Scaffold in that Posture, and directed his Speech to the People to this Purpose.

His Speech at his Execution, June 26.

Gentlemen and Brethren, it is appointed for all Men once to die, and after Death is the Judgment; and since Death is a Debt all of us must pay, it is a Matter of small Moment and Consequence, what way it be done. But seeing the Lord is pleased to take me to himself after this Manner, as it is somewhat terrible to Flesh and Blood, yet, Glory to him, it is not terrible to me in any wise. I bless his Name that hath carved out such a Lot to me, and I desire to magnify and bless his holy Name for it, that it is upon no ill Account, but for owning and adhering to his distressed Work and Interest.

Here they beat the Drums, at which he shook his Head, and said, *Will they not suffer a dying Man to speak his last Words to the People?* and then went on.

And for my avowing to be against Popery and Prelacy, these Two superstitious and pernicious Devices of Men, obtruded on the Church of God. I am so confident of the Righteousness of the Cause, and my Innocence in the Matter, that though every Hair in my Head were a Man, I could willingly part with them for it. I confess, Enemies think they have gotten their Foot on the Neck of the Protestant Interest now; but I am persuaded it is as true, as that I am this Day entering into Eternity, *That Christ shall be glorious in these Lands, and even in poor Scotland, and that shortly:* And it is like, many who see me die this Day, may be Witnesses thereof; yea, he shall govern those Nations with a Rod of Iron, and that to the Terror of his Enemies.

This was just the present Sense and Feeling of his Soul. He was not able, through Pain and Weakness, to form any premeditated Discourse, but off hand spoke out the present Thoughts and Sentiments of his Heart. After this he addressed himself to the Lord in Prayer, with the greatest Cheerfulness and Composure. His Expressions in Prayer, as far as they could be remembered, were to this Purpose.

His Prayer.

O Lord, I have been a great Sinner, and I desire thou mayst get this Opportunity for expressing thy great Mercy in pardoning great Sins. Thou hast allowed me a considerable Time in the World, and I am turned gray-headed in my Sins, but thou hast commanded the Ends of the Earth to look to thee and be saved, which I desire to do this Day, and thou hast said, that those who come unto thee, thou wilt in no wise cast out. I cast my self wholly on thee, and trust thou wilt be as good as thy Word. I desire to embrace Christ on his own Terms, and beg thou may safely guide me through the dark Valley of the Shadow of Death, and make thy Rod and Staff comfort and support me. It is true, I am going to die, but what is the Matter? though I had a Thousand Lives to lose, if so be I may gain the last grain Weight of Glory to thy holy Name thereby, I am content.

When he prayed for the Extirpation of Popery and Prelacy, and other Superstitions out of God's House, the Drums ruffled again. After the Prayer was ended, the Executioner kneeling, begged his Forgiveness. He answered, Yes, good Fellow, I forgive thee and all Men. Then after he had prayed again within himself, and given the Sign, he was executed and quartered, as in the Sentence. Let me only add, that *August 4.* the Council order *Rumbold's* Head to be taken down and put in a Chest, and sent to *London* in a Ship, to be disposed of as his Majesty pleases.

Mr. Thomas Archer next prosecuted.

It was some longer Time before Mr. *Thomas Archer* was executed; and I shall in this Place give any short Hints I have of this excellent Person, and then go forward unto other Sufferers, not unto Death, upon the score of the Earl of *Argyle's* Attempt.

Some Account of him before his being seized.

The Reverend Mr. *Thomas Archer*, was Brother to *John Archer* formerly mentioned; and I have the following Accounts of him from Ministers and others yet alive, who had the Happiness of his Acquaintance. The Lord began very early to incline his Heart to Piety; and when he was little more than a Child, that eminent Minister, and extraordinary Christian formerly mentioned, Mr. *Alexander Moncrief*, gave him that Character, *That he made Conscience of lifting his Bonnet*, that is, of the most minute Actions of his Life, and did all with an holy Tenderness, and out of a Principle of Religion; and yet after he had gone through his University Studies, he wanted not Shakings and Exercise about the State of his Soul; at length he got comfortably out of all, and enjoyed much of a Life of Serenity and Consolation through the Remainder of his Time.

When he received his Degrees at the University, I think, of *St. Andrews*, it was with great Applause, and the Masters who examined him, declared they had not met with his Equal in Learning



Learning for many Years. Some Years after, when Chaplain to the Lady *Riddel*, in that Country, he was licensed to preach the Gospel by Presbyterian Ministers, and his Sermons were very judicious, methodical, and most scriptural. He was so exact in what he delivered, that he neglected the Manner, being intent upon the Matter. He was not so acceptable to vulgar Hearers, as some other young Men far inferior to him in Abilities.

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His Conversation was very grave, sedate, prudent, affable, and cheerful; he was an excellent Scholar, very bookish, and gave himself to Reading, Meditation, and Prayer. When staying in a Gentleman's House in the *Merse*, he was, about the Year 1682. taken Prisoner, for no other Fault than preaching the Gospel now and then; and, as we heard, he was brought in Prisoner, and continued some Months in the *Canongate Tolbooth*.

There he improved his Time very closely, and in a little, made himself absolutely Master of the *Hebrew* Tongue, and was a great Master of both the original Languages of the Scriptures. At length he was banished the Kingdom, and made to sign a Bond never to return to his native Country, without the Government's Allowance; and he retired to *Holland*.

In *Holland*, he mightily improved in all Branches of valuable Learning; and while there, was employed to correct the Dutch Edition of *Pool's Criticks*, then printing. He was there ordained a Minister of the Gospel by the *Scots* Ministers, from their deep Sense of his excellent Endowments. Mr. *Robert Fleming*, and Mr. *Alexander Hastie* preached at his Ordination.

He was assured that his Bond was got up by his Friends in *Scotland*, from the Council, otherwise 'tis probable he would not have consented to have come back. Being a Youth of great Gallantry and Spirit, he was prevailed upon to engage with *Argyle*.

After they were dissipated, he got over *Clyde*, and was in the Engagement at *Muirdyke*, where Sir *John Cochran* commanded: His Horse stumbling, fell to the Ground, and his Pursuers might easily have made him Prisoner, but such was their Barbarity, that before Mr. *Archer* could recover himself, one of them poured in a Pair of Balls into him, whereby he was sorely wounded, and while lying wounded, he was robbed of his Bible, Watch, and some Gold; and, as we have heard, after he had lien bleeding almost to Death, he was, by his Friends, carried into a Country House, where he was soon taken, and brought in to *Paisly*, where his Wounds were dressed, and were extremely painful to him.

Taken at  
Muirdyke.

Thence he was carried into *Glasgow*, where he remained some Days in great Distress, and very low; and was sent into *Edinburgh*, by Order of the Council. So extremely weak was he, that he was not able to sit upon a Horse, and therefore was sent East upon a Cart, and, with no small Difficulty, the honest People in *Glasgow* prevailed to get a Feather-bed laid under him.

Before the Council he was reproached bitterly, that he had broke his Engagement by Bond. This was no small Grief to him, and he regreted very much that he had been made to believe that his Friends had got it up; and the Council, *July 13.* put him over into the Hands of the criminal Court.

July 13. the  
Council re-  
mains to the  
Justiciary.

While in Prison, great Importunity was used with People in Power, for his Liberation; and it was represented he was in a dying Condition by his Wounds, and Physicians declared so much; but nothing would prevail with them. In all the Turns, they resolved to have some Ministers sacrificed to their Fury, the great Mr. *Guthrie* after the Restoration, the excellent Mr. *Hugh Mackail* after *Pentland*, Mr. *King* and Mr. *Kid* after *Bothwell*, and now worthy Mr. *Archer*. The Duke of *Queensberry* was addressed in a particular Manner, and even by his own Son, who had a high Value for Mr. *Archer*, but always received with Indignation; and he told his Son in very odd Terms, *His Life could not be spared*.

All those Endeavours failing, a Design was laid to have him secretly conveyed out of Prison, and it came so great a Length, that once the Sentinels had Money given them. A worthy Gentlewoman, yet alive, Mrs. *Montgomery*, Servant to the late excellent Dutches of *Hamilton*, bestowed Ten Dollars that way. In short, every thing was made ready, but he himself broke the Project, and told his Friends, that he reckoned himself a dying Person; and seeing he reckoned he could not serve his Master in any other Manner, he did not think it his Duty to decline a Testimony for him and his Truth, by a publick Death.

*August 12.* I find him before the Justiciary. He should have been brought before them twice formerly, but was perfectly out of Case through bodily Weakness, and by every Body looked upon as dying: Yet those merciless Men would take his Blood upon them. His Indictment was read, and he charged with Treason. Probation, his own Confession, 'That he had been in Company with the Earl of *Argyle*; that the Earl had imparted his Design to him of invading *Scotland*; that he went before to *Ireland*, to prevail with some Persons there to joyn the said Earl, but none came; he declines peremptorily to condescend upon their Names; that he continued with the Rebels till dissipated; that he was with Sir *John Cochran's* Party near the *Stone-fold*, and received a Shot in his Side, and was carried to a House near by, where he was apprehended; that he had a Sword.

Process, *August*  
12. before the  
Justiciary.

His Confession.

Tho. Archer.  
The



1685.

Last Words  
and Testimo-  
ny.

The Affize brought him in guilty by his own Confession, and the Lords sentence him to be hanged on a Gibbet, *August 14.* till dead. He was still delayed till *Friday, August 21.* when he suffered Death. I am sorry I have no large Accounts of his Christian and cheerful Carriage on the Scaffold, but shall here insert his last Testimony, which he drew up in Prison, and delivered as much of it as he was able at his Death, and I give it from the original Copy, yet remaining with his Friends.

*The last Words and Testimony of Mr. Thomas Archer Minister of the Gospel, which he designed to speak on the Scaffold, August 21. 1685. and left with his Friends, subscribed with his own Hand.*

MY Weakness being such, through long Sicknes, as I know not when I may be surprised with Death, and being perswaded in my own Mind, that in some weak Measure I desired to follow God's Call, whilst I came along with this (now broken) Party, and, that with some Simplicity and Self-denial, I desired to aim at God's Glory, and the Comfort of his Church.

I desire, in some Sincerity of Heart, to leave my Mind in these few Lines, for the Satisfaction of my Friends and others. The Apprehension I had of the great Danger of the Protestant Religion, and the Informations of the exorbitant Oppressions of Men in their Estates, but especially in their Consciences, even to their wasting, were my Motives to engage in this Enterprize, if not sufficient, I leave it to others to judge.

That Popery is like to be the Plague of these Lands, many now begin to be convinced that would not believe it before; the Atheism and Profanity of the Generation is a fit Disposition for it; and, it may be, the Evil of it may begin to be less seen, that it may be accounted a light Matter: But let that Scripture be seriously considered, *Revel. xiv. 9, 10, 11.* And the third Angel followed him, saying with a loud Voice, *If any Man worship the Beast and his Image, and receive his Mark in his Forehead, or on his right Hand, the same shall drink of the Wine of the Wrath of God, which is poured out without Mixture, into the Cup of his Indignation, and he shall be tormented with Fire and Brimstone, in the Presence of the holy Angels, and the Lamb; and the Smoke of their Torment ascendeth up for ever and ever, and they have no Rest Day nor Night, who worship the Beast, or his Image, or whosoever receiveth the Mark of his Name.*

It was always my Judgment, and I hope to die in it, that the Obligation of the Covenants is national, and indissoluble, and that even the Posterity renouncing them, shall be found guilty of horrid Perjury and Apostacy before God, since in them we first engaged immediately to serve him.

I own the alone Headship of our glorious Saviour *Jesus Christ* over his Church, to be a Truth from Scripture most clear and incontrovertible. To set up Officers over his Church, and not of his Appointment, to give Laws to her of that Nature, is an Usurpation most tearful, especially when it may be in the Hands of a Person, not a Member of the Church; and to rob the Church of the ministerial ruling Power communicated to her Officers by her Head *Christ*, or to hinder her of the due Exercise of it, is a Tyranny and Oppression most crying before God.

I have ever opposed my self to Contentions and new Differences, wherein (I thank the Lord) I have Peace without a Challenge as to the Thing. Divisions and Contendings have been the Undoing of this Church first and last, but, I think, more of late, and more shamefully than ever, the Matter being so small (if wisely considered) about which all this Noise hath been made.

I take not upon me to justify the indulged Ministers, neither will I rigidly condemn them; but if the separating from their Ministry, and pressing the Matter with such Heat and Violence, shall be found to be good Service done to *Christ*, I have read the Scriptures wrong; and the sad Consequences of it are convincing enough, if People were humble and convincible. It was this Contention which expelled that profitable and most edifying Exercise of mutual Prayer, and Christian Conference, (that I may say nothing how it drove from the Shepherds Tents) upon which followed a sensible Decay in the Exercise of Godliness.

I did devote my self to serve the Lord in the Gospel of his Son; I trust he hath accepted my Offering. I had some Willingness to do him Service upon Occasion, although, alas! my Dross of self and other Evils, cleaved fast unto me; yet he knows, that to edify his People, was the principal Thing, next to his Glory, I aimed at.

I have lived, and desire to die, hoping that the Lord will yet glorify his Grace and Gospel in the Land; and that he hath not brought us under the Bond of the Covenant, im-



immediately to cast us off, (though we deserve to be cast off) but that the Children which are yet to be created may praise him.

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Those sad desolating Strokes are so far from being a Stumbling-block to me, that they are rather a Confirmation. Sure the most pious People, and of the greatest Numbers likewise proportionably (to the yondmost of my Knowledge) is in Scotland of any Place in the Earth; and shall we think, that the Lord scourgeth them in the open Sight of others, for their Destruction! and not rather that he is beginning his Judgments at the inner House and Sanctuary! And others who now may laugh at our Calamity shall not escape, if Judgment begin at the House of God, 1 Peter iv. 17.

I desire to hope the Lord will bring his Third Part through the Fire, and will refine them as Silver is refined, and try them as Gold is tried; and God shall say of them, It is my People, and they shall say, The Lord is my God. Zech. xiii. 9.

Town the King's Authority, since he hath it not only by God's Providence, but by the Consent of the Estates of the Land, who have determined, that he is the lawful Succellor. And it is a Question, if he be worse than those whom the Prophets have been subject unto under the Old Testament, and those to whom the Apostle commands Subjection under the New. And if the Distinction betwixt the Authority it self, and the Exercise thereof, were rightly understood, I think there should be less poor Mens Blood spilt, and less Reproach cast upon Religion.

I thank the Lord, I have no Prejudice against any Man living, to the utmost of my Knowledge; but do most heartily forgive every Man, as I desire to be forgiven of God my self.

I resent and acknowledge my Weakness, in being a Witness against several worthy Persons, both present and absent, a worse Deed than *Saul's* consenting to the Death of *Stephen*; though, I think, I had no Eye to my own Safety, far less an ill Will at the Persons, all whom I highly honour, and of all whom I heartily intreat Forgiveness.

I desire to give a Farewel to the World, and all the Enjoyments thereof, and to my dear Relations, dear both in the Flesh, and in the Lord, in the firm Hope of the eternal Fruition of God, Father, Son, and Holy Ghost, whom I desire to choose for my Portion, and through my Saviour Jesus Christ, whom I have designed in some weak Measure to serve; to whom I commit my self as to a faithful Creator and Saviour.

Thomas Archer.

This solid and judicious Testimony needs no Commendation from me. I only add, that Mr. Archer was so very weak that Day he was executed, that he behoved to be carried to the Scaffold in a Chair, and in all Probability a few Hours would have carried him to Heaven though he had been spared. When coming out of Prison, he said, *I bless my God, I have now no more to do but to die.*

When upon the Scaffold, he prayed first, and then read *Isaiah 65.* and next spoke to this purpose as far as could be gathered. 'There is a great Confluence of People here, and I hope there are many who desire to be edified by this kind of Death, and I wish there were more. By reason of my Weakness and Sicknes, you cannot expect a long Discourse, nor with such Utterance as this Auditory requires. As to the Grounds whereupon my Sufferings at this Time are stated, I need not enlarge, they are well known; I shall only say this, as my Design was upright, so were my Motives in coming to Scotland in such a Time and Manner: They may call it Insurrection and Rebellion, but the Lord knows there was no such thing. My Motives were the great Apprehensions I had of Popery, and my Regard to the Kingdom and Interests of Christ here, and I wish every one were concerned with the Evil and Hazard of Popery.'

Here the Bailie interrupted him; whereupon he added, 'I shall only refer you to *Revelations xiv. 9, 10, 11.* and said to the Bailie, You cannot deny but Popery is hazardous; who answered, *It is true, but there is no Fear of it here, blessed be God.* Mr. Archer said, *I wish to God it be so,* and then continued his Discourse.

What I have further to say is, that as Christ hath a Kingdom, wherein and over which he reigneth as King, so he will suffer none to usurp that Power, which is his own Prerogative, and which he will not give to another, to constitute and appoint Officers contrary to his Institution.' When going on upon this Subject, the Bailie interrupted him again, saying, *Sir, if you hold not off your Principles and Reflections, I will cause beat the Drums.* Mr. Archer went on. 'Well then, I hope none of you who are the People of God, need stumble at our Fall, as if God would let the Work rest at us, for he has other Means, Ways, and Instruments nor us to make use of; for it may be well known to you from Scripture, that the People of God have got many Backsets one after another, but the Lord has waited for their Extremity, which he will make his Opportunity; and for this, take Notice of *Micah iv. 10.* *I will bring them to Babylon, and there will I deliver them.* So I pray and intreat you all to be concerned for your Souls Interest; as for my own Part, I know I have no more to do as to that. Fear of Death does not fright or trouble me, I bless the Lord for my Lot.'

His Carriage on  
the Scaffold  
August 21.



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Then he prayed again, and sang the 73 Psalm, Ver. 24. to the End, and died with great Cheerfulness and Joy. In him the Church of Scotland lost a burning and shining Light, who might have been long an useful Minister of Christ. One who knew him well, assures me, for Solidity and Learning he was qualified to be a Professor of Divinity in any University. He was about Thirty two Years of Age at his Death.

Process against  
Sir David  
Stuart and Wil-  
liam Spence,

Having thus given Account of the Two worthy Persons who were executed for this Attempt, I come now to some of the Processes before the Justiciary, for Accession to the Earl's Attempt. July 16. Two excellent Persons are before the criminal Court, *David Stuart* (now Sir *David*) of *Cultnesh*, and Mr. *William Spence* Servant to the late Earl of *Argyle*. We have heard of the last his being seized at *Orkney*, from whence he was sent over to *Edinburgh*; and the first was taken a little after the Earl of *Argyle*, and carried into *Edinburgh*. By the Council-books, I find the Advocate is, July 13. ordered to process before the Justiciary, *David Stuart* younger of *Cultnesh*, Mr. *William Spence*, and *Dunbar*. This last I find no more about.

Probation.

The Two first are both indicted for Treason, and *David Stuart's* own Confession is adduced as Probation. ' *David Stuart* confesseth he went over to *Holland*, conversed with the late Earl of *Argyle*, that he came over with him to the Highlands, continued with the Rebels till taken; that he had a Sword, that he owns the King's Authority.'

Sentence.

' *William Spence* hath for Probation led against him, Mr. *Thomas Archer*, who depones, he saw him with the late Earl of *Argyle*, as his Servant. Mr. *William Blackadder*, Doctor in Medicine, depones the same. Both of them are remitted to an Assize, who bring them in guilty. And the Lords ordain *David Stuart* and Mr. *William Spence*, to be taken to the Cross of *Edinburgh* on *Wednesday* next, the 22 instant, and hanged.'

They are  
afterward re-  
rieved.

The Lord had more Service for them, and the Sentence was not executed. All I find further about them is, July 20. 'The Lords of Council having considered the Addresses of *David Stuart* younger of *Cultnesh*, sentenced to die on *Wednesday* 22 instant, do reprieve them to *September* 3. *August* 17. Mr. *William Spence* is allowed to remove to a Chamber in *Edinburgh*, because of Sickness, and to be kept under a Guard. The Magistrates of *Edinburgh* are to be liable for him if he escape, and he is to re-enter Prison *September* 1. *August* 25. a Letter is read from the King, continuing the Reprieve of *Cultnesh* younger, till his Majesty signify his Pleasure to the contrary. That same Day Mr. *William Spence* his Reprieve is continued till *November* 1. he being a necessary Witness for the King. And *September* 3. his Reprieve is continued by a Letter from the King, till he declare his Pleasure to the contrary; and by a Letter from the King *October* 17. Mr. *Spence* is ordered to be made close Prisoner.' This is all I meet with about them in the Council-books.

Mr. Charles,  
John, and Archi-  
bald Campbels,  
forfeited Aug. 1.

*August* 1. I find *Archibald Campbell*, sentenced to die by the Justices, appears before the Council, and declaring himself content to renounce all rebellious Principles, they reprieve him till *December*. And *August* 18. a Letter is read from the King, bearing, That it is his Royal Pleasure, that *Charles* and *John Campbels* Sons to the late Earl of *Argyle*, *Archibald Campbell* Son to the Lord *Neil Campbell*, should be spared as to their Lives, and be banished, but that the Sentence of Forfeiture be passed upon them.' The Council recommend to the Justices accordingly, and order *Charles* and *John Campbels* to be brought from *Stirling* to *Edinburgh*, in order to their Trial.

Accordingly, *August* 21. *Charles Campbell* is indicted for being in the Rebellion, and upon his Confession is sentenced to die, and the Day left to the Council's Pleasure. And *August* 25. ' *John Campbell*, Son to *Archibald Campbell* sometime Earl of *Argyle*, indicted for rising in Arms for committing Acts of Hostility and high Treason, treasonably corresponding with, harbouring, conversing with, and resetting the Earl of *Argyle*, a forfeited Traitor, so declared in *May* and *June* last; he confesseth, that he had joyned in Arms in the late Rebellion, with his Father the late Earl of *Argyle*, and conversed and intercommuned with him in the Terms mentioned in his Dittay, and comes in Will, and begs his Majesty's Mercy. The Lords ordain him to be executed as a Traitor, and demeaned, and undergo the Pains of Treason at such a Time and Place as the Lords shall think fit, and his Name, Fame, and Memory to be extinct, as in common Form.' The Managers thus endeavour to leave a Blot upon the Children and Relations of this noble Family, when for Shame's cause they could not embroil their Hands in the Blood of those Youths.

*September* 11. the Council order the Advocate to process before the Justices, Sir *Duncan Campbell* of *Auchinbreck*, *Campbel* of *Parbreck*, and *Campbel* of *Knap*, and all other Persons, who, they were informed, were with the late Earl of *Argyle*; and Witnesses are previously to be examined, conform to the King's Letter. And *September* 18. in a Letter to the Secretary, the Council signify, that by a Mistake *Allangreg* had been recommended for a Remission as to Life and Fortune, whereas they never recommend any for a Remission but as to Life.

This is all offers to me this Year of the criminal Prosecutions, upon the account of the Earl of *Argyle's* Attempt. In the Beginning of the next Year, we shall meet with great Numbers more processed, mostly in Absence, before the Justiciary, that their Estates might fall into the Hands of the Managers.



S E C T. XI.

Of the Sufferings and Hardships endured by the Prisoners sent to Dunotter, May this Year, with some further View of the Severities exercised through the Country, during the sitting of Parliament, and after the Earl of Argyle's Attempt.

**H**AVING been diverted a little from my principal View, by the remarkable Incident of the unsuccessful Attempt made for recovering our Liberty, I return again to the Sufferings and Hardships exercised through the Country, and shall enlarge a little upon the extraordinary Cruelty exercised upon the Prisoners sent to the Castle of Dunotter in May, and go through some other Acts of Severity against Presbyterians this Year.

Contents of this Section.

During the sitting of Parliament, a good many of the Persons who were the Springs of the Sufferings through the Country, were at *Edinburgh*, and so we shall meet with less Trouble through the West and South than, considering what passed in the former Years, one would expect. Indeed the Ravages of the Soldiers up and down, upon the first Rumours of *Argyle's* landing, were very dreadful; some of them have been hinted at, and a Detail of them would be endless.

Ravages of the Soldiers, through the Country.

Every Body who did not intirely conform to the Church Establishment, all who did not heartily fall in with the Oaths and Impositions now a going; yea, the very Friends and Acquaintances of such who were banished, forfeited, or upon their Hiding, though they did conform, yea, the moderate Part of the Conformists themselves, were fearfully harassed.

Parties of Soldiers were continually marching through the West and South, a good Number of them traversed the Hills of *Carssphairn*, and all that Country round, perfectly spoiling it as it had been an Enemy's Country. *Claverhouse* came through *Nithsdale* in the same Manner, and towards the Water of *Ken*. All they met with were forced to take what Oaths they were pleased to frame. And after *Argyle's* Defeat, Lieutenant *Livingstone* continued a good Space in the *Newtown* of *Galloway*, and brought the Country under the greatest Hardships, by Searchings and otherwise; and many were the wonderful Escapes and Deliverances the suffering People met with.

As the regular Forces harassed the Country, so did the Militia, which, as we have heard, were called out under the Prospect of *Argyle's* Attempt; and upon the Alarm of his coming to *Orkney*, circular Letters were written through the Shires by the Sheriffs, and Officers of the Militia, to the Heritors, to meet them at their particular Places of Rendevouze.

An original Order, now before me, is direct to the Laird of *Duddingston*, from the Sheriff-depute, which, being short, I insert here, as being no doubt the common Form.

Order to the Militia in *Linlithgow*.

' Sir, I desire you to meet the Earl of *Linlithgow* at *Kincavel-muir*, the 14 current, with Arms, on Horseback, with Twenty Days Provisions, by Ten Hours in the Forenoon, as you will be answerable to the Lords of Privy Council on your Peril. Given by Order of the said Earl, by

Sir, Your Servant,

Charles Stuart.

Both Militia and Army committed many Ravages. Particulars I cannot enter on. Many other sore Oppressions were made on particular Persons, by such as had Council and Judiciary Powers. I shall only give one Instance.

*James Forsyth* in the Parish of *Lochnaben*, or near by, had been brought to great Trouble for not hearing the Curate, who had either gone very near to pronounce, or actually had pronounced against him the Sentence of Excommunication. At length he was apprehended, but found Means to get out of their Hands. Not compearing before the last Court in February, he was denounced, and forced to lurk; and Wanderers being upon every Turn in Hazard of their Lives, he went into *England*, where he was seized, and sent down Prisoner to Sir *James Johnston* of *Wester-rax*, May 13. this Year.

*James Forsyth* in *Lochnaben*, his Sufferings.

*Wester-rax* indeed offered to let him go, if, with uplifted Hands, he would swear and say, God bless King *James the VII*. When *James* asked him what he meant by blessing the King, for his Part he wished him well, and that all spiritual Blessings might be upon him; the other answered, he meant, That he should own him as his lawful King, and that he should pray, Long may he live, and well may he prosper in all his Actings and Proceedings.

This, *James* said, he could not do, since he was a violent Persecutor of God's People, and a Papist. In a little Time he was examined by *Claverhouse*, and the foresaid Gentleman, and threatened with present Death; but Providence restrained them, and he was sent Prisoner to *Edinburgh*, and thence to *Burntisland*. His Wife having come to see him, they sent her Prisoner

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1685.

Prisoner with him, tho' they had nothing to charge her with, and she was big with Child. They were both sent, with others whom I shall presently account for, to *Dunotter*; there his Wife fell into her Pangs. The Keepers were desired to let her go to a private House to be delivered, but the barbarous Governor would not allow this; so she was delivered in Prison, and by ill Management, and Want of ordinary Accommodation, she died in a little Time.

Sufferings of  
the Prisoners  
at *Dunotter*.

This brings me to the Hardships and Severities, wherewith the Prisoners who were sent to *Dunotter* Castle were exercised. I shall give the Reader as short and distinct an Account of this Piece of hard Treatment of the Sufferers, as my Materials afford me, mostly from the Papers of Mr. *John Frazer*, Minister at *Alness*, in the Presbytery of *Dingwall*, now with the Lord, who was one of them; and the distinct Narratives the forementioned *Quintin Dick* and Mr. *William Macmillan* have left, with some other Papers by me.

Mr. *John Frazer's* preceding  
Sufferings.

It may not be improper to bring in here a short Account of the preceeding Sufferings of the reverend Mr. *Frazer*, and they will hand me down to *Dunotter* Sufferings. This excellent and worthy Person had gone up to *London*, about the End of the 1678. or Beginning of the 1679. for his Safety and Improvement; and there he waited closely upon the Meetings of the Dissenters, until they were much born down in the Years 1683 and 1684. and the Ministers and Hearers haled to Prisons; and Informers at *London* turned very common, being encouraged by their Share in the Twenty Pounds *Sterling* every Landlord of the House, where a Conventicle was kept, was amerced in, besides the Fines of the Preacher and Hearers.

Mr. *Frazer* in his Account says, it was in the End of the 1684. there was a Meeting in *Foster-lane* near *Guildhall*, *London*, where most of them were *Scotsmen*, and Mr. *Alexander Shiels* preached to them. At this Meeting Mr. *Frazer* was taken. Mr. *Shiels* had not proceeded far in his Lecture, when they were disturbed by a Party of Soldiers, who apprehended Mr. *Shiels* and most Part of the Hearers.

They were all brought to *Guildhall*, where Bail was taken for their Appearance at the Lord Mayor's Court next *Tuesday*, where the City Recorder insisted, that special Notice should be taken of those Criminals, because mostly *Scotsmen*, and more than ordinarily seditious and rebellious against the King's Majesty and his Laws. The most Part were dismissed upon Payment of their Fines, and Ten or Twelve were committed to *Newgate*, and put into a common natty Room, near the vilest of Malefactors. Sir *Andrew Forrester*, Under-secretary for *Scotland*, was ordered to examine them in *Newgate*, and the Issue was a Resolution to send them Prisoners to *Scotland*, to be tried there according to the Laws of the Kingdom.

And about the Beginning of *March*, they were sent down in the *Kitchin Yacht*. They were manacled Two and Two as the greatest Malefactors, and this way passed through the Streets to their Vessel, and when brought up from *Leith* to *Edinburgh*, they were examined by the Council upon the ordinary ensnaring Questions, and not giving entire Satisfaction, all of them, save Mr. *Shiels*, were sent to *Dunotter*.

Occasion of  
the Prisoners  
being sent  
North.

The Occasion of Mr. *Frazer*, the rest of the *London* Prisoners and Multitudes with them, their being sent North, was this. The Accounts of *Argyle's* Invasion turned hot towards the Beginning of *May*, and the Managers at *Edinburgh* were alarmed with his being at *Orkney*, and coming about to the West; and fearing the Earl's landing, and not knowing what the Consequences might be, very suddenly it was resolved, that all the Prisoners for Religion, especially those from the South and West, should be sent to *Dunotter* Castle.

May 18 above  
Two hundred  
embarked at *Leith*.

Accordingly Mr. *John Frazer*, Mr. *William McMillan*, *Quintin Dick*, with *William Newen*, and many others in *Edinburgh* and the *Canongate* Tolbooths, were, to their great Surprise, on the 18 of *May* taken out of their Prisons, about Three Hours before Sun-set, without suffering them to know what was to be done with them, that such of them as could, might have prepared some Way for such a Journey, and carried out of Town under a strong Guard, and delivered at the Nether-bow to *Douglas's* Regiment, who guarded them down to *Leith*.

There they were shut up so close in the Court of Guard, that their nearest Relations and Acquaintances were not so much as permitted to speak with them. From thence, with the Prisoners at *Leith*, making in all above Two hundred, they were carried down to the Shore, and put into open Boats, and hurried off the Shore, without allowing them to receive any Necessaries from their Friends and Relations, whereof good Numbers were waiting on to take their Leave of them, never expecting to see them again. Next Morning about Break of Day they were landed at *Burntisland*.

There, about Twelve Score of them were crowded in Two Rooms in the Tolbooth, where, through the Straitness of the Rooms, and Multitude of the Prisoners, their Miseries seemed to be but beginning for as much as they had suffered. And Mr. *Dick* remarks, that it was a Wonder to themselves how such a Multitude could subsist for Two Days and Two Nights, when they were denied Liberty separately to ease Nature, and had nothing allowed for their Subsistence; yea, a good many of them were not permitted to have Bread and Water for their Money.

When



When thus pent up at *Burntisland*, one came over from the Council, with Orders to bring back to *Edinburgh* as many of them as would immediately swear the Oath of Allegiance, with the Supremacy in it. About Forty, through the Extremity of their Misery and Hardships, complied; the rest owned their Allegiance, but stuck at swearing it with the Supremacy. 1685.

At *Burntisland*, after Two Days, they were committed to the Militia of *Fife*; and most of them had their Hands tied behind their Back, with Cords. Through their hard Usage at *Burntisland*, some of them were fallen under Rheumatisms, and other Dilempers, which made travelling a foot very uneasy, and would have hired Horses with their own Money, but this was not allowed.

The Prisoners were carried a foot, generally speaking, through By-paths, that the well disposed Persons in *Fife*, who came with Necessaries to the Prisoners, might be disappointed, as many were; and some who came were beat off by the Guard, and nothing was allowed to be given them. That Night they were brought to a small Village near *Tatland*, called *Freuchie*, and from thence next Day they came to the Water-side of *Tay*; their Accommodation at both these Places was very sorry.

Upon the South-side of *Tay*, the Tide not answering them, about Nine or Ten Score were crowded into Three little Rooms most incommodiously, till about Break of Day when the Tide made, and then they were ferried over to *Dundee*, and about Sun-rising, put into the Tolbooth there, where they continued till about Eleven of the Clock, and were allowed Refreshments for their Money. From thence they were brought to a Muir a Mile beyond *Dundee*, and delivered to the Earl of *Strathmore*'s Regiment and the Militia of *Angus*, and marched, Man by Man, twixt Two of the Militia, till they were brought to *Forfar*, where they were again crowded into the Tolbooth to the great Prejudice of their Health.

From *Forfar* they were brought to *Brechin*, and rested a while in the open Fields near by, and had some Refreshments allowed them for their Money, which was now reckoned a great Favour. From thence at Night they were brought to the *North-water*, or *North-esk* Bridge; and there they were all of them set upon the Bridge, and the Soldiers kept strict Guard at both Ends of it. In this Posture they were kept, exposed to Wind and Weather all Night, without Meat or Drink. The Night was exceeding cold and stormy, and many of them by this Time weary and faint; yet they behoved to stand and ly as they best might upon the cold Bridge, till Three or Four in the Morning; and that Day, *May* 24. being the Lord's Day, they were carried to their resting Place at *Dunotter*. Some few found Means to get off by the Road, and they were, when they entred *Dunotter*, in all Eight Score and Seven Persons.

At *Dunotter*, they were received by *George Keith* of *White-ridge* Sheriff-depute of the *Merns*. This large Company was thrust into a dark Vault under Ground, one of the most uncomfortable Places poor People could be in. Their Treatment at *Dunotter*.

It was full of Mire, Ankle deep, and had but one Window towards the Sea. So throng were they in it, that they could not sit without leaning one upon another. They had not the least Accommodation for sitting, leaning, or lying, and were perfectly stifled for Want of Air; they had no Access to ease Nature, and many of them were faint and sickly. Indeed all their Lives were in great Danger.

In this miserable Vault about an Hundred of them were pent up all this Summer, and it was a Miracle of Mercy they were not all killed. The Barbarities of their Keepers and the Soldiers are beyond Expression. The Prisoners had nothing allowed them but what was paid for, and Money was paid for cold Water. And when the Soldiers brought in Barrels of Water, and had sold it out in Parcels to them till they began to weary of it, they would pour it into the Vault to incommode them the more.

Considerable Numbers of them died, and no Wonder, through such Hardships; and it was boasted off as an undeserved Favour by the Soldiers, that they received the dead Corps, and disposed of them as they pleased, for none of their Fellow-prisoners were allowed to see them interred; it was too great a Favour to allow them so much of the free Air.

When the whole Number had continued for some Days in the great Vault, the Governor was pleased to remove about Forty of the Men to another small Vault, which being narrow and low, they were not much less straitned than in the great Vault; and they were in hazard to be stifled, there being no Air nor Light there, but what came in by a very small Slit or Chink. The Walls, it seems, were a little decayed, and some little Air came in at the Bottom of the Vault; and they used one by one to ly down on their Belly on the Bottom of the Vault, that they might have some of the fresh Air. By this Means, some of them, particularly the reverend Mr. *Frazer*, contracted a violent Cold and Dysentery.

After some Time spent in this melancholy Posture, the Governor's Lady came in to see the Prisoners in the Two Vaults, and prevailed with her Husband to makethem a little more easie. Twelve of the Men were removed from the Forty to a better Place, where they had Room and Air enough, and the Women were removed from the large Vault, and put into



1685. Two several Rooms. This was indeed a great Kindness, but they had abundance of Hardships remaining.

Somewhat has been already hinted as to their Strait for Meat and Drink; nothing was allowed them but what they bought, and the Governor made even a Monopoly of this. When the Country People about, were bringing in Provisions to the Prisoners for their Money, they were stopped, and the Soldiers were ordered to allow them no Access; and one of them was very roughly treated, for insisting to get in to the Prisoners with what he had to sell. The Reason of this was, the Governor's Brother, who lived at *Stone-bive*, not far from *Dunotter*, resolved to have any Money the Prisoners had, and none was suffered to provide for them but he.

Some of them  
essay an Escape  
from one of  
the Vaults.

Such who were in the great Vault, were in the greatest Misery, and not a few of them died. It was no great Wonder, that under such greivous Hardships they essayed all innocent Methods for their own Safety. In order to this, they endeavoured, and got at length out by the Window in the Vault, which was just over the Sea, one Night, and crept along a most dangerous Rock, to the utmost Hazard of their Lives; and indeed it was one to Ten, that they were not either crushed by their Fall, or drowned in the Sea.

Fifteen retaken.

Some Twenty five of them escaped before the Alarm was given to the Guard, by some Women who were washing near the Rock, and the rest were stopped. Upon the Alarm, the outer Gates were shut, and the Hue and the Cry raised, and all possible Means used to retake them. Fifteen of them were apprehended, and it was a Wonder all of them were not caught, being so weak that they were not able to flee far, and the Country round about being disaffected to them and their Way.

The barbarous  
Torture of  
*William Niven*  
and others.

Such as were seized were most barbarously used. I have the Accounts of this mostly from the foresaid *William Niven*, who was one of those who were retaken. Not only were they most inhumanely beat and bruised when apprehended, but, when brought back to their Prison, they were put in the Guard-house, bound and laid on their Backs on the Floor, and most dreadfully tormented.

In Three different Parts of the Room they were tortured. The said *William*, with *Peter Russel*, and *Alexander Dalglish* in *Kilbride*, were laid upon their Backs upon a Form, and their Hands bound down to the Foot of the Form, and a fiery Match put 'twixt every Finger of both Hands, and Six Soldiers waiting on by Turns, one after another, to blow the Match, and keep it equal with their Fingers.

*Alexander Dalglish* dies.

This was continued for Three Hours without Intermission, by the Governor's Order, merely for the Fault of essaying to escape at the Hazard of their Lives. By this Treatment *William Niven* lost one of the Fingers of his left Hand. *Alexander Dalglish* died of the Pain, and the Wounds he got, and an Inflammation rising thereupon; and several others had their Fingers burnt, and the very Bone turned to Ashes, and some, besides the last mentioned, died of this Torture.

Some Accounts of those Barbarities were sent into *Edinburgh*, and Methods taken to lay them before the Council. By the Influence of some there, not altogether so merciless as others, Orders were sent to the Governor to treat the Prisoners with a little more Humanity, and to accommodate them with some better Rooms.

Petition to the  
Council from  
the Prisoners,  
with their Act,  
June 8.

Since the writing of what is above, I find in the Council-registers, a Petition presented to the Council, in favours of the Prisoners at *Dunotter*, which, as containing nothing but what the Petitioners were ready to vouch, and consequently being one of the best Accounts of the Hardships used toward the Prisoners, I insert here, with the Council's Act thereupon.

Anent a Petition presented by *Grizel Cairns* and *Alison Johnstoun*, in behalf of Mr. *William Macmillan*, and *Robert Young Wright* in *Edinburgh*, their Husbands, and the rest of the Prisoners in the Cattle of *Dunotter*, shewing, That the Petitioners said Husbands, who are under no Sentence, with many others, having been sent Prisoners to the said Cattle, they are in a most lamentable Condition, there being an Hundred and Ten of them in one Vault, where there is little or no Day-light at all, and, contrary to all Modesty, Men and Women promiscuously together, and Forty two more in another Room, in the same Condition, and no Person allowed to come near them with Meat or Drink, but such Meat and Drink as scarce any rational Creature can live upon, and yet at extraordinary Rates, being Twenty Penies each Pint of Ale, which is not worth a Plack the Pint, and the Peck of sandy dusty Meal is afforded to them at Eighteen Shillings per Peck, and not so much as a Drink of Water allowed to be carried to them, whereby they are not only in a starving Condition, but must inevitably incur a Plague, or other fearful Diseases, without the Council provide a speedy Remedy; and therefore humbly supplicating, that Warrant might be granted to the effect underwritten. The Lords of his Majesty's Privy Council, having heard and considered the foresaid Petition, do hereby continue that Part of the Desire, for Liberty, till they consider further of the Petitioners Cause; but, in the mean time, give Order and Warrant to the Deputy-governor of the Cattle of *Dunotter*, to suffer and permit Meat and Drink, and other Necessaries, to be brought in to the Petitioners by their Friends, or



or Servants, at the ordinary easy Rates, and to allow the said Mr. William Macmillan and Robert Young, a distinct Room from the rest; and in regard of the Heat of the Season of the Year, that all the Prisoners may be so accommodated without Throng, that their Health be endangered as little as possible. 1685.

This no doubt enraged the Governor exceedingly, and he drew up a Paper, by way of Declaration, in his own favours, wherein the Subscribers testified they were gently treated, and wanted not Conveniencies since they came to *Dunotter*: A very few, by Threats and Promises, were prevailed upon to sign it, but the rest peremptorily refused it, which further enraged the Governor, and they were yet more hardly dealt with.

By the Council-registers, I find, July 13. the Earls, *Errol* and *Kintore*, or any of them, are appointed to go to *Dunotter*, and examine the Prisoners, and notice who of them are content to take the Test, who will take the Allegiance with the Supremacy, or the Allegiance simply, or who will engage to live regularly, and keep their Parish Kirk, and appear when called. Council send some to examine them.

Accordingly, about the Middle of July, the Earls of *Marischal* and *Kintore* came to *Dunotter*. This was their Way now: After they hoped that poor People's Patience was worn out, they came with new Offers, and Temptations to quit their Principles.

The Questions proposed to the Prisoners were, 'Whether they owned the King as their lawful Sovereign, and would subject to his Authority, and to all in Authority under him; whether they would pray for the King; whether they disowned the apologetical Declaration; whether, upon Oath, they were ready to assert, that it was unlawful, upon any Pretext whatsoever, particularly that of the Covenant, to rise in Arms against the King, or any employed by him?'

A considerable Number of them gave some reasonable Satisfaction, in several of those Questions; but all refused the Oath of Allegiance, as imbodyed with the Supremacy.

I do not observe any Report from these appointed, in the Council-books; but, toward the End of July, the Prisoners are brought South, and the Council, July 24. 'impower the Earls of *Marischal*, *Errol*, *Kintore*, *Panmure*, and the Lord President of the Session, to call before them the Prisoners in *Dunotter* Castle, and banish such of them as take not the Oaths of Allegiance and Abjuration, whether Men or Women, not already banished, and deliver them with such as are already banished, to such as the Council shall grant Warrant, to be transported to his Majesty's Plantations, with Certification, that such as shall return to the Kingdom, shall incur the Pain of Death.' They are brought South toward the End of July.

Accordingly, great Numbers of them were banished, as we have seen upon the fourth Session: And, July 26. probably upon the Report of the Counsellors last named, 'John Hamilton in *Millholm*, John Orr in *Lochwinnoch*, David Fergusson in *Bridge-end* of *Glasgow*, Alexander Small in *Evandale*, Matthew Lowdon in *Srathewan*, Robert Semple in *Lochwinnoch*, John Orr there, Gavin Semple in *Evandale*, John Steil there, George Brown servant to the Lady *Argyle*, William Brown in *Evandale*, John Reid in *Kilbride*, John Marshall in *Glasgow*, Prisoners, having taken the Allegiance, are liberate, under Bond of Five thousand Merks each, to compear when called.' Whether all these were from *Dunotter*, I cannot say, but I know most of them were there; and, July 30. 'the Council resolve to meet themselves at *Leith*, and sentence the remaining Prisoners from *Dunotter*, by Banishment, detaining, or liberating as they find Cause.' Most Part of them were given to *Pitlochy*.

This is the shortest Account I could gather up of the remarkable Sufferings of those Prisoners. I have some of their Letters before me, full of Seriousness and Religation; and after I had written this, there is come to my Hand a large Account of the Sufferings of *Eupham Threpland*, Spouse to *George Macbirnie* Merchant in *Dumfries*, who was one of the Prisoners at *Dunotter*. It contains a very particular and pointed Relation of her Sufferings since her Husband's Death, and particularly at *Dunotter*, in some Sheets of Paper; and, in this Place, I shall bring in a short Abstract of it, since this Work is growing so much upon my Hand, and the rather, that it lets us into some more Particulars of *Dunotter* Sufferings. Particular Sufferings of *Eupham Threpland* at *Dunotter* and elsewhere.

Mr. *Macbirnie*, who could never be charged with any thing of real Disloyalty, after he had been tossed since *Middleton's* Parliament, with Finings, Confinings, Wandrings, and Imprisonments, contracted a Sickness whereof he died, 1681. His afflicted Widow was sorely persecuted for mere Nonconformity and refusing the Oaths imposed, and was forced to flee and wander from one Place to another, for the Space of one Year. During this, some of her small Children, who were not in Case to be transported, were frequently frightened by the Sheriff-officers searching her House. She returning, and taking them to another private Retirement in *Dumfries*, the Sheriff-depute getting Notice of this, with one of the Bailies, came and broke open the Doors, hurt and frightened the Children, (some of whom, for fear, crept under a Bed) and carried the Mother away to Prison.

To Morrow he brought her before his Court, and, because she would not swear how many Conventicles she had been present at, give up the Names of the Ministers, and promise to hear the Curates, he fined her in a Sum she was unable to pay, and arrested all she



1685.

she had a Right to, and her Household Plenishing, so that she had not so much as Linens to change her self and Children.

In this Strait, she sought a Loan from him of what was her own, during his Pleasure, and was forced to give Bond and Caution, to make all forthcoming to him. Mean while, the Officers took and sold what of her Goods they saw fit, because, as they said, the Sheriff-depute had not paid them for their Service. This, and Two Years and an Half's Imprisonment, disabled her from making her Goods forthcoming.

We shall just now hear, that she was sent to *Dunotter*, where she continued Three Months, and thereafter Nine Weeks at *Leith* in Prison; during all which Time, upon every Occasion, she still declared, that it was neither Contempt of Authority, nor Prejudice at any Man's Person, was the Cause of her Nonconformity, but real Scruples of Conscience.

During her Imprisonment at *Dumfries*, her Family was frequently quartered upon; and when any Disorder happened among the Soldiers, they would put them in the Chamber where she was Prisoner, she having no other Company with her, Night and Day, but them, and some of her own Children.

She was called before Colonel *Douglas*, *Queensberry's* Brother, and, upon refusing some Oath he put to her, she had an Indictment given her, and was laid in the *Thieves-hole* for a Fortnight, where she had no Company but a poor demented Man, and a Woman suspected of Murder. After this she was brought before Colonel *Douglas*, *Lag*, *Earlsball*, *Claverhouse*, and an Assize. The Judges proposed many Questions to her upon Assassinations and Murder. She declared she was neither Author, Approver, or Actor of any such Practices, and regretted that she should be suspected of any such Things, having been so long in Prison; and desired her Widowhood, and the Case of her poor Children, might be considered, and her vast Losses by her long Imprisonment. The Colonel said, she could not be but guilty of all that could be laid to the Charge of any, tho' she had carried so as nothing could be proven; and urged her to give Bond of Five thousand Merks, to depart the Kingdom by the 20 of May; and not being able to do this, she was committed to Prison for Two Months, tho' nothing could be proven against her.

About the 5 of May, a Party of Soldiers came into *Dumfries*, to carry away the Prisoners there, about Twenty Nine in Number; some of them aged Persons, some Women with Child, and a Cripple, who was forced to walk Forty Miles on his Crutches, till he got a Country Horse. At this Time, Mrs. *Macbirnie* was confined to her Bed, and rendered secure by some Promises made her.

However, when all the rest of the Prisoners were delivered to the Guard, a Corporal came to her, acquainting her, she behoved also to go with them. She told him, she was not able to travel, and had made no Provision, and was no way accommodated for such a Journey. He insisted, and Two Town-officers came from the Bailies, as they said, to help her down Stairs, for indeed she was not able to walk. Accordingly, she was instantly carried away, and not being able to travel, was set behind one of the Dragoons, and carried into *Edinburgh*, and then down to *Leith*, where, without being permitted to refresh themselves, they were freight hurried into a Boat, and carried over to *Burntisland*.

There they found the rest of the Prisoners on their Way, as we have heard, to *Dunotter*, and I shall now only remark some Passages not hinted at in the former Account. The Laird of *Gosford* was sent over by the Council, and after some of the Prisoners had taken the Oaths then imposed, the rest were committed to the *Fife* Militia. Lieutenant *Beaton* of *Kilrinnie* was very rude, and beat some of the old Women among them, when not able to walk so fast as he would have them, thrusting them forward, and crying to the Soldiers to thrust their Pikes in them, for they were feigning themselves, calling them old Bawds and Witches, wishing the Devil to take them and their Religion.

In their Journey, when thrust into Houses and Tolbooths, they were so throng, that they were almost suffocated, and several of the Women fainted. By the Way the Pipers derided them with their foolish Songs. When they came into *Dunotter*, they were put very hard to it for Thirst, and intreated the Soldiers to draw them some Water from a Well in the Clois, or permit them to do it. The Soldiers drew them a Barrel of Water, and when they, unwilling to use them to this Custom of selling Water, refused them Money for each Draught of it, the Soldiers poured it in among them in the Vault where they were, which very much incommoded them.

The more earnest Intreaties they used, and Letters of Recommendation they got, to *George Keith* their Governor, the more severe and hard he grew upon them. He absolutely refused to permit the Country People to help them with Bed-clothes, neither would he supply the Poor among them with Meal, as the Council, they were informed, had appointed. He forced them to buy all their Provision from a Relation of his, who furnished them with what was very insufficient. They were sadly disturbed by the Sentinels when at Workship.



At length, when several of the Prisoners were dead, through this harsh Dealing, and many of them sick, and all of them in a very lothsome Condition, for Want of Change of Clothes, the Governor, for Fear of an Infection, separated some of them from the great Vault, and put them in different Rooms, some of them in other Vaults, without Air or Light, others to ruinous high Chambers, where the Windows were all open, and no Fence against Wind or Rain; and they were not so much as allowed to light a Candle, to look after the Sick and Dying in the Night Time.

Several of their Friends, who came to visit them, were made Prisoners, and sent with them to the Plantations; and when the Council ordered them back to *Leith*, they were lightered and bound in Two's and Three's, with Cords. At *Leith*, about Eighty of them were ordered, by a Committee of Council, to the Plantations.

Mrs. *Macbirnie* escaped Transportation, by a Mistake of her Name in the Clerk, and continued a good while in *Leith* Tolbooth, and at length was liberated on Bond to compare when called. However, the Sheriff-depute kept Possession of her Goods, and threatened her Person if she returned to *Dumfries*, arrested the Rent of her Houses, and in Collusion with a Gentleman who pretended a Right to a small Interest belonging to her, past a Decree of removing in his Favours, without summoning her or her fatherless Children, and she knew nothing of it, being at *Edinburgh*, till the other was in Possession.

Having thus given some View of the Sufferings of those good People sent to *Dunottar*, I come now to glean up some other Severities used up and down the Country this Summer; and I shall be very short upon them, for Instances are endless, and by this Time in some Measure needless.

Upon the 6 of *June*, *Claverhouse*, with a great Body of Militia, and some Soldiers, came down the Water of *Nith*, and in the Parish of *Kirkconnel*, and on both Sides of the Water, he apprehended Multitudes both Men and Women; they were mostly remitted to the Officers of the Militia, and they caused many to swear never to lift Arms against King *James VII.* under Pretext of Religion; and with others they went further, and obliged them to swear, that if they were taken by a contrary Party, they should use all Endeavours by Night or Day, even to the Hazard of their Lives, to leave them, and inform the Commanders of the King's Forces, or the next Magistrate, of the Numbers and Strength of these on the other Side.

This Imposition of Oaths, in so arbitrary a Manner, hath been once and again observed as one of the unaccountable Burdens of this Period. However, such as would not presently swear whatever was put to them, the Forces and Militia carried them about with them Prisoners, wherever they went, binding them together in Two's and Three's, to their great Hurt in their Business and Bodies; and *Claverhouse* and others would mock them, telling them, they would not weary to run from Hill to Hill to hear Sermons, and direct the Rebels. Horrid and blasphemous were some of the Expressions used by the profane Soldiers, which ly before me, but I shall not pollute my Paper, nor the Reader's Eyes with them.

This same Month, *Gilbert Macadam*, Son in Law to the forementioned *James Dun* in *Blue-whar*, in the Parish of *Dalmellington*, was murdered, which I might have noticed upon the Sixth Section. In the Year 1682. he was taken Prisoner, and carried into *Dumfries*. His Crime was mere Nonconformity. His Father in Law went in and gave Caution to produce him when called, under Four hundred Pounds Penalty, which was, upon his Noncompearance, exacted. In a little Time *Gilbert* was taken again, and carried in Prisoner to *Glasgow*, where refusing the Oath of Allegiance with the Supremacy, he was banished to the Plantations, and went off in Captain *Gibson's* Ship. His Father gave him Twenty Pounds Sterling with him, and by this he bought his Freedom in *America*, and returned back this Year; and upon a Saturday's Night, in the House of one *Hugh Campbell*, near the Place of *Kirkmichael*, being with some of his Friends at a Meeting for Prayer, a Company of Militia, under the Command of *Colzean*, surrounded the House. *Gilbert* was most obnoxious, had he been taken, and essayed to escape: The Soldiers perceiving him, discharged their Pieces, and killed him. He had really bought his Freedom, and was convict of no Crime since. He was a Person of shining Piety.

*James Brown* in the Parish of *Coulter*, was very barbarously treated, about the Middle of *June* this Year, of which I have before me an attested Account. When fishing, he was discovered by *Claverhouse* when ranging up and down the Country, and apprehended. A Powder-horn was found upon him, and that was Fault enough. *Claverhouse* declared he was a Knave, and must die. Accordingly, Six of the Dragoons dismounted, and he is set down before them to be shot. By the Intercession of the Laird of *Coulterallers*, providentially present with *Claverhouse*, his Execution was delayed till next Day, and *James* carried away by the Soldiers to the *English* Border, and from thence to the Tolbooth of *Selkirk*, being all the while bound with Cords. After some time's Imprisonment there, he happily escaped.

Upon the 13 of *June*, I find Two Regiments of Soldiers come into *New Galloway*, and dividing themselves to different Places, they quite ravaged the Country, without any pretended-Crime. They destroyed vast, and almost incredible Numbers of Sheep and black Cattle,

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Other Severities this Year.

Claverhouse's Severities in June upon the Parish of Kirkconnel.

Gilbert Macadam murdered.

James Brown in the Parish of Coulter.



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belonging to such who were alledged not to conform, and People that were related to them. This Summer *Claverhouse*, in his March from *Galloway* to *Air*, assembled all the Men in the little Town of *Dalmellington*, and near by, and obliged them by Oath to renounce the Covenants, and purge themselves of Refet and Converse with Rebels. New and ensnaring Oaths were never wanting upon every new Turn this Year. *George Macadam* Merchant there, and another of the same Name, with *Thomas Slofs*, refusing to swear, were carried Prisoners to *Edinburgh*, and detained there a long Time.

About this Time, the whole Army came to the West Country, and the Abuses and Ravages committed by them in going through the Country, and where they stayed any Time, cannot be calculated; but the Reader will be in Case to make some Estimate, from a distinct Account I have from living Witnesses in the last named small Parish.

Ravages committed by the Army this Summer in the little Parish of *Dalmellington*.

The whole Forces under the Earl of *Dumbarton*, together with the *Lothian* Militia, in all about Six thousand Men, encamped about Three Weeks in the Corn and Medow Grounds, about the little Village of *Dalmellington*. My Lord *Stair* and *Cesnock's* Lands were appointed for free Quarter, and indeed entirely plundered by the Soldiers, and the whole Parish fell under the common Calamity. Any Rooms or Farms possessed by any of the Relations of the Wanderers and Sufferers, were abused in a particular Manner.

That the Reader may have some View of the miserable State of Things under this Oppression, I shall point at a few Particulars. The following Troops were sent to the following Rooms, Fourteen Days upon each, at free Quarter. A Troop consisting of Sixty Horse and Men, in the *Nether-laicht*, possessed by *James Dun*. Another Troop was quartered upon the *Dunaskies*, possessed by Two Tenants, *Ronald Rob*, and *Anthony Bizzart*. A Troop upon *Minivoy*, posselt by *William Macadam*; and Fifteen Horse and Men were quartered upon *John Paterson* in *Pennyveinzie*. The Reader needs not my Help to compute what Oppression this was to those honest People.

That very first Night the Army encamped there, were brought into the Camp from *Blue-what*, Five Score of Nolt, Fifteen Score of Sheep, as is attested by *John Macadam* and *John Davidson*, Herds there, yet living. These were all quickly consumed, and nothing ever was paid for them. *William Hoitson* of *Beubeoch*, sustained the Loss of Eighteen Score and Fourteen old Sheep, Nine Score of Lambs, and Fifteen Nolt, besides all his Household-plenishing, with Two Bolls of Bear, and Five of Meal, which he is ready yet to verify, and severals of his Neighbours yet alive.

*William Hoitson* was never convict of the least Irregularity, and no Crime against the Government could so much as be alledged; only he was married to *James Dick*, Tacksman of the Ground, his Daughter, and he was a Nonconformitt.

Besides all this, and much more, which cannot be calculated at this Distance, the Inhabitants of the Town lost much, by the seizing of their Household-turniture, and every Thing in the way for the Use of the Camp, and by a general Plunder when the Army removed. This may give us a View of the Oppression of this Army. Had Materials come to my Hand as distinctly from the rest of the Country, as from this Parish, what a black View might we have had! In short, great and unspeakable were the Hardships the West and South were brought under this Summer, after the Defeat of the Attempt made by *Argyle*, though the Earl had no Assistance from this Country. The Army were triumphing in their Success, and kept no Bounds in what they did.

*William Marshall*.

In July this Year, *William Marshall*, Smith in *Glasgow*, was apprehended in *Evandale*, when going to hear a Sermon, as was pretended, merely because he wanted a Pass, and straightway carried in Prisoner to *Edinburgh*, and in August was banished to the Plantations, without being convict of any Crime but Nonconformity.

A Gentleman fined in near 6000 Pounds, for his own and his Lady's Nonconformity.

I shall end this Section with an Account of a very exorbitant Fine. In September this Year, when Executions were very much over, the old Trade of Fines for Conventicles was revived. There is before me an original Letter from a Sheriff Clerk, to a Gentleman, dated this Month: The Direction is torn off, but I have Ground to think it is some Gentleman in *Strathgry* Shire or *Fife*, of whose Circumstances I cannot judge; but the Sum is evidently exorbitant, and lets us see at what rate Fines were now accumulated for Irregularities, to the Ruin of Gentlemens Estates. The Letter follows.

Honoured Sir,

I Love not well to be the first Author of ill News, but I find my self concerned to give you an Account, that the Sheriff hath this Day signed a Decreet against you and your Lady, for a great and prodigious Sum, for House-conventicles, and withdrawing from the Church these many Years. It comes near to Sixty thousand Pounds Scots. I shall forbear extracting till the 29 instant, when the Sheriff will be here. My Lord *Balcarras* is to be here on Thursday next; so it is fit you bestir your self to see what may be done to stop it. I have done all I can for you, but in vain. Sir, I am,

Your humble Servant,  
Al. Napre.  
S E C T.

A. S. September 22. 1685.



## S E C T. XII.

*Of the Hardships of the Prisoners transported to America, with Pitlochy, in September, particularly those of the Laird of Barmagechan.*

**H**AVING in the former Section given the History of the Sufferings of these good People, who were taken to *Dunotter* this Summer, I am now to follow a good many of them to *America*. Contents of this Section.

*Argyle's* Invasion being now over, and no more Fears from that Airt, the Council began to weary of the Prisoners at *Dunotter*, and brought them back to *Leith*, as we have seen, where another Essay was made to bring them to comply with the Impositions now put on People in their Circumstances; and upon their Refusal, they resolved to send good Numbers of them to the Plantations, and so rid themselves of any more Trouble about them.

Accordingly, after near Three Months severe Treatment at *Dunotter*, they come to *Leith*. Two of them were left behind as dying Men, of which worthy *Quintin Dick*, so frequently mentioned, was one, and in his Remarks formerly cited, he hath some sweet Observations upon Providence timing his Sickness at this Juncture. He recovered in some Time, and was overlooked, and got safe home to his own House, and lived some Years to reflect with Pleasure, and record the Lord's wonderful Steps of Kindness to him, and his Goodness under, and after all those fore Troubles he underwent.

Not a few who were in the great Vault were sick, and allowed Horses upon their own Charges. The Reverend Mr. *Frazer* was very infirm and weak, and yet the Captain by no Means would permit him to have the Benefit of an hired Horse, as several others had. The Foot had Sixty six Miles to travel, and their Hands tied behind their Back with small Cords. From *Dunotter* they were carried to *Montrose* Tolbooth the first Night, from thence to *Arbroth*, from thence to *Dundee*, from thence, upon the Sabbath, to the *Cowpar* of *Fife*, from thence to *Burntisland*, and thence to *Leith*.

The Council were pleased to come down to *Leith*, and sit in the Tolbooth there, and spent some Time in the Re-examination of the Prisoners. It was but very few complied with their Impositions, and they were dismissed. Others who were very weakly, and had some Friends to intercede, got off upon a Bond of Compearance when called, as Mr. *William McMillan*, who gave Bond as above, under the Penalty of Five thousand Merks. The most Part of them refusing the Oaths, and to satisfy in other Particulars, were perpetually banished to *America*, and many of them were gifted to the Laird of *Pitlochy*, to be carried thither.

*William Hanna*, formerly mentioned, in the Parish of *Tunnergarth*, when brought before the Lords, and refusing the Oath of Allegiance with the Supremacy, was threatened with Banishment. He told them, that he was now too old to work, or go to War, and he reckoned he would be useless there. Old General *Dalziel* took him up very bitterly, and replied, he was not too old then to be hanged, and he would hang well enough. That same Day, as my Information bears, *August* 22. the General died suddenly, and *William's* Age and Sickness prevented his being carried away with the rest. In a few Weeks he fell very ill in Prison, and appearing to be in a dying Condition, he was liberate, and got home, after very hard Sufferings for Three Years and more.

The Names of as many as are come to my Hand, who were banished, shall be insert just now. Let me only remark, that such who had not to pay their Freight, were gifted to *George Scot* Laird of *Pitlochy*, who freighted a *Newcastle* Ship, *Richard Hutton* Master, bound for *New-jersey*; and all the Persons now banished, were committed to his Care.

I cannot give an Account of all the Names of such as were banished with *Pitlochie*; the Reader hath not a few of them above, *Section* 4. Several of their Testimonies and Letters they wrote to their Friends toward the End of *August* are before me; and particularly an original Letter, from about Twenty eight of them, dated *Leith* Road *August* 28. 1685. directed to their Friends, too long to be here insert. In short they signify, That now being to leave their own native and covenanted Land by an unjust Sentence of Banishment, for owning Truth, and holding by Duty, and studying to keep by their Covenant Engagements and baptismal Vows, whereby they stand obliged to resist, and testify against all that is contrary to the Word of God and their Covenants; and that their Sentence of Banishment ran chiefly because they refused the Oath of Allegiance, which in Conscience they could not take, because in so doing, they thought they utterly declined the Lord Jesus Christ from having any Power in his own House, and practically would, by taking it, say, he was not

Letter from 28.  
banished with  
*Pitlochie*, dated  
*August* 28.

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King and Head of his Church, and over their Consciences; and on the contrary, this was to take and put in his room a Man whose Breath is in his Nostrils, yea, a Man that is a sworn Enemy to Religion, an avowed Papist, whom by our Covenants we are bound to withstand, and disown, and that agreeably to the Scripture, *Deut. xvii. 14, 15.* They go on to leave their Testimony against the Evils of the Times, and for the Preaching of the Gospel in the Fields and Houses, and sign as follows.

*John Kincaid, George Muir, George Johnstoun, Robert Young, Thomas Jackson, Andrew Paterson, John Harvey, John Foord, Christopher Strang, William Spreut, Peter Russel, Robert McEuen, John Henderson, John Seton, John Gilfillan, Charles Honyall, James Grierson, James Forsyth, Walter McIgne, John McGhie, Adam Howie, James Muirhead, Annabel Gordon, Margaret Lesly, Agnes Steven, Margaret Forrest, Jean Moffat, Annabel Jackson.*

Others banished with Pitlochie.

Besides those I have before me, Letters of *John Arbuckle, John McQueen*, a Letter signed *I. D. and K. G.* and another signed *Janet Symington*, all of them banished at this Time, with many others whose Names are not come to me; we shall just now find some of them among those who died at Sea in the Voyage.

In the same Ship likewise were Mr. *John Frazer*, and that excellent Gentleman *Robert McLellan* of *Barmagechan*, of whom more just now, *William Niven* in *Pollockshaw*, with a good many others who had endured *Dunotter* Cruelties. And 'tis mostly from Mr. *Frazer* and *Barmagechan's* Accounts of this Voyage, that I am to frame the following Narrative of it. Several others were likewise in the Vessel, who retired from their native Country to settle in *America*, as the Reverend Mr. *Archibald Riddel*, whom we had in the former Part of this History, and his Wife, and several of the Relations of such who went over.

They sail from Leith Sept. 5.

The Prisoners lay some Time in the Road of *Leith*, before all was ready, and sailed the 5 of *September*. Informations before me bear, that *Pitlochie* tampered with some of them, particularly *James Forsyth*, to get Money before they sailed, offering, for Five Pounds Sterling paid now, to set him at Liberty as soon as they came to Land. But *James* answered, he would give him no Money to carry him out of his native Land, adding, he had done nothing worthy of Banishment.

Their Hardships in the Voyage.

After they had turned the Land-end, the Fever began to rage in the Ship, especially among such who had been in the great Vault of *Dunotter*. Not a few of them were sick when they came aboard, and no Wonder, considering the barbarous Treatment they had met with; besides, much of the Flesh which the Captain of the Ship had provided for the Prisoners began to stink before they sailed out of *Leith* Road, and in a few Days it was not eatable.

In a Month's Time the Fever turned malignant, and few or none in the Ship escaped it; in so much that it was usual to cast over Board Three or Four dead Bodies in one Day. Most of the Ship's Crew, except the Captain and Boat-swain, died. *Pitlochie* who had freighted the Ship, with his excellent Lady, died likewise, and so enjoyed nothing of the Produce of near an hundred Prisoners gifted him by the Council; and near Seventy Persons died at Sea.

Prisoners who died at Sea.

I have before me a List of the Passengers and Prisoners who died at Sea. It concerns the Design of this History only to record the Names of the Prisoners, and they are as follows; *Thomas Graham, Gilbert Monorgan, John Smith, William Cunningham, John Muirhead, Thomas Jackson, Katharine Kellie, Andrew MacLellan, Thomas Russel, John Hodge, Thomas Gray, John Ramn, John Swinton, John Kippen, William Spret, James Wardrope, John McKenna, Thomas Finlater, John Hutchison of Wardlaw, William McMillan, Agnes Cobalt, John Kirkland.*

Perhaps several of the Passengers might be likewise Sufferers, but able to pay their Freight; but I have not set them down, for Shortness. I find further in the List, Mr. *John Vernor* and his Wife, *Pitlochie* and his Lady, and the Lady *Aitherny*, Mrs. *Riddel*, Mrs. *Eupham Rigg* Lady *Aitherny's* Daughter, *William Rigg* her Son, Mr. *William Ged*, and Mr. *William Aysdale* Minister.

Notwithstanding of this raging Sicknefs, and great Death, much Severity was used toward the Prisoners at Sea, by the Master of the Ship and others: Those under Deck were not allowed to go about Worship by themselves, and when they essayed it, the Captain would throw down great Planks of Timber upon them to disturb them, and sometimes to the Danger of their Lives. We have heard of the Badness of their Provisions already.

Many were the Disasters of this Voyage. The Ship was at the utmost Hazard by the breaking up of a Leak at Two several Times. They had several Calms, and some pretty severe Storms. The Captain, after *Pitlochie's* Death, began to tamper with Mr. *Johnstoun* his Son in Law, who now had the Disposal of the Prisoners; and it was projected to carry them into *Jamaica* or *Virginia*, and the Master offered to take all the Prisoners there from him, and pay him in Bulk. It was urged for this, that the Markets were much better there for Servants than at *New-jersey*.

When



When they are thus treating, and near an Issue, very much for the Advantage of the Passengers and Prisoners, the Wind turns straight for *New-jersey*, and they were forced to sail with it. There they arrived about the Middle of *December*, after they had been about Fifteen Weeks at Sea. At their landing many of them were sick; and Mr. *Frazer* observes, that a worthy Gentleman from the West of *Scotland* died among their Hands as they were carrying him ashore. The same Person observes, that 'partly of such who voluntarily offered themselves to go abroad from the Kingdom of *Scotland*, and partly of such who were persecuted by Banishment, there were upwards of 60 died at Sea, whose Blood (adds he) will be found in the Skirts of Enemies, as really, as if they had died at the Cross and Grass-market of *Edinburgh*.

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They arrive at New-jersey in December.

Before the Prisoners came ashore, it was once intended by Mr. *Johnstoun*, to whom *Pitlochie* had made them over, to stop their getting out of the Ship, till they should all of them, under their Hand, sign a voluntary Declaration, as it was called, that they offered Four Years Service at that Place. But this they would not yield unto; yea, a considerable Number of them joyned in a Protestation against their Banishment, with a large Narrative of the Hardships they endured during their Voyage, and formerly, for Conscience sake.

Their Treatment there.

When the Prisoners came ashore, the People who lived on the Coast-side, and had not the Gospel settled among them, were harsh enough to them, and shewed them no Kindness. A little way up the Country there was a Town where there was a Minister settled, and the Inhabitants there were very kind to them. When they had Information of the Prisoners Circumstances, they invited all who were able to travel, to come and live with them, and sent Horses for such as were not, and entertained them that Winter freely, and with much Kindness.

In the following Spring, Mr. *Johnstoun*, upon his Father in Law's Gift of the Prisoners, pursued them, and got them all cited before the Court of that Province. After hearing both Sides, the Governor called a Jury to sit and cognosce upon the Affair. They found that the Pannels had not of their own accord come to that Ship, nor bargained with *Pitlochie* for Money or Service, and therefore, according to the Laws of the Country, they were absolved; upon which most of the Prisoners retired to *New-england*, where they were very kindly entertained, and employed according to their different Stations and Capacities.

*Pitlochie* proposed to be enriched by the Prisoners, and yet he and his Lady died at Sea in the Voyage. He sold what remained of the Estate to pay the Freight, and much of the Money remaining was spent upon the Law-suit in *New-jersey*. Thus it appears to be but an hazardous Venture to make Merchandize of the suffering People of God.

A good many of the Passengers and Prisoners died in the Plantations, the rest returned to their native Country at the happy Revolution. Mr. *Riddel*, *William Niven* and others, and particularly the Laird of *Barmagechan*, of whose Sufferings I come now to give a more particular Account from a Narrative I have from his nearest Relations.

*Robert Maclellan* of *Barmagechan*, in the Parish of *Borg*, and Stewartry of *Kirkcudbright*, was born of Parents who were Presbyterian, and carefully educated in the Principles of the Church of *Scotland*. In his younger Years he profited much under the Ministry of that excellent Person Mr. *Adam Kae* Minister at *Borg*. After he was forcibly removed from them, and a Curate obtruded, Mr. *Maclellan*, with the godly and religious People in that Parish, found it their Duty to disown the Episcopal Minister, as neither called of God to that Place, nor invited by them.

Detail of the Sufferings of Robert Maclellan of Barmagechan, with some Hints at those of Mr. Archibald Riddel and his Son.

Great was the Oppression of all that Country, as hath been noticed, for their faithful Adherence to Presbyterian Ministers, and *Barmagechan* had his own Share. In February 1666. Sir *James Turner* sent a Party of Soldiers to his House, and there they lived at Discretion, till he paid the exorbitant Sums of Money Sir *James* was pleased to demand for his Nonconformity.

After they had eaten up what he had, and destroyed much of his Plenishing, and taken away what they could not destroy, and were still coming back in Parties, Mr. *Maclellan* was advised to go and wait upon Sir *James*, and seek an Order for removing his Soldiers. Sir *James*, instead of this, seized his Person, and confined him in his Court of Guard, till he should pay his Fines for Nonconformity, and the Cess likewise imposed at this Time for maintaining the Army.

Here *Barmagechan* continued some Time, till the Soldiers, having no more Subsistence about his House, were removed; and they were next sent to that of his Mother in Law, a worthy old Gentlewoman, till she should pay her Fines for Nonconformity, and her Share of the Cess.

All this Time, Sir *James* had not let him know what Sum he would take for his Fine; at length, after his House and Goods had been destroyed, he liquidate the Fine to Six hundred Marks, and sent a Party of Horse to quarter upon him, and ordered him to pay to each of them Two Shillings Sterling a Day, as long as they lay upon him, which was till he paid his Fine.



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This heavy Oppression put Mr. *Maclellan* to rise with others of his Neighbours, against Sir *James*, and he was with that Party who were defeat at *Pentland*; after which he fled to *England*, and lived privately Four Years. His Estate was forfeited, and a Friend of his compounded the Forfeiture for Two thousand Merks, which he paid. The Severities of the Government slackning a little, he returned to his own House, and lived privately for some Years.

Yet not so privately, but the Curate and others about knew he was there; and because now and then he went and heard Presbyterian Ministers, the Soldiers were hounded out upon him, and he was sadly harassed for several Years, so that he scarce had any Liberty to live at his own House.

He joyned again, with others in his Circumstances, at *Bothwel* Rising, after which he retired a second Time into *England*, and was a second Time forfeited, as we have heard. The Violences done to his Family and Friends about this Time, were many and inexpressible. *Claverhouse* came with a Party to his House, and after he had seized the Corns and Cattle, he was going to take away all his Moveables, but a Composition was made, and an hundred Pounds paid him. The Lady *Nithsdale*, a bigotted Papist, got a Gift of his Forfeiture, as likewise of many others in that Country, and miserably oppressed his Tenants, drove their Cattle, and exacted much more than their Rent.

His Family was thus scattered, and he upon his hiding in *England*, where, towards the End of the Year 1684. Squire *Dacres* seized him, with several other *Scotsmen* lurking thereabout, and sent them Prisoners to *Dumfries*. Mr. *Maclellan* never disowned the King's Authority, as several about this Time did, yet was as harshly dealt by as any of them.

He was close confined in the Castle of *Dumfries*, and laid in the Irons for several Days. From thence he was carried to *Leith* with the rest of the Prisoners, and in a little Time brought up to *Edinburgh*, and put in close Prison, with Fetters on his Arms. Thus he continued from *November*, till *May* this Year, when he was sent to *Dunotter*, and had his Share of the Severities of that Place. When they came back to *Leith*, he was banished to *America*, and Three of his Children went with him in *Pitlochy's* Ship. His Wife, with Three other Children, were left in *Scotland* upon the Care of Providence.

It pleased the Lord to preserve him and his Three Children in the Voyage. He himself was extremely weakned by Sicknes, and behoved to be carried in Mens Arms out of the Ship, when they landed. However, in a little Time after he was ashore, his Health returned, and he with his Family set up in a Plantation at *Woodbridge* in *New-jersey*, which he purchased.

In this Place he had the Advantage, which he very much valued, of having the Gospel preached to him and his Family, by Mr. *Archibald Riddel*, who stayed with him at *Woodbridge*, having a Call from the Congregation there, as likewise from *Ling-island*, where he might have had a far greater Encouragement; but Mr. *Riddel* choosed *Woodbridge*, and it was well he did so, otherwise probably he had scarce returned to *Britain*, where all his Losses were made up, and he and his Four Children were in better Circumstances than he had conformed to Prelacy. There *Barmagechan* continued from *December* this Year, till *June* 1689. when they had Accounts of the comfortable Turn of Affairs in *Britain*; upon which he resolved to return to his native Country.

Accordingly, *June* 1689. they sailed for *England*, and were favoured with excellent Weather, so that they found themselves on the Coast of *England* the Second of *August*; but there they were taken by a *French* Man of War, and carried Prisoners to *Nantz*. From thence they were carried to *Rochford*, a common Goal, where there were near Two hundred Prisoners, *English* and *Dutch*, who were almost all sent to *Thoulon*. They were chained Two and Two by the Arm, and at first, each Ten Pair were tied with a Rope; but that was found such an Hindrance in the Journey, that after the second Day's Journey the Ropes were no more used. Mr. *Riddel* was chained to his Son, a Boy of Ten Years of Age, for whom they were at the Pains to make Three different Chains, before they got one small enough for his Wrist.

In this long and wearisom Journey several of the Company died. When Mr. *Maclellan*, through Weariness and Age, was unable to travel, he made Application to the Captain of their Guard, that he might be allowed the Benefit of one of their Carts, to help him forward some Part of the Way. He was answered by many Lashes on the Face with his Whip, by which he lost the Sight of one of his Eyes.

After Six Weeks Travel, they came to *Thoulon*, where they were not allowed a Land Prison, but were put into a large old Ship lying upon the Sea. There he continued Nineteen Months, and came through much Sicknes, and had none to look after him but his Son, a Boy scarce Twelve Years of Age, who was now and then permitted to come ashore.

*Barmagechan* and his Son, with a few others, being sick, continued there, but all the rest, after a Month's Rest, returned the same Way they came, to *Rochford*, and thence to *Denain* near *St. Malo*, where Mr. *Riddel* continued more than a Year, in a Vault of an old Castle, with some Hundreds of other Prisoners. They lay on Straw, never changed save once a Month,



Month, and were oppressed with Nastiness and Vermin. After Two and Twenty Months Imprisonment, Mr. *Riddel* and his Son were exchanged for Two Popish Priests, whom the Council of *Scotland* gave for them. 1685.

At length there came an Exchange of Prisoners, and those at *Thoulon* were liberate; but the *French* King would not allow them to come back through *France*, but gave them a Pass, and put them into a Ship going to *Genoa*. This occasioned a new Scene of Difficulties to them.

At *Genoa*, *Barmagechan* got into an *Hamburgh* Vessel, bound for *Cadiz* in *Spain*, whence he came in a Fleet bound for *Amsterdam*; but meeting with a Storm on the Back of *Ireland*, the Ship he was in was forced into *Bantry-bay* in *Ireland*. There the *Irish* seized upon their Company, stripped Mr. *Maclellan* of his Cloths, and he continued Eleven Days among their Hands, under terrible Hardships.

When Notice was given to the Government, the Ship was looked after, and the *Irish* obliged to bring back the Prisoners, and they with the Ship sailed up to *Dublin*. Through the Inhumanities he met with among the wild *Irish*, his Nakedness and Want of Necessaries, Mr. *Maclellan* fell very ill for some Weeks at *Dublin*, but it pleased the Lord to recover him; and as soon as he was able, he came down to the North of *Ireland*, and got home safe to his own House at *Barmagechan*, the last Day of *October*, 1691.

Thus, from the attested Relation of this Gentleman's nearest Friends, I have given the Reader a Taste of his long and sore Distress for Conscience sake. He felt first the Fury of the Party in *Scotland*, who were upon the *French* and Popish Bottom, then of the *French* King, and last of all of the *Irish* Papists; their Methods of Cruelty were much of a Piece: And as the Severities of the first, were the Inlet to the rest, so they exceeded them in their Length, and some other Circumstances. And after all, this excellent Person had no Reparation after the Revolution, only he possessed his own Lands again.

### S E C T. XIII.

*Of the Sufferings and Deaths of which I have not the particular Dates, with some other incidental Things, this Year 1685. not formerly noticed.*

I Come now to end this Year, wherein so great Abundance of Matter hath offered. Some very barbarous Murders, not observed in their own Room, for Want of their particular Dates, I have referred to this Place; and I shall add some other Particulars, which come not so well in under the former Heads. Matter of this Section.

The Multitudes of Murders in cold Blood, and other Cruelties committed this Year, is the Occasion why I want the exact Dates of several of them; yet I am not willing the Reader should want any Informations come to my Hand, of the Severities exercised; and therefore I insert them here, without any Order, just as they offer. Some of them might have appositely enough come under the former Sections; but I have reserved them altogether for this.

I may well begin with *Andrew Macgil* Son to *John Macgil* of *Aryclaioch*, in the Parish of *Ballentree* in the Shire of *Air*. This young Man was taken about the last of *December* 1684. He was all along a Nonconformist, and it was alledged he had been at *Bothwell*, but there was no Proof of it I can find. In a Day or Two after he was taken, he was executed at *Air* in the Beginning of this Year. I have no more about him, but, I suppose, it has been upon the account of his Refusal to disown the Societies Paper. John Macgil of Aryclaioch executed at Air.

His Father's Sufferings were not small last Year and this; and the Reader may take a short Hint of them from an attested Account before me. After *Bothwell*, the Laird of *Broich* came and dispossessed him of his House, and seized his Moveables, which were bought back for a considerable Sum. In the Month of *March* this Year, as if the Execution of his eldest Son a little before, had not been enough, Colonel *Douglas* came and spoiled *John Macgil's* House, and what the Soldiers carried not away with them, they endeavoured to make altogether useless. His Father's Sufferings.

And to complete the Barbarity, the Colonel caused carry out *John's* remaining Son, *Fergus Macgil*, from his Bed, where he was lying very ill, to shoot him before his Door. What the Pretext was I cannot say, my Information not bearing it. When the Soldiers carried him out, *Fergus* was so weak, that he fainted among their Hands, and so, it seems, Humanity



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nity prevailed for once, and they left him in his fainting Fit, to be looked after by his Friends.

This same Summer, when *John* had again plenished and furnished his House and Room, Colonel *Buchan* came upon him with another Party of Soldiers, and took away what was portable, and spoiled the rest. The Colonel interrogated *John*, if he thought it lawful, in his Opinion, to defend the Preaching of the Gospel by Arms. This good Man answered, He thought it was; and thereupon he carried him away Prisoner with him, in which Condition he continued some Time, till, at my Lord *Bargeny's* Intercession, and upon paying an exorbitant Fine to *Ardmillan*, he was let go.

*Thomas Richards*  
in *Straw's* sick-  
an his Suffer-  
ings.

In the same Parish I find another good Man, *Thomas Richards* in *Strawbraickan*, this Year, brought to the Gates of Death, and much Trouble. He was obliged to hide, for refusing the Oaths now imposed, for a considerable Time; at length he was surprized by a Party when asleep in an House where he was hiding. *Buchan's* Soldiers carried him away with them to *Stranrawer*, whither they were going, and brought him back again to *Ballen-tree*. Here his Friends set upon him, and endeavoured to bring him to a Compliance, but could not prevail. Then the Commander of the Party ordered him to be bound, and carried out to the Fields, and gave Order to Four of his Men to shoot him. When lying bound there, Matters were so ordered, that his Friends came thronging about him, and begged the Soldiers might spare him but a little, and they hoped to prevail with him to comply. *Thomas* hearing this, called out to them, that their dealing with him would be altogether in vain, adding, he was not unwilling to die, especially among his Friends, and even a violent Death, before he made any sinful Compliances. Upon this his Christian Gallantry and Resolution, the Captain thought good to proceed no further.

*Thomas* was taken into *Glasgow*, where, after a Month's Imprisonment, his Ears were cropt, and he was, with several others, put into a Ship going to *Jamaica*, and there sold as a Slave for Seven Years. This he endured, with abundance of Hardships. And when his Time was out, and he just coming home to his native Country, he sickned and died in that Place. When he was carried into *Glasgow*, he had Six good Horses taken from him; many of his Goats were shot, and his House plundered, without any Compassion shewed to his Wife and Four small Children.

Severities on  
the Family of  
*Inglistoun*.

About the Time when the Five Men were, as hath been observed, murdered at *Inglistoun*, the Heir of the Estate, who was formerly forfeited, had his Lands given to the Laird of *Stonehouse*, and he not only possessed the Lands, but uplifted Two thousand and forty eight Pounds of the Lady *Inglistoun's* Portion not paid, and reduced her and her Children to the greatest Straits, merely for pretended Converse with her Sons and Friends, who did not comply with the Iniquity of the Times.

Cruelties upon  
*Sarah Stuart*  
Spouse to *William Kennedy* in  
*Penningham*.

Another Instance of singular Severity comes to my Hand, from the Parish of *Penningham*, this Year. By Order from *David Graham*, Sheriff of *Wigtoun*, a Party of the Soldiers, with the Sheriff-officers, came to *Barn-kirk*, a Part of *Castlestuart's* Lands in that Parish, and there apprehended a Gentlewoman, *Sarah Stuart*, Spouse to *William Kennedy*, who, for Non-compearance, had been denounced. They cut the Roof of the House, and threw it down to the Ground, after they had seized and spoiled the Plenishing. Then they forced the Gentlewoman to go with them a foot, Six Miles of *Galloway* Measure, to *Wigtoun*, bearing in her Arms a Child not yet Three Quarters old, and to leave her other Three Children without so much as a Servant to look after them, tho' the eldest was but of Eight, the next of five, and the other not Three Years of Age.

At *Wigtoun* she was, with her sucking Child, kept in Prison Eleven Weeks. This Gentlewoman was no way obnoxious to the then Laws, being a Conformist with Prelacy, and nothing could be said against her as to her Religion and Practice, only they would oblige her to swear she would never converse with her Husband now put to the Horn; but as soon as she knew where he was, she would discover him, and inform against him, that he might be apprehended. This she peremptorily refused.

Thus the Religion and Government of this Time, was calculated to eradicate the very Principles of Nature; and Wives this way were forced to concur in shedding the Blood, or at least ruining the outward Estate of their Husbands, who, for Conscience sake, could not comply with the Impositions of this Period. I see no Parallel to this, unless it be that Practice of some of the most wicked of the Papiists, who caused some Children kindle the Fagots wherewith their Parents were burnt; and indeed the same Spirit inspired both.

Sufferings of  
*John Wallace* of  
*Knoxybae*, in  
*New Glenluce*.

*John Wallace* of *Knoxybae*, in the Parish of *New Glenluce*, was seized this Year for refusing the Abjuration. A Party of Colonel *Buchan's* Men spoiled his House, and took away every Thing in it that made for them; and to complete their Villanies, they brought in good Numbers of Sheep to the Church, and killed them there; and for Dispatch, they kindled a Fire of the Seats and Forms of the Church, at which they roasted the Sheep, and otherwise readied them for themselves. I should not have set down so odd a Step in Christians and Protestants had I not the attested Account of it under the reverend Minister of that Parish his Hand, which he hath from many living Witnesses.



This Year I find great Numbers dying in Prisons, and in the Road to them, and in their Banishments. The Accounts of these are not so full as I could wish, yet they deserve their Room here, as really Sufferers unto Death for Conscience sake, as well as such as were shot in the Fields, and executed publickly. The Reader may guess what Numbers of those were at this Time, from the Accounts I am to set down of Ten or Twelve of this Sort, from the Shire of Nithsdale, and what Multitudes we might have had from other Places, had they been as carefully observed.

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Death of many  
in Prisons this  
Year.

James Glover of the Parish of *Tinwald*, was apprehended by a Party of Soldiers, for Non-compearance and Nonconformity, and in his taking he was sore mangled and wounded. He was carried into *Dumfries* almost in a dying Condition, and from thence taken into *Edinburgh*, where he died in Prison, an Instance of their Cruelty, and a Witness for the Truth.

James Glover

Andrew Fergusson, in the Parish of *Glencairn*, was apprehended by another Party this Year, and refusing to comply with the Oaths imposed, and to answer their Interrogatories, he was carried away Prisoner to *Glasgow*, where he died in much Trouble and Sickness, brought on by the Severities exercised upon him.

Andrew Fergusson

John Munil had been long harried, for his refusing to hear the Curates, and fled to *England*; there he was seized, and sent to *Dumfries*, from whence he was carried into *Edinburgh*, where he died in Prison, under much Serenity and Peace, owing to his last the Truths for which he was persecuted.

John Munil

James Muncie a Burgess in *Dumfries*, was much harried, because he would by no Means be prevailed with to take the Test; at length he was sent Prisoner to *Edinburgh*, where he died in much Comfort and Satisfaction of Soul, taking his Sufferings to be very clearly stated, in refusing an Oath so plainly contradictory.

James Muncie

John Muirhead hath been transiently noticed already. He had been once a Bailie in *Dumfries*, and was much persecuted upon the same Score, and still persisting to refuse the Test, was sent Prisoner to *Edinburgh*, where in Prison he fell in a Distemper, which, though severe at first, appeared not very hazardous, but by no Means would the Managers allow Physicians, or a Surgeon to be brought; and he died at *Leith* for Want of proper Applications.

John Muirhead  
Bailie in Dumfries.

James Carran Burgess of *Dumfries*, for his Church Irregularities, as they were called, and his mere Nonconformity, was banished and sent to the Plantations, where he died a Witness for the Truth in a strange Land. I question not but several Hundreds died in their Banishment, Accounts of whom cannot now be recovered.

James Carran

Andrew Hunter, likewise a Burgess of *Dumfries*, was apprehended for his refusing the Oaths; and though he was a very old, decrepit, and infirm Man, yet he was carried to Prison, and closely shut up. There he sickned very fast, and his Illness turned dangerous. All he begged, was only the Liberty to be carried to his own House in the Town, where he would have been some better looked after. This could not be granted, and he died in the Prison.

Andrew Hunter

John Stock, Burgess in the same Town, upon his Refusal of the Test, was sent in Prisoner to *Edinburgh*, whence he was carried to *Dunotter*, where, through Want of Necessaries, and ill Accommodation, he sickned and died, as did several others, whose Names cannot now be retrieved.

John Stock

Elizabeth Glendonning, Spouse to John Panter in *Baragan*, of the Parish of *Durisddeer*, for Noncompliance, and not hearing the established Ministers, was imprisoned for some Time, and sent to *Edinburgh*, where she died in Prison.

Elizabeth Glendonning

John Renwick, a Burgess in *Dumfries*, for Noncompliance with the present Impositions, was sent Prisoner to *Edinburgh*, and banished to *New-jersey*, in *Pitlochy's* Ship, where, with Multitudes of others, he died.

John Renwick

Andrew Macleffan, a Freeman in the same Town, for refusing the Test, was in the like Manner banished his native Country, and died in the same Vessel.

Andrew Macleffan

James Sittlington, in the Parish of *Dunscore*, likewise died there.

James Sittlington

I formerly noticed that excellent Gentlewoman Elizabeth Hunter, Lady Kaitloch, who was turned out of her House, and with her small Children put to the greatest Hardships and Straits; and at length they were forced to leave the Kingdom, and go over to *Holland*, where, after much Trouble and Sickness upon her Children, she died this Year.

Lady Kaitloch

Besides those Deaths and Banishments this Year, I have several Instances before me of severe Scourgings of honest People, upon their Nonconformity; and the Persecutors not satisfied with this Punishment, sent a good many of them off to the Plantations, after they had endured those.

Many scourged, and afterwards banished.

Two of the Women sent from *Dumfries* to *Dunotter*, were scourged at *Dumfries* by the Hands of the Hangman, merely because they would swear no Oaths, and refused to engage to hear the Curate of their Parish. The youngest of the Two was sent over to *Jersey* with *Pitlochy*.

About the same Time, another honest Woman, upon the same Accounts, with a Man whom they had prevailed upon to take the Test, merely because he would not depone,

what



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what wandring Persons they had entertained, were bound together, and scourged through the Town of *Dumfries* by the Hangman.

Another poor Woman in *Anandale*, having hired Two Persons to shear with her in Har-vest, who wanted Pailles, was for this scourged in the same Place; and they alledged a great deal of Lenity was exercised, that she was not sent to the Plantations.

*Jean Dalziel*, an honest Woman, a Tenant of *Queensberry's*, was banished to the Plantations, because she would not promise upon Oath, that she would never converse with her own Husband, now declared fugitive.

*Agnes Harestones*, another of *Queensberry's* Tenants, was sentenced to the Plantations, because she would not promise to hear the Curates, and discover Fugitives. She and her Husband had Eighteen Children; yet such a Family made not the Persecutors in the least relent.

Other Hard-  
ships at this  
Time.

I find it further remarked at this Time, that when People were prevailed upon to swear the Oaths now imposed, the Managers obliged them likewise to promise to stand at the singing of the Doxology, give all Encouragement to the established Clergy, apprehend all Fugitives and Wanderers; and when they could not apprehend them, that they should raise the Hue and the Cry after them for Three Miles.

If I should enter upon the Spoilings and Fines imposed upon Sufferers this Year, I might fill many Sheets. Some Hint of these may be given, by way of general Estimate, at the End of this History. Two Instances offer here, well vouched, of Losses this way, mixed in with other Hardships.

William Campbell  
of Middle-wel-  
wood, his  
Sufferings.

*William Campbell* of *Middle-welwood*, was this Year seized, merely for Refet of his Brother *John*. Both of them were sent Prisoners to *Edinburgh*, carried thence to *Dunotter*, and afterwards banished to *New-jersey*. When this Gentleman had with some Difficulty got free of *Pirlochy's* Representative, he came home, and next Year was taken by a Party of *Craig's* Troop, and carried Prisoner to the *Canongate* Tolbooth, where, after long Imprisonment, he at length got out upon paying a Fine of Twelve hundred Merks.

Thomas Aber-  
crombie in the  
Parish of Bar.

The other Account I set down from an attested Relation, chiefly, that the Reader from its Particulars may be able to guess at the Losses of honest People in this Period, not only from their Fines, but the Circumstances of their Finings, and the Trouble they were necessarily obliged to before they got rid of them. This will appear from the Case of *Thomas Abercrombie* in *Dalwyne*, in the Parish of *Bar*.

For dry Quarters in the Year 1678. at the incoming of the Highland Host, he expended a great Sum. In the Year 1679. he suffered a great Loss from the quartering of Dragoons for some Time upon his House, and they spoiled it when they went off. In the Year 1683. he paid an Hundred Pounds to *Ardmillan*, for alledged hearing of Presbyterian Ministers, many Years ago, with Fifteen Pounds to his Son *James Crawford*, and Fifteen Pounds to the Soldiers employed against him by *Ardmillan*. Upon the Fifteenth of November last Year, at Midnight, in his own House he was apprehended, without any Reason given, and carried away Prisoner, and he had Money largely to give before he got off. Besides, the Soldiers spoiled his House, turned down his Corn-stacks, and abused his Victual.

In May and June this Year, the Soldiers, in coming and going, took of his Sheep at their Pleasure, and killed and ate them. In July, the Camp being near his House, his Loss cannot be estimate. *Thomas* himself was taken Prisoner July 18. His House was spoiled, and he sent into *Edinburgh*. There he was threatned with the Plantations, when the rest of the Prisoners were sent thither. To prevent this, he made some Interest, and gave Sir *George Mackenzie* Ten Crowns, to Sir *William Paterson* Five Crowns, to the Under-clerks and other Servants Twelve Crowns.

After this paving of the Way, he petitioned the Council for his Liberation; which was granted upon his paying an Hundred Pounds Fine, and giving Bond to compear when called; and at his Removal he had Thirty Pounds to pay to the Keepers. After he came home from *Edinburgh*, he was attacked by *Hugh Muir* Bailie of *Carrick*, for not hearing the Episcopal Minister, and paid him Fifty Pounds, and Five Pounds to his Officers.

All this he underwent for mere Nonconformity; any Concern in the Risings was not alledged against him. And from this we may easily guess what vast Sums were raised, and how much Multitudes were squeezed merely for not joyning with the Prelatical Establishment.

Other Matters  
this Year molt-  
ly from the  
Council Regi-  
sters.  
Warrant to  
print *Jervis-  
wood's* Trial.

It is now high Time to come to an End of my Accounts of this severe Year, by gleaping up some few Things more, which come not in so directly upon the former Sections, and yet may tend some further to clear up the History of this Year, mostly from the Council Registers.

By those I find, the Council, that same Day upon which the News come of King *Charles II.* his Death, February 10. give Warrant for printing *Jerviswood's* Trial, the same being first seen and perused by the Lord Register and Advocate.

Procedure a-  
bout the indul-  
ged Ministers.

The Procedure of the Council relative to the indulged Ministers this Year, offers next, and I shall give what is come to my Hand about them, in this Place. March 12. The Lords



‘ Lords of his Majesty’s Privy Council having considered the Addrefs of Mr. *Andrew Miller* indulged at *Neilstoun*, Mr. *James Curry* at *Slotts*, Mr. *A. Murray* of *Woodend*, and Mr. *Robert Mowat* late Minister at *Heriot*, Prisoners, desiring Liberty for some Time : The Lords, in regard of their long Imprisonment and valetudinary Condition, give Order to the Magistrates of *Edinburgh*, to liberate them on Bond of Five thousand Merks, that they shall not exercise any Part of their ministerial Function in this Kingdom, and live peaceably, and compear when called.’

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Mrs. *Andrew Miller*, *James Curry*, *A. Murray* and *Robert Mowat*.

Those worthy Ministers had continued in Prison since the End of the last Year ; and however the Council’s Act carry a Clause in it obliging them to desist from their Ministry in *Scotland*, yet I cannot find that they homologate this, yea, their Acts of Liberation did not contain this. Mr. *Andrew Miller*’s original Warrant for Liberation is before me, and I insert it as what was the common Form, used as to all of them who were liberate at this Time.

*Edinburgh*, March 12. 1685.

‘ The Lords of his Majesty’s Privy Council, having considered a Petition presented by Mr. *Andrew Miller* late Minister at *Neilstoun*, Prisoner in the Tolbooth of *Edinburgh*, supplicating for Liberty, do hereby give Warrant to the Magistrates of *Edinburgh*, and Keepers of the Tolbooth thereof, to set the said Mr. *Andrew Miller* at Liberty, in regard sufficient Caution is found for him, that he shall live peaceably, and compear before the Council when called for. Extracted by

Act for Mr. *Andrew Miller*’s Liberation.

*Will. Paterson* Cl. Secr. Conc.

‘ This is the true and just Double of the principal Warrant for setting the said Mr. *Andrew Miller* Minister, at Liberty. Extracted by me

*J. Cameron* Clerk.

March 14. ‘ The Council order Mr. *Campbel*, and Mr. *Duncanson* to be liberate on Bond of Five thousand Merks, to remove off the Kingdom betwixt and the Day of , and mean while that they exercise no Part of the ministerial Office, and live peaceably. And March 17. Mr. *Andrew McClean*, Mr. *P. Campbel*, Mr. *David Simpson*, indulged Ministers in *Argyle* Shire, liberate upon the same Terms.’ And Mr. *John Duncanson* and his Cautioners being absent, the Lords declare his Bond forfeited, and order him to be put to the Horn. April last, Mr. *John Oliphant* indulged Minister, is liberate as above. We have heard of Mr. *John Knox* before. And May 8. Mr. *John Bell* indulged at *Ardrossen*, his Liberty is continued Six Months longer, under Caution to remove off the Kingdom. August 14. the Council order Mr. *David Simpson* late Minister at *Kintyre*, going to *New-jersey*, to have his Bonds given up.

Mrs. *Campbel*, *Duncanson*, *Maclean*, *P. Campbel*, *D. Simpson*, *John Oliphant*, *John Bell*.

Those and other indulged Ministers not named in the Registers, were at this Time liberate, and retired to their own Houses, and some of them continued at the Manfes where they had been indulged, and preached to their own Families, and some others now and then in their Houses, but no more in the Churches ; and so Matters stood till the Liberty, which we shall meet with next Year save one.

A good Number of Letters, from the Prisoners, at *Glasgow* and *Edinburgh*, in Tolbooths and Irons, and from aboard the Ships going to the Plantations, ly before me, which I can say no more of, but that they favour much of their Piety, absolute Resignation to the Lord’s Disposal, and Satisfaction with their suffering Lot. One thing I cannot altogether pass, as an Evidence of their righteous Temper, and the Unrighteousness of their Persecutors. What several of them regret most in their Letters to their Friends, is, that by the Soldiers seizing and carrying off any Thing they had, their lawful Creditors are like to be defrauded, and lose considerably at their Hands. Some of them lament, that tho’ they had more than would have cleared all their Debts, and for some Time supported them and their Families ; yet by the Ravages committed upon them, their Neighbours are like to be considerable Losers, which vexes them much.

Further Accounts of the Prisoners and the Banished this Year, from their own Letters.

By an original Letter, dated *Canongate* Tolbooth August 10. 1685. I find the Subscribers of it were banished by the Council to *Jamaica*. They direct it to their Friends, as the Testimony they leave to the Cause for which they suffer. ’Tis too long to be insert. They declare the Ground of their Sentence of Banishment, is their disowning the Authority of a Papist, whom, they say, they can never own as their King. They leave a great many very good Directions to their suffering Friends as to their Carriage, and sign

*J. Jamison*,  
*John Kennedy*,  
*Robert Sharp*,  
*William McCall*,

*Walter Hume*,  
*James Murray*,  
*William Marshal*,  
*James Corsbie*.



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Another Letter lies before me from *James Rae* banished this Year to *Jamaica*, to his Friends, dated from aboard the Ship, *Newhaven*, *December 21.* this Year. Probably they were all sent to *Jamaica* together. The Letter is full of Piety and Composure of Mind. He acquaints them, he had a very sensible Warning and Impression that he was near a great Shock the Day before he was taken; and since that Time he was no way discouraged, but cheertully left himself upon the Lord. He declares his Fears, that sad Days are abiding the Church of *Scotland*, and his Perswasion, he will keep a Remnant safe till they see the glorious Delivery, and a far more glorious Church than ever had been in *Scotland*.

Alterations in  
civil Offices  
this Year, and  
Additions to  
the Council.

The Alterations in civil Posts this Year, ly not so much in my Way, yet I shall notice the Hints I have observed as to those in the Council Books. *April 9.* a Commission is read to the Duke of *Queensberry*, to be Commissioner to the Parliament. And that same Day, a new Commission comes down to the Council. All that were in the former Commission were the King's Friends while Duke of *Tork*, and some Additions are made. *April 21.* the Duke of *Hamilton*, the Earl of *Dumfries*, and Colonel *Douglas* are added to the Council. *June 8.* the Council is appointed to meet every *Tuesday, Thursday, and Saturday.* *June 20.* Colonel *Graham* of *Claverhouse* is admitted a privy Counsellor. And *July 23.* *Hugh McKay* of *Skourie* is admitted a privy Counsellor. *April 16.* *John Marquis* of *Athole* is declared Lord Privy Seal, and Sir *James Fowles* of *Collingtoun* Justice Clerk. *June 22.* the Duke of *Queensberry* is declared Lord high Treasurer, and Conitable, and Governor of *Edinburgh Castle.* *July 24.* by a Letter from the King, the Viscount of *Tarbet* is allowed to continue in his Office of Clerk of Council, Registers and Rolls, and Senator of the College of Justice, notwithstanding the Honour of a Viscount is conferred upon him. *August 25.* upon General *Dalziel's* Death the Council appoint a Scheme of his Interment to be delivered to the Lyon King at Arms, and the Castle is ordered to fire at the Removal of his Corps. And *Nov. 26.* *William Drummond* of *Cromlix* gets a Commission to be Lieutenant General of his Majesty's Forces in *Scotland.*

Monmouth's De-  
feat, July 6.

The Affair of *Monmouth's* Invasion upon *England*, I leave unto the *English* Historians; it was ill concerted, and worse executed. Upon *Munday, July 6.* the Duke's little Army was defeat near *Bridgewater*, and next Day the Lord *Gray* was taken by the Lord *Lumley*, and in a little Time the Duke himself, who was brought up to the Tower, *July 13.* There is an Account before me of this Matter, printed by Authority, which, in a most invidious Paragraph, bears, 'That upon the Duke was found a Manuscript of Spells, Charms, and Conjurations, Songs, Receipts, and Prayers, all written by the Duke's own Hand,' which I leave to be exposed by others, as false and calumnious. The Reader will find a better Account of this ill managed Affair, in *Dr. Wellwood's* Memoirs, and other Writers of Reputation.

Mortification  
for building a  
Church, turn-  
ed to the  
building a  
Manse to the  
Bishop of *Edinburgh.*

*July 14.* a Letter from the King is read in Council, bearing, 'Whereas in the Parliament 1681. the Money lodged in the Hands of the Magistrates of *Edinburgh*, for building a Church in the Grass-market, was ordered to be applied to Uses as near the Will of the Defunct as possible; the King now requires it to be applied to the building of a Manse to the Bishops of *Edinburgh.* The Council accordingly order the Magistrates to apply it, and to pay Interest for the Money till the House be built.' I leave it to better Judges to determine, whether it was in the Power, even of the Parliament or the King, to alter the Destination of a Mortification, from the building of a Church, to the building of a Manse; and much more, whether it was not a counteracting the Will of the dead, to ordain the Interest of that Money to be paid to the Bishop, as I am told it was; and in the mean time nothing is done for building a Manse.

Proclamation,  
September 16. for  
keeping the  
King's Birth-  
day.

Upon the 16 of *September*, the Council emit a Proclamation for keeping the King's Birth-day, *October 14.* as a solemn anniversary Thanksgiving. It being pretty singular, I insert it here.

FORasmuch as it having pleased almighty God, to set our most rightful redoubted Sovereign, *James VII.* by the Grace of God, of *Scotland, England, France* and *Ireland* King, Defender of the Faith, &c. peaceably upon the Throne of his Royal Ancestors, our most august and glorious Monarch, notwithstanding the hellish Plots and Machinations against the sacred Person of our late King (of ever blessed Memory) and of our said present Sovereign, (whom God long preserve) and also notwithstanding of the desperate and traiterous Endeavours of those who lately, by armed Force, invaded these our sovereign Lord's Realms of *Scotland* and *England*, of design not only to have subverted his Majesty's Royal Government, but even to have embred their wicked Hands, in the sacred Blood of our said sovereign Lord the King, and utterly to have destroyed all his Majesty's faithful and loyal Subjects; which traiterous Attempts, by so signal and remarkable Instances of the divine Providence, have been so miraculously defeated and confounded: Of all which his Majesty's Privy Council being deeply sensible, they hereby, in his Majesty's Royal Name and Authority, ordain and appoint the Fourteenth of *October*, being his Majesty's Royal Birth-day, to be solemnly kept and observed throughout this Kingdom, for this Year, and yearly



yearly hereafter, as an anniversary Day of Thanksgiving, for his Majesty's happy Birth, and therein to commemorate his most conspicuous Entry to his Royal Government, and miraculous Deliverances aforesaid, and that all Signs and Demonstrations of Joy, on such solemn Occasions accustomed, be performed by all his Majesty's Subjects. And further, recommend to the Right Reverend the Archbishops and Bishops, that they cause the Ministers in their respective Dioceses, for this Year, and yearly hereafter, upon the said Fourteenth of *October*, with the People at divine Service in the Church, devoutly give solemn Thanks to almighty God, and celebrate his holy Name, for his so signal Goodness and Protection to our said gracious Sovereign, and in him to these his Kingdoms: And that all his Majesty's good Subjects may have Notice, and be certified hereof, his Majesty's Privy Council doth hereby require and command his Majesty's Lyon King at Arms, and his Brethren, Heralds, Maces of the Privy Council, Pursevants, and Messengers at Arms, forthwith to pass to the Market-cross of *Edinburgh*, and there having his Majesty's Coat of Arms displayed, by Sound of Trumpet, and open Proclamation, in his Majesty's Name and Authority, make Publication of the Premises; and ordain the Sheriffs of the several Shires of this Kingdom, to cause publish the same at the Market-crosses of the Head Burghs of their Shires, and the Magistrates of Burghs *respective*, as they will be answerable at their highest Peril, that none may pretend Ignorance. And the Sheriffs aforesaid, are hereby strictly required, to cause deliver to the Ministers within their Sherifdoms *respective*, a printed Copy of this Act, that they may, from their Pulpits, on the Lord's Day preceeding the said Day of publick Thanksgiving, after divine Service in the Forenoon, read the same to the People, and give them the necessary Exhortations upon this Occasion.'

1685.

Reflections on this are unnecessary, after what hath been said in the first Book on anniversary Days. It may be of more Use to observe the direct Incroachments made upon the Privileges of the Royal Burghs, at this Time. *September 19.* a Letter is read, with relation to the Election of the Magistrates of *Edinburgh*, which is as follows.

Incroachments made on the Royal Burghs.

JAMES R.

Right trusty, &c. We greet you well. Whereas the usual Time of electing the Magistrates of Our City of *Edinburgh*, is now approaching, We do hereby authorize and require you, upon Sight hereof, to call for the present Magistrates, and signify Our Pleasure unto them, That they and the present Town-council continue as formerly, in the Exercise of the Government thereof, and that they forbear to proceed to any Election of Magistrates or Town-council, for the ensuing Year, until We shall think fit to declare Our Pleasure to the contrary: For doing whereof, this shall be to you and them respectively a sufficient Warrant; and so We bid you heartily farewell. Given at Our Court at *Windsor*, the Twelfth Day of *September*, 1685. and of Our Reign the first Year.'

King's Letter *September 12.* about the Election of the Magistrates of *Edinburgh*.

By his Majesty's Command,

MELFORD.

Upon reading of this, the Magistrates of *Edinburgh* are called before the Council, and his Majesty's Pleasure is intimate to them; and, in case any new Counsellors be chosen already, the Magistrates are appointed to resume the old Counsellors, that so the Town-council may remain entire as formerly, until his Majesty's further Pleasure.

And to put all relating to this together, *October 5.* another Letter from the King is read. Right trusty, &c. Whereas We judge it a Matter of Importance to Our Service, and the Advantage of Our good People in Our City of *Edinburgh*, that a Person of known Loyalty and Integrity, be elected as their Provost for the ensuing Year, We have thought fit to authorize and require you, after the Receipt of this, to call for the present Magistrates, and recommend to them *Bailie Kennedy*, as Our particular Choice, to be elected Provost of that Our City at this Time, leaving them to the usual Methods of electing the rest of the Magistrates and Town-council. For doing whereof this shall be your Warrant.'

Another, *October 1.* naming the Provost of *Edinburgh*.

*Windsor, October 1.*

MURRAY.

The Council appoint the Counsellors in Town to be present to Morrow at the Election, and see it orderly proceeded in. Remarks upon such a Letter are obvious. At the same rate the King might have nominate the rest of the Magistrates and Town-counsellors at *Edinburgh*, and in all the Royal Burghs; and in effect, the whole Privileges belonging to that Body,

Remarks



1685.

Body, so often ratified in Parliament, were entirely overthrown: And we shall just now meet with the King, dispensing with another Act of his own Parliament, about the

Test.

Letter, Council  
to the King, about the Lord  
Register and  
Secretary their  
corresponding  
with Lord Melvil,  
and the  
Advocate's  
Malversations,  
September  
21.

While those bold Steps are taking at *London*, which were a Preface to what followed in *England*, as to Corporations, much of the same Nature, our Managers seem not to be altogether of a Piece among themselves; and Informations are taken from Mr. *John Veitch*, and some Accounts said to be given by Sir *John Cochran*, with relation to the Register and Secretary *Murray* their corresponding with the Lord *Melvil*, and some Malversations of the King's Advocate. Without dipping at all into this Part of secret History, I shall lay before the Reader what I meet with in the Registers about it.

The Letter underwritten, directed to his sacred Majesty from the Council, being brought in from the Committee appointed in the Forenoon for that effect, being read, the same was approved of and signed, and ordered to be delivered to the Lord Marquis of *Atchew*, to be by him presented to his most sacred Majesty, which Letter he accordingly received, with the principal Examinations of Mr. *John Veitch* and Mr. *William Spence*, upon Oath, there being no Copies left, by the Council's special Order. Follows the Tenor of the foresaid Letter.

*May it please your most sacred Majesty,*

According to your Majesty's Commands given by your Royal Letter, we have by your Proclamation, adjourned your Parliament to the first *Thursday* of *April* 1686. in the usual Manner. As also, in obedience to your sacred Commands, in another Letter of the same Date, we did intimate your Royal Pleasure to the Council of *Edinburgh*, to continue the Town-council as formerly, and to forbear to proceed to any Election of Magistrates or Town-council, for the ensuing Year, until your Majesty declare your Pleasure. We judge our selves always obliged to inform your Majesty, as being of great Importance to your Majesty's Government, and of the highest Concern to all your faithful Servants, that the Committee for publick Affairs having appointed Two Days last Week for searching of Prisons, and Examination of Prisoners, they reported to us, that in the Examination they found by Mr. *William Spence*, that Sir *John Cochran*'s Son had been questioning him, if he had carried on any Correspondence betwixt the Lord Register, and the late Lord *Melvil*, by which it would appear, that Sir *John Cochran*'s Son had been practising him, with a Design to accuse the Lord Register, which Correspondence is declared by the said *Spence* to be utterly false. There was another called Mr. *John Veitch*, who was close Prisoner by the Lord Chancellor's Order, and therefore when the Council called for him, they removed all the Clerks, and that *Veitch* did give his Oath in Writ, whereof, he said, he had sent an exact Double to the Lord Chancellor, after his Lordship's going from this, which reports, as if Information had come from a Rebel, or some of their Correspondence, of your Advocate's Malversation in your Majesty's Service, which he also denies upon Oath. We have likewise Information, that albeit Sir *John Cochran* would not voluntarily expose his Secrets and Discoveries, until he saw your Majesty, no not to your Officers of State; yet some have told here a Day or Two after Sir *John* had parted from this, that he was to accuse the Earl of *Murray* of conversing with Traitors, and we having sent for Sir *James Roch-head* the Informer, we find he is gone for *London*. This in Fact we humbly lay before your Royal Wisdom, as Matters of extraordinary Weight, lest by such Practices your Majesty's Service may be more endangered, than by the Enemy's open Endeavours; and albeit such Informations are to be received against the best Servants, yet we in all Submission offer to your Majesty's Consideration, how far the Rage of defeated Enemies, (especially when induced by Threats or Promises) will prompt them to concur in ruining your faithful Servants, who have served your Majesty faithfully, in ruining of them: And we humbly offer these, amongst many Considerations, to your sacred Majesty, that from your royal and fatherly Interest in and over your Servants, such Directions may be given, and such Notice may be taken of these Informers, as will be most consistent with your Majesty's Interest, and with that which is a Part of it, your Majesty's Justice to your unjust Servants. There is one *Welfsh*, a forfeited Traitor, taken, and brought before us, whom we have remitted to the Justices, in order to his Execution; and albeit severals of these irreclaimable Rebels be still skulking in the Molles, yet at present there is a greater Quiet in the western Shires, than has been in them these many Years bypast, and all possible Care for their continuing so shall be taken by us. But since the Lord Privy Seal, who has been present with us, and whose eminent Appearance and Fidelity on all Occasions, in your Majesty's Service, is so known to all, especially to your Royal Self, is now going to attend your Royal Majesty, we leave a more particular Information to be given by him, of what relates to the foresaid



or other of the publick Concerns of your Majesty's Service here, and what further occurs, shall be faithfully transmitted on all Occasions by, 1685.

May it please your Majesty,

Your Majesty's most humble, most faithful,  
and most obedient Subjects and Servants.

Subscribed at *federunt*, except the Marquis of *Athole*.

October 24. the Council have the following Return to this Letter.

JAMES R.

Right trusty, &c. We received your Letter of the 21 of September, from the Marquis of *Athole*, by which We were much surpris'd, that you had taken upon you to examine *Veitch*, committed close Prisoner by Our Chancellor, with exprets Order, that none of what Quality soever, should have any Access to him, and to take up the Order given by Our Chancellor. Both which, We look upon as Actions of that Nature, as We cannot but admire how, or by what Perswasion you came to do them; for supposing it has been possible for Our Chancellor, to have done such a Thing without Our Order, and that it had really been amiss, yet We ought to have been informed, and Our Royal Pleasure known, before any Thing had been done contrary to the Order, especially where there was no Danger in a much longer Delay. This We look upon to be so much Our immediate Concern, that We must let you know how much We are dissatisfied with it, that for the future you might be more careful, that no such Practice may be. We do likewise find in that Letter, that some Rebels have been induced by Threats or Promises, to accuse some of Our faithful Servants. We doubt not, that before you sent Us that Information, you were acquainted with the Names of such as threatned or promised Rewards in so wicked a Matter, (as is well known to the World We would not suffer against the worst of Our Enemies) which Names We desire to be sent forthwith to Us, that We may make them Examples of Our Justice to Posterity. So We bid you heartily Farewel. Given at Our Court at *Whitehall*, the 17 Day of October, 1685. and of Our Reign the first Year.

King's Answer Oct. 17.

By his Majesty's Command.

MELFORD.

Such a Letter required a speedy Answer, and so, October 25. they make the following Return.

May it please your sacred Majesty,

WE regret very much, that any Thing in our Conduct should have offended your sacred Majesty, whose Prosperity and Greatness we have ever designed in all our Consultations and Actions; and since your sacred Majesty has prescribed to us Measures, for our Conduct in the future, we shall by Obedience shew what have been our former Designs; nor would we insist upon what was done at the writing of the last Letter, lest it might seem a Justification, if your Majesty's exprets Commands in your Letter did not ordain us to give an Account of the Motives upon which we proceeded. As to what concerned the Examination of *Veitch*, we having seen my Lord Chancellor's Order, which bears nothing of any Warrant from your Majesty; yet we thought it our Duty, to have so much Respect to a Person of his eminent Trust and Merit, to continue Mr. *Veitch* close Prisoner, according to his Lordship's Order, without ever taking up the same from the Keepers, in whose Hands it did and still lies, notwithstanding that Mr. *Veitch* has both deposed to his Lordship and us, that he knew nothing of that Affair, nor would we proceed on that Examination, until we knew what he had said to his Lordship; and accordingly he continues still close Prisoner, so that whatever Enquiry may be made as to him, is still entire; nor would we take any Discovery from him, further than what was made to my Lord Chancellor, nor would we so much as keep a Double of the same, but transmitted it to your Majesty by an Officer of State, and Member of the private Committee. And one of the chief Motives that induced us to believe, that we might examine him, was, that my Lord Chancellor's Order did not expressly bear, that no Person or Judicature should examine him, which, if it had been, we would have had that just Deference to my Lord Chancellor's Order, as not to have examined him; but the Order bearing only, that no Person should speak with or see him, we only considered *Veitch* to be in the Condition of other close Prisoners, whom the Council uses to examine. But whatever the Practice has been, it is sufficient for us, that your Majesty has excluded all Examination in such Cases for the future, which we shall humbly and heartily obey. And to shew that no Interest of ours, did or shall induce us to believe, that your Majesty by your self or your Order, may not examine

Council's Return Oct. 25.

G g g g g g g



1685.

mine any Person whatsoever, either as to us or your Majesty's Servants; in we again renew the Acknowledgment in our former Letter, that Informations are to be received against the best of Servants; and we may be the sater in this Acknowledgment, that we are so happy as to live under a Prince who will protect the Innocence of his approved Servants. As to that Expression in your Majesty's Letter, that some Rebels have been induced, by Threats or Promises, to accuse your Servants, we humbly offer to your Majesty's Consideration the Clause of our Letter, which bears, that we in all Submission offer to your Majesty's Consideration, how far the Rage of defeated Enemies may prompt them to ruine your Majesty's faithful Servants, which was an abstract Consideration in the general without reflecting upon any particular Person whatsoever, or arising from any Examination mentioned in the Letter, but from the sad Experience we have of the Rage of your Majesty's Enemies against your Majesty's Servants, and the great Liberty they take to slander every Thing they think for the Advantage of their Cause; and in this Time, when your Majesty's Enemies have nothing left them but this Revenge, against those who faithfully serve, to name them, and who are irreconcilable with them and their Interest, upon your sacred Majesty's account, especially, beside our Ruin, they may project to themselves a Freedom from Death and Punishment, which, as they justly deserve, is the most Terrification of all Terrors. This is offered to your Majesty by,

May it please your sacred Majesty,

Your Majesty's most humble, most faithful,  
and most obedient Subjects and Servants.

Subscribed ut federunt, except Balcarras and Claverhouse.

Laird of *Abbotshall*,  
C. *Graham* of *Claverhouse*,  
Laird of *Gosford*,  
The Lord Archbishop of *Glasgow*,

The Earl of *Linlithgow*,  
The Earl of *Balcarras*,  
The Lord V. *Tarbet*,  
The Lord *Tester*,  
President of Session,  
The Lord Advocate,  
The Lord Justice-clerk,  
Laird of *Drumelzier*.

Mr. John Veitch  
his Suffering  
at this Time.

How this Matter ended, I cannot say. If the Procedure of the Council after this Year, had been insert in Registers, we might have known more of this, and other Differences which fell in among the Managers in this Reign, of which I am not in Case to give certain Accounts; and therefore I shall only further add, that that worthy Minister, mentioned in the Council's Letter, fell under a long Tract of great Severities, as appears by a Note sent me, written by himself at this Time, which is all I have about him, and it is as follows.

By Order from Chancellor *Perth*, Mr. John Veitch Minister at *Westruther*, was taken and carried Prisoner to *Edinburgh*, by Sir Adam Blair of *Carberry* younger, and lay all Night in the Guard kept at *Holy-rood-house*. October 5. he was sent to the Tolbooth by a most unusual Order, made close Prisoner, and his Keeper solemnly sworn, never to suffer any Word to come in unto him, or suffer it to go out from him, but with the Knowledge of the Council, or their Committee; and lest, in his Absence, any should speak to him in at the Door, and he to them, Two Soldiers were constantly guarding the Door. Pen and Ink were taken from him. This way he continued the Space of Twenty Weeks.

Council's Act  
Oct. 5. about  
Books of Divinity.

October 5. the Council by an Act ordain, That no Books of Divinity be printed in this Kingdom, till they be revised and licensed by the Ordinary of the Place; and discharge all Stationers to sell any that are not licensed, under Pains of Confiscation. That same Day, I find a Process against the Dean of *Glasgow*, and Minister of *Hamilton*, before the Justiciary, for the *crimen nefandum*. He is assailed there, where Multitudes of innocent Persons had been made guilty. The violent Suspicions of Guilt, wherewith many in that Place were impressed, were not removed by the Lords Sentence, and he himself found proper to withdraw, and therefore I shall say no more of him.

Act Magistrates of *Edinburgh*, about setting Houses, and against Beggars, 1683. App. No. 114. B. King's Letter Nov. 12. dispensing with an Act of Parliament.

October 28. the Town of *Edinburgh* pass a very good Act, for delivering their Streets from Beggars, and anent the setting Houses to any People who are not free in the Town, which I have annexed App. No. 114. B. and such is their Zeal, that in this Act they cannot but oblige all to whom Houses are set, to Conformity and Subjection to the Church. What offers next, is of far more Importance, and with it I must end what I have to give my Readers from the Council-registers. November 12. a very extraordinary Letter is read, dispensing with an Act of the very last Parliament, requiring the Commissioners of Supply to take the Test. Most Part of the Persons, if not all in the underwritten List, were Papists, in favours of those his own Friends, the King very frankly breaks through a Law, to which he had given his Assent a few Months ago. Such Steps need no Observations, they are what Protestants may expect from a bigotted Papist; and so I just insert the Council's Act, King's Letter, and List, as they stand in the Registers. The Letter underwritten directed from the King's most excellent Majesty to the Privy Council, for dispensing with some Persons, Commissioners for Supply, their taking of the



Test, conform to the List therewith sent; being read, was ordered to be recorded, and an Act ordered accordingly to be transmitted to the Persons therein mentioned; and to the Conveners of the Commissioners of the respective Shires therein concerned; of which Letter and List the Tenor follows.

1685.

JAMES R.

Right-trusty, &c. We greet you well. Whereas in the 12 Act of Our current Parliament, intituled *Act of Supply*, there is a Clause ordaining all the Commissioners therein named, to take the Oaths and Test appointed by Law, which Clause We judge fit, for Our Service, to require you to put vigorously in Execution, excepting these in the List here inclosed, whom We have dispensed with from taking the same, and such as We shall hereafter dispense with under Our Royal Hand. For doing whereof this shall be your Warrant, and so We bid you heartily Farewel. Given at Our Court at *Whitehall*, the Seventh Day of *November*, 1685. and of Our Reign the First Year.

By his Majesty's Command.

MELFORD.

JAMES R.

*A List of the Persons who are to be dispensed with from taking the Test, conform to Our Letter (of the Date of these Presents) directed to Our Privy Council of Our ancient Kingdom of Scotland.*

THE Duke of Gordon, the Earl of Seaforth, the Earl of Traquair, the Lord Oliphant, Richard Cockburn of Clerkington, Alexander Irvine of Drum, John Gordon of Rothemay, Patrick Lesly of Balquhain, Sir George Gordon of Gight, William Menzies of Pittfodells, James Innes of Drumgask, Adam Gordon of Auchmacoy, Francis Gordon younger of Craig, Mr. Alexander Irvine of Larny, Mr. Richard Irvine of Kinktown, the Laird of Fetterneir, the Laird of Wartle-lesly, Alexander Frazer of Kinnaries, Macdonald of Binbecula, Macdonald of Largy, Macdonald of Cassiltown, Patrick Gordon of Glasfyrum, John Grant of Ballindallach, James Gordon of Camdel, John Gordon of Balderny, Alexander Gordon of Auchintoul. Given at Our Court at *Whitehall*, the 7 Day of November, 1685. and of Our Reign the First Year.

By his Majesty's Command.

MELFORD.

Toward the End of this Year, several Prisoners in the *Canongate Tolbooth*, found Means to escape. I have no Account of the Circumstances; but *December 3.* the Advocate is appointed to process the Magistrates of *Edinburgh* for their Escape. No question they were free from any Accession, being modelled to the Mind of the Court, and they easily got off.

Prisoners Escaped out of the Canongate Tolbooth.

The Rage against Presbyterians was not confined at this Time to *Scotland*, but reached even to the banished Ministers in *Holland*, with such as had retired thither for Shelter, as Mr. James Veitch, Mr. Alexander Picairn, Mr. George Campbell, Mr. Patrick Warner, and others at this Time there, and they were brought to some Trouble. The Occasion, as one of them informs me, was this.

A Fellow who had called himself *Robert Smith*, in the Parish of *Dunscore*, and pretended to have been at *Bothwell-bridge*, endeavoured to bear in himself upon the weekly Meeting which those reverend Ministers, and others of the persecuted *Scotsmen*, had for Prayer at *Rotterdam*. He got in so far upon Mr. Grier, a very good Man, and Member of the Meeting, that Mr. Grier spoke to Mr. Warner, to propose *Smith's* Admission to the Meeting. Mr. Warner did not like his Forwardness to be admitted to the Meeting; and, upon Inquiry, found that *Smith* was very big with a Popish Captain, and suspecting he might be a Spy upon them, he so effectually crushed his Admission to the Meeting, that it was never proposed, and he was not out in his Fears.

The Ministers banished, and returned to Holland, and meet with Trouble there.

Towards the End of the 1683. *Smith* went over to *London*, and made a pretended Discovery of what he said he had pickt up anent the Plot, in an Information given at *Whitehall*, *February 24.* 1683. for which, though Doctor *Sprat* is pleased to deny this, I have no doubt he had Money. This Paper is published by the Doctor in the *History of the Rye-house Plot*, and contains a vast Number of Lies, which I wonder the Government perceived not. The Falshood of, being in part self-contradictory, and plainly disagreeable to many Facts they could not but know.

The Occasion of it, Mr. Robert Smith.

This unworthy Fellow, partly in Spite, and partly to get his Hire, informs of many Facts scandalously false. It is not worth while to go through them now. He pretends to have seen Mr. Warner in the Council of War at *Bothwell-bridge*, whereas, from *Drumlogie* to the Debat, he was scarce ever within Forty Miles of *Bothwell*. I imagine it hath been from this

Falshoods in Smith's Information printed by Dr. Sprat.



1685.

scandalous Information, that the Process formerly mentioned, against the Reverend Mr. John Sinclair, Minister of Ormiston, was taken, and several Articles in Ceshock and other worthy Patriots Processes, formerly noticed.

English Resident insists, that the Scots Ministers at Rotterdam be apprehended or removed.

Upon this Information, it seems, (for I can learn no other Foundation for it) this Year Orders were given to the *English* Resident in *Holland*, to insist with the State General, either to apprehend or remove those banished Ministers from *Rotterdam*, and their Dominions. Some Thing was done to stop the Clamour the Resident made; but Care was taken to advertise the Ministers of their Hazard, and they stept a little out of the Way. Those worthy Men were put to some Trouble in the foreign Land to which they were retired; but the Lord was with them, and delivered them, and in a little Time now, a Door was opened for their Return to *Scotland*, and their being singularly useful for their Redeemer's Kingdom there.

Persecution this Year without Parallel, save in *France*.

Thus at some Length I have gone through this bloody Year; and the Narrative given of the Severities committed during it, no doubt, will astonish the Reader, and give him a fuller View, than perhaps he had of the vile Popish Spirit of Persecution now raging in *Britain*, which indeed hath scarce any Parallel, unless it be the Counter-part of the same Plot, against the Reformation, breaking out in *October* this Year, by the Revocation of the *Edict of Nantz* in *France*, and the most ungrateful and utter razing of that once glorious and numerous Protestant Church, with the bloody dragooning Conversion which followed upon it. The Scene is not altogether so black during the Three following Years I am to account for, and I shall now very quickly come to an End of this melancholy and irksome History.

By the French King's Edict revoking that of *Nantz*.

Having mentioned this dismal Alteration in *France*, I take it not to be disagreeable to this Work, to give the Reader the *French* King's Edict, which ruined that dear and once reformed Church. It hath been once and again printed in most Languages in *Europe*; but probably it will not be unacceptable to a good many, into whose Hand this History may come, to have it here; and I shall adjoyn to it a Copy of the Articles, and Form of Abjuration of the Protestant Religion, imposed upon our Brethren in *France*, toward the End of this Year. Once I thought to have turned them over to the *Appendix*, but falling in the End of the *Chapter*, they will make no Break in the History; and they deserve a Room in the Body of it, were it but to awaken our Sympathy with the noble Confessors of our Sister Church, yet remaining after so long and black a Night as they have been under; and to quicken any who have Interest at the Throne of Grace, to redouble their ardent Supplications for them, and the Lord's cherishing the Effays and Struggles good Numbers there at this Time seem to be making, to wrestle from under the Yoke of *Rome* and Popery.

It ought not to escape our Remark, and might quicken us to a generous Concern in those Points, that the *French* King never ventured upon revoking the famous Edict of *Nantz*, whereof *Britain* is the undoubted Guarantee, till once our Throne was filled with a bigotted Papist, his own Creature. And probably the Revocation had been sooner made this Year, if the *French* Court, as was noticed, had not been alarmed at King *James's* Declaration at his Accension, and much more with his Speech to his first *English* Parliament.

But quickly the King threw off the Mask, and satisfied his Friends, he was hearty in his Design of ruining the Reformation: He broke with his Parliament, and acted like a sincere Papist, as he was. Then was the proper Juncture to fall upon the Reformed in *France*, and this was not delayed unnecessarily one Moment. I have, with Surprize, observed a considerable Agreement betwixt a Collection of Edicts, Arrests, and Acts against the Reformed in *France*, from the Year 1660 to the Year 1683. where the *Recueil* I have, ends; and the Acts of Council and Parliament in *Scotland*, mentioned in the former Part of this History. The Steps taken, the Penalties, and the very Phrases in both, do very much agree. And, generally speaking, the *French* King hath the Honour of Precedency in this severe and antichristian Work. Whether our People copied after him I cannot say; but the Harmony is such, one is almost forced to suspect it.

Edict revoking that of *Nantz*.

In the *Edict* I am now to insert, we have a Copy cast to the King of *England*, which, had he not been taken short and stopped, I doubt not he would have carefully copied, in an Act rescissory of all our Laws since *James V.* and *Henry VIII's* Time. But passing those Remarks, I come to give the Reader a Copy of the *French* Edict, englished by an eminent Presbyterian Minister lately got to Heaven, at this Time, if I mistake not, at *Paris*, and I know it is exact.

*Edict by the King, discharging all publick Exercise of the pretended Reformed Religion, within his Kingdom.*

‘ *Lewis*, by the Grace of God, King of *France* and *Navarr*, to all present and to come:  
 ‘ Greeting. Forasmuch as *Henry* the Great, our Royal Grandfather, of glorious Memory, being desirous, that the Peace he had purchased for his Subjects, after the great Da-



Images they had sustained by the long Continuance of foreign and domestick Wars, might not be interrupted upon the account of the Religion which calls it self Reformed, as had happened in the Reigns of the Kings his Predecessors, did, by his Edict given at *Nantz* in the Month of *April*, in the Year 1598. regulate the Conduct that was to be used towards those of the foresaid Religion, determine the Places wherein they might be permitted to exercise the same, appoint Judges extraordinary in the Administration of Justice to them; and did moreover make Provision, by particular Articles, as to every Thing he thought necessary for maintaining the Quiet of his Kingdom, and to lessen the Aversion that was betwixt those of the one and the other Religion, to the end he might be in a better Capacity to endeavour that which he had resolved to do, the reuniting of those unto the Church who had so lightly departed from it.

And whereas the sudden Death of the King our foresaid Grandfather, put a Stop to the Accomplishment of his Intentions, and even the Execution of the *Edict* it self was interrupted during the Minority of the late King, our thrice honoured Lord and Father, of glorious Memory, by the renewed Enchroachment of those of the pretended Reformed Religion, by means whereof they occasioned themselves to be deprived of sundry Privileges that had been granted to them by the foresaid *Edict*.

Nevertheless the late King, our foresaid Lord and Father, out of his innate Clemency, granted to them a new *Edict* at *Nismes*, in the Month of *July* 1629. by means whereof the former Tranquillity was re-established; and the said late King being animated with the same Spirit for Religion, as our Royal Grandfather had been, did resolve to imploy that Peace for effectuating so pious a Design.

But foreign Wars falling out a few Years thereafter, so that from the Year 1635. till the concluding a Truce with the Princes of *Europe* in the Year 1684. the Kingdom hath seldom ever been free from Agitation; it hath not been hitherto possible to make any further Progress for the Advancement of the true Religion, except by diminishing the Number of the Places, where the pretended Reformed Religion was exercised, by condemning those which had been set up without Warrant from the *Edicts*, and suppressing the \* bipartite Courts, which were erected provisionally only, and for a Season.

God having at length permitted our People to enjoy a perfect Quiet, and we being dispensed from the Care of protecting them against our Enemies, we purpose to take the Occasion of this Truce, which we were the more easily induced to grant, that we might apply our self to the Means of accomplishing with Success the Designs of our said Royal Grandfather and Father; the which we also have entertained ever since our coming to the Throne.

\* The Chamber  
bret By parties  
consisted, the  
one Half of  
Protestant  
Judges, and  
the other of  
Catholick.

We now perceive, with due Acknowledgments to almighty God, that our Endeavours have attained the End which we proposed, in as much as the greater and better Part of our Subjects of the foresaid Religion, have embraced the Catholick Faith. And since hereby the Observation of the *Edict* of *Nantz*, and of whatever else may have been enacted in favour of the said pretended Reformed Religion, becomes unnecessary, we judged that we could in nothing contribute more effectually to the utter extinguishing the Remembrance of the Troubles, Confusion, and Mischiefs which the Growth of that false Religion hath raised in our Dominions, and which gave Occasion to the foresaid *Edict*, and so many other *Edicts* and Declarations that did precede, and were made in Consequence of the same, than by an absolute Revocation of the said *Edict* of *Nantz*, and of all the particular Articles that were granted pursuant thereunto, and generally of all that hath been done since in behalf of the said Religion. Therefore

I. We give to know, that we, for these Causes and others us thereto moving, of our own certain Knowledge, full Power, and Royal Authority, have by this present, perpetual, and irrevocable *Edict*, suppressed and revoked, likeas we suppress and revoke the *Edict* of our said Royal Grandfather, given at *Nantz* in the Month of *April*, in the Year 1598. in the whole Extent thereof, together with the particular Articles concluded upon the 2 of *May* following, and the Letters Patents passed thereupon; as also the *Edict* given at *Nismes*, in the Month of *July* 1629. All which we declare void and null, as if they had never been made. As likewise all Concessions granted either by them, or any other *Edicts*, Declarations, or Acts, to those of the foresaid Religion, of what Nature soever they may be; the which in like Manner shall be held as they never had been granted: And in pursuance hereof, we will, and it is our Pleasure, that all the Temples belonging to those of the foresaid Religion, situated within our Kingdom, Territories, Lands, and Dominions subject to our Obedience, be forthwith demolished.

II. We prohibit all our Subjects of the foresaid Religion, henceforth to assemble themselves for the Exercise of the said Religion, in any Place or House, upon any Pretext whatsoever, or even in those Places which they held by Right of Possession, or of ancient \* Bailiage, notwithstanding the said Rights have been corroborated by Acts of our Council.

\* See the 9 and  
11 Articles of  
the *Edict* of  
*Nantz*.



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III. We in like Manner prohibit all Lords of what Degree soever, to hold the foresaid Exercise in their Houses, Mannors of what Tenure soever they be; all which we discharge under the Pains of Confiscation of Body and Goods in case of Contravention.

IV. We enjoin all Ministers of the foresaid Religion, who refuse to turn and embrace the Catholick, Apostolick, *Roman* Religion, that within Fifteen Days after the Publication of this our Edict, they depart forth our Kingdom and Lands under our Obedience, and that they abide not therein after the aforesaid Term, and that during the said Space of Fourteen Days they make no Sermon, Exhortation, nor exercise any other Part of their Function under Pain of being condemned to the Gallies.

V. Our Will is, that those of the foresaid Ministers who shall turn, shall continue to enjoy, during their own Lifetime, and their Widows after their Decease, so long as they remain in Widowhood, the same Freedom and Immunity from Taxes and Quartering of Soldiers that they enjoyed while they exercised the Function of Ministers: And moreover, we shall cause to be paid to the said Ministers, during their Lifetime, a yearly Pension, which shall be one Third more than the Allowances they had as Ministers; the one Half of which Pension shall be paid to their Wives after their Death, so long as they remain in Widowhood.

VI. If any of the said Ministers shall desire to become Advocates, or take upon them the Degrees of Doctors in Law, our Will and Intention is that they be dispensed with as to the Three Years Study appointed by our Declarations, and that after having undergone the usual Examinations and are thereupon judged capable, they be received Doctors, paying only the Half of the Fees that use to be exacted on that Occasion in each University.

VII. We discharge all private Schools for the Instruction of the Children of the said Religion, and generally all Things whatsoever that may import any Manner of Concession or Grant in favour of the said Religion.

VIII. As for the Children who shall be born of those of the said Religion, we will that henceforward they be baptized by their respective Parochial Curates. And for that Effect, do enjoin the Fathers and Mothers to send them to Church, under the Pain of Five hundred Livres Fine, in case of Failure, and that the said Children be hereafter educated in the Catholick, Apostolick, and *Roman* Religion; the which we straitly charge the Judges of the respective Places, to see punctually performed.

IX. And that our Clemency may be extended to our Subjects of the said Religion, who have withdrawn out of our Kingdom, Territories, and Lands of our Obedience, before the Publication of this our present Edict, we will, and our Meaning is, that in case they will return within Four Months from the Date of this said Publication, they may, and it shall be leifom to them to re-enter upon the Possession of their Estates and Goods, and the same to enjoy in all Points, as they might have done if they had always remained therein. And on the contrary, that the Goods of those who within the foresaid Space of Four Months shall not return unto our Kingdom, or Lands of our Obedience, from which they have withdrawn, shall remain and be confiscated by virtue of our Declaration of the 20 of *August* last.

X. We do reiterate our most strict and peremptory Prohibition and Discharge, to all our Subjects of the pretended Reformed Religion, that they do not depart, they, their Wives, or Children, out of our Kingdom, Land, or Territories subject unto us, nor thence transport their Goods or Effects, under the Pain of being condemned to the Gallies, for the Men, and Confiscation of Body and Goods, for the Women.

XI. We will, and our Intention is, That the Declarations made against the Relapsed, be put in Execution, according to their full Form and Tenor.

XII. Moreover, they of the said Religion, may, till it shall please God to enlighten them as well as others, abide in the Cities and other Places of our Kingdom, Territories and Lands subject unto us, and there carry on their Commerce, and possess their Goods, without Trouble or Molestation upon the account of their said Religion: Provided always, as said is, That they do not exercise the same, nor assemble themselves under the Pretence of Prayers, or other Worship of what Nature soever, belonging to their said Religion, under the above exprest Pains of Confiscation of Body and Goods.

Herefore We give in Charge to our beloved and trusty Counsellors, the Judges in our Court of Parliament, Chamber of Accounts, and Court of Subsidies at *Paris*, Bailies, Sheriffs, Provosts, and others our Magistrates, to whom it appertains, and to their Lieutenants, that they cause be read, published and registered, this our present Edict, in their Courts and Jurisdictions, tho' in Time of Vacation; and that the same they receive, and cause to be received, kept, and punctually observed, without contravening, or suffering the same to be contravened, any manner of way. FOR SO IS OUR PLEASURE; and to the end the Matter may be firm and stable, We have caused append our Seal to these Pre-



sents. Given at *Fountain-bleau*, in the Month of *October*, the Year of Grace 1685. and in the Forty third Year of our Reign. 1685.

LEWIS.

*Visa le Tellier.*

And below,

By the King,

*Colbert.*

And sealed with the great Seal of green Wax, upon Laces of red and green Silk.

Registrate, heard, and, at the Requisition of the King's Attorney-general, to be put in Execution according to the Form and Tenor. The Copies collationed, and sent unto the Seats of Justice, Bailiages, Seneschauſſees within the Jurisdiction, there to be in like Manner regiſtrate; enjoyned to the Deputes of the ſaid Attorney-general, to ſee the ſame executed, and thereof to certify the Court. At *Paris*, in the Court of Vacations, the 22 of *October*, 1685.

*De la Bayne.*

It is perfectly out of my Road to make any Observations upon this revocatory Edict. Abundance hath been written upon it, and the Reader hath this Matter ſet in a due Light, in the *History of the Edict of Nantz*, and many other Writings of the *French* Proteſtants. It may be of more Uſe to the Reader, to add the Articles, to which theſe who renounced the Reformation were obliged to ſubſcribe, and the Form of their abjuring the Proteſtant Religion, which was this Year printed in *Engliſh*, under this Title.

A true and exact Copy of the ſeveral Articles, together with the Form of the Abjuration of the Proteſtant Religion, and Confession of the Romiſh, impoſed upon the *French* Proteſtants, taken from the Original, in the Hands of *Bonaventure Le Brun* Notary Publick of *Rouen*, 1685.

*The Profeſſion of the Roman Catholick Apoſtolick Faith.*

IN the Name of the Father, the Son, and the Holy Ghoſt, *Amen*. I *A. B.* do believe and confeſs with a firm Faith, all and every Thing contained in the Symbol of the Faith which the *Roman* Church doth uſe, *Viz.*

Profeſſion of  
the *Roman* Ca-  
tholick Faith,  
with the Abju-  
ration of the  
Proteſtant.

I believe in one God, the Father Almighty, Maker of Heaven and Earth, and of all Things viſible and inviſible: And in one Lord *Jeſus Chriſt*, the only begotten Son of God, Begotten of his Father before all Worlds, God of God, Light of Light, Very God of very God, Begotten, not made, Being of one Subſtance with the Father, By whom all Things were made: Who for us Men, and for our Salvation came down from Heaven, And was incarnate by the Holy Ghoſt of the Virgin *Mary*, And was made Man, And was crucified alſo for us under *Pontius Pilate*, He ſuffered and was buried, And the third Day he roſe again according to the Scriptures, And aſcended into Heaven, And ſitteth on the right Hand of the Father. And he ſhall come again with Glory to judge both the Quick and the Dead: Whoſe Kingdom ſhall have no End. And I believe in the Holy Ghoſt, The Lord and Giver of Life, Who proceedeth from the Father and the Son, Who with the Father and the Son together is worſhipped and glorified, Who ſpake by the Prophets. And I believe one Catholick and Apoſtolick Church. I acknowledge one Baptiſm for the Remiſſion of Sins, And I look for the Reſurrection of the Dead, And the Life of the World to come. *Amen.*

II. I own and embrace moſt firmly, the Apoſtolical and Eccleſiaſtical Traditions, and all other Observations and Conſtitutions of the ſaid Church.

III. Likewise I receive the holy Scripture, according to the Senſe which the holy Mother-church hath held, and doth hold, to whom it belongs to judge of the true Senſe and Interpretation of the ſacred Scriptures; and I will never take nor interpret it, but according to the unanimous Conſent of the Fathers.

IV. I confeſs alſo, that there are truly and properly Seven Sacraments of the new Law, inſtitute by *Jeſus Chriſt* our Lord, and neceſſary to the Salvation of Mankind, altho' all of them be not to every particular Perſon, *viz.* Baptiſm, Confirmation, the Eucharift, Penance, Extreme Unction, Orders, and Marriage; and that they do confer Grace; and that Baptiſm, Confirmation, and Orders, cannot be repeated without Sacrilege.

V. I receive and admit alſo the Ceremonies received and approved by the Catholick Church, in the ſolemn Adminiſtration of all the abovementioned Sacraments.

VI. I embrace and receive all and every Thing that hath been determined and declared, concerning original Sin and Juſtification, by the holy Synod of *Trent*.

H h h h h h h 2

VII. I like-



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- VII. I likewise profess, that in the *Mass* there is offered to God, a true, proper, and propitiatory Sacrifice for the Quick and Dead; and that in the most holy Sacrament of the Eucharist, there is truly, really, and substantially, the Body and Blood, together with the Soul and Divinity, of our Lord *Jesus Christ*, and that there is made a Conversion of the whole Substance of the Bread into the Body, and of the whole Substance of the Wine into the Blood, which Conversion the Catholick Church calls *Transubstantiation*.
  - VIII. I also confess, that under one of the Two Kinds only, whole *Christ Jesus* and a true Sacrament is received.
  - IX. I stedfastly hold there is a Purgatory, and that the Souls there detained, are helped by the Prayers of the Faithful.
  - X. Likewise, that the Saints which reign together with *Jesus Christ*, are to be worshipped and invoked, and that they do offer Prayers to God for us, and that their Relics are to be honoured.
  - XI. I affirm most stedfastly, that the Images of *Jesus Christ*, and the Mother of God, always a Virgin, and also the other Saints, ought to be had and kept, and that the Honour and Worship due to them, is to be given them.
  - XII. I also certify, that the Power of Indulgences hath been left in the Church by *Jesus Christ*, and that the Use of them is most healthful to Christian People.
  - XIII. I acknowledge the holy, Catholick, Apostolick, and Roman Church, the Mother and Mistress of all Churches.
  - XIV. I promise and swear a true Obedience to the *Roman Pontiff*, Successor to the most blessed *Peter*, Prince of the Apostles, and Vicar of *Jesus Christ*.
  - XV. I likewise receive and profess, without any Doubt, all other Things, left, defined, and declared by the sacred Canons, and general Councils, and especially by the holy Synod of *Trent*.
  - XVI. And I likewise condemn, reject, and anathematize all Things contrary, and all the Heresies condemned, rejected, and anathematized by the Church.
- Then, swearing upon the holy Evangelists, must be said,*
- I *A. B.* promise, vow, and swear, to hold and confess most constantly, to the last Breath of my Life, (with God's Help) entire and inviolable, this same Catholick Faith, out of which none can be saved, which now I profess of my own accord, and most sincerely; and I will take Care, as much as in me lieth, that it may be kept, taught, and preached by those that are under me, and by those the Care of whom doth appertain to my Charge.
  - So help me God, and the holy Gospels. *Amen*

#### Form of Abjuration.

I *A. B.* of the Parish of *L.* do certify all whom it may concern, That having become sensible of the Falseness of the pretended Reformed Religion, and the Truth of the Catholick Religion, of my free Will, and without any Constraint, have made Profession of the Catholick, Apostolick, and Roman Religion, in the Church of *L.* in the Hand of *P.* In Testimony of which, I have signed this Deed, in the Presence of the Witnesses undernamed, this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_

I *P.* Incumbent of the Church of *L.* in the Parish of *L.* in *Rouen*, do certify, That this Day, being the \_\_\_\_\_ of \_\_\_\_\_ in the Year \_\_\_\_\_ have received the Abjuration of the pretended Reformed Religion, and the Profession of the Catholick, Apostolick, Roman Faith, which *A. B.* of the Parish of *L.* made in my Hands, in Presence of *C. D.* and *E. F.*

*Bonaventure le Brun* Notar Publick, in the Palace-yard, *Rouen*.

This may let us see the Greatness of our Delivery at the late glorious Revolution, by the Hand of King *William*; and how much we were again brought under the greatest Debt to a kind Providence, by the seasonable Accession of our Sovereign King *George* to the Throne, when we were just upon the Brink of such Edicts, Professions, and Abjurations as those: And from them we ought to make an Estimate of the Lord's Goodness to poor *Scotland*, in blessing the Arms of his Majesty, under his gallant General and Commander in Chief, *John Duke of Argyle*, to the chasing of the Pretender to the Crown of these Realms, educated in the Faith just now set down, and so wedded to it, that he refused to be crowned, as I am informed, at *Scone*, till once he received the Pope's Grant of *Britain* and *Ireland*, in due Form, who, he said, had the only Power to dispose of Crowns.

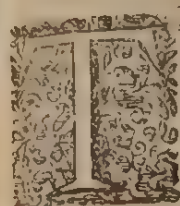
'Tis People's Ignorance of the Villanies of Popery, and the lamentable State of those who are under their antichristian and inhumane Cruelties, makes them value our great Mercies so little, and have so little true Sympathy with our persecuted Brethren.



## C H A P. X.

1686.

## Of the State and Sufferings of Presbyterians, in the Year 1686.



THIS Year, and the following Two, do not afford such Instances of general Persecution, as the former and some preceeding Years. Some particular Examples of Inhumanities, as Occasions offered, and a few more Murders in the Fields, of which I have been able only to recover some short Hints, with the continued Procedure of the Justiciary, in more Forfeitures, upon the score of the Attempt of the Earl of *Argyle*, will make up the Bulk of what I am to lay before the Reader, upon the Sufferings of this Church, this Year.

Subject Matter of this Chapter.

But it would be unfit to overlook the grand Attempt made in Parliament, for overturning the Protestant Religion, by letting in Papists to Places of Trust. Some other Things will offer themselves, which, tho' they don't so nearly relate to the present Sufferings, yet they will lead us into the State of Presbyterians and Sufferers, during this Period, where I shall only hint at some few Matters of Fact, which I suppose are but little known.

The Reasons of the slackning of the Persecution this Year, as to some Branches of it, are many. After the Endeavours of the Prelates and their Adherents, so vigorously supported, as we have heard, for Twenty six Years, one needs not be surprized to find they had little Work to do.

Reasons of the slackning of the Persecution this Year.

Most Part of Presbyterian Ministers were banished, or had withdrawn; and very few were left. The Gentlemen and Heritors who favoured Presbytery, were either worn out by Death, forfeited, banished, or put under such Burdens as were equal to a Forfeiture; and little more could be done this way. The common People who had suffered so much during the former Years, were many of them cut off, transported to the Plantations, or mewed up in Prisons; and the rest so born down by the Soldiers, and Time-serving Persons, and wanted Ministers to preach to them, that they lived as privately as might be, essaying to pass this melancholy Time as much unobserved as they could; and a good many complied in some Things, and now and then heard some of the better Sort of the established Clergy, especially such who shewed themselves hearty Protestants, by opposing Popery now coming in so fast.

In short, except as to Church-irregularities, there was not much Ground for the Persecutors to work upon; yet still we are to consider the Sufferings of Presbyterians as continuing, by the lengthning out of many of the Evils formerly lying upon them, and the Persecution as remaining in every Thing wherein any serious Persons could be reached by the then Laws, and even beyond them.

Indeed the Society People, this and the succeeding Years, were hunted and harassed in the South and West, as far as they could be discovered. Their Hardships were indeed inexpressible, and their Preservations and Deliverances remarkable.

Mr. *James Renwick* was preaching here and there, as he best could, in retired Places; but his falling in with the Tenets, Declarations, and Heights, which the Generality of Presbyterians could not approve of, his being necessarily led by his Followers, to some Things he would not otherwise have gone into, instead of leading them, and their setting up against all the remaining Presbyterian Ministers, indulged and not indulged, kept the most Part of Presbyterians from joyning with him; yet, by the Papers I have seen, and the Accounts I have, I am well assured, Mr. *Renwick* and some with him, laboured hard to bring his Followers from several Heights they had run to; and it is plain, he smoothed many Things in their publick Papers, and moderated some Things in their publick Actings, especially after Mr. *Shiels* joyned him.

In short, though the Violence against Presbyterian Ministers and their Followers, for Conscience sake, was nothing, strictly speaking, abated, yet the Project for introducing of Popery, by removing the penal Statutes, and granting a Toleration to Papists, when that did not succeed, made it convenient, that there should be some little superseding of the more overt, open, and common Acts of Violence, Rapin, and Bloodshed, so frequent for some Years, the more to cover their specious Pretext of easing tender Consciences, though every one who was not blind might see, that all the Relaxation this way, was only designed for the Advantage of the King's Religion.



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All the Respite then at this Time, was either from mere Necessity, and Want of Objects to work upon, through their preceeding Barbarity, or designed to cozen and cheat all who had any warm Side to the Protestant Religion, to go into, or, at least, not oppose the Jesuitical Measures the King was entring upon, for the total Ruin of the Reformation.

My Narrative then of this Year, shall come under the Heads of the Persecution continuing through the Country, the remarkable Procedure of the Parliament; and I shall bring in the State of the Society People, and some other Things relative to this Year, in a *Section* by themselves.

## S E C T. I.

*Of the Procedure of the Justiciary, Murders in the Fields, and other Branches of the Persecution, this Year 1686.*

The lamentable Circumstances of the Sufferers in this Period.

IT is the publick and barbarous Violences, Tortures, publick Executions, and Murders in cold Blood, that will leave the frightful Impressions of the Blackness of this Time I have been describing, most sensibly upon the Spirit of the Readers; but a little Thought and Reflection upon the Circumstances of Multitudes of other Presbyterians, who escaped those, will discover them to be most lamentable.

Their silent Sabbaths, the Struggle they had before they could partake of, and the sensible Uselessness attending the Dispensation of Ordinances by the Episcopal Clergy, the daily Distress and Terror that was upon their Minds, together with the lamentable Prospect they had of their Posterity's being brought up in Ignorance and Profanity, and under the Want of the Gospel purely dispensed, were not easy to them; yea, in some Measure, more bitter than bodily Torture and Death. They had, in short, the daily Views of an Introduction of the Blackness of Darknes of Popery, to which Prelacy and such horrid Persecution had paved the Way.

Contents of this Section.

Besides all this, common to all-Presbyterians this and the Two following Years, the Justiciary went on in their Forfeitures, mostly upon *Argyle's* Attempt. The Findings for Nonconformity in some Places, were very exorbitant: And we shall meet with some other Particulars of the continuing Persecution, Murders in the Fields, and other Instances of Severity; and in this *Section* I shall give the Reader some View of these.

Indictment against the Duke of Monmouth, Saltoun, and the Lord Stair.

I begin with a short Hint of what is remarkable in the criminal Books, just according to their Dates, as they offer. December 21. last Year, the Advocate intents a Process against the Duke of *Buccleugh* and *Monmouth*, *Fletcher* of *Saltoun*, and the Lord *Stair*, and a very long Indictment is given in against them, and read. We may easily guess what was to be charged upon the First, and we have had the Sum of the Libels against the other Two formerly.

Process against the Duke of Monmouth deceased.

To begin with the Duke of *Buccleugh*, he is delayed till *January 4.* and then to *February 15.* when the Duke of *Buccleugh* and *Monmouth* deceased, is forfeited for Converse with Sir *John Cochran* and his Son, *Westshiels* and *Cultness*, forfeited Rebels, for joyning in out-rigging Three Ships with the late Earl of *Argyle*, and landing in *England* upon the last of *June 1685.* at *Lyn*, and taking on him the Title of King, and resisting his Majesty's Forces; for all which he was executed the Day of *July* last.

*Fletcher* of *Saltoun*.

*January 4.* the Lord *Stair's* Process is delayed till *April* next, and the Lords enter upon *Saltoun's* Process. The Advocate restricts his Libel, to his invading *England* with the late Duke of *Monmouth* and *Buccleugh*, and it is remitted to an Affize. Two Witnesses are adduced: The First depones, he knew the Laird of *Saltoun*, and saw him come to *England* and invade it; the other, that he saw and knew one so called, come to *England* in a Ship with the Duke of *Monmouth*, and saw him with Arms. Another Declaration is adduced, emitted in *Newgate*, which was offered to be attested upon Oath. The Affize bring him in guilty. The Lords sentence him to be executed to Death, and demeaned as a Traitor, and undergo the Pains of Treason, when apprehended.

Sir James Dalrymple of Stair.

Sir *James Dalrymple* of *Stair* is delayed from *April* to *July*, when, *July 12.* the Lords delay him till *November*, no further Probation being discovered against him. In *November*, he is continued till *January* next Year. In *February* his Son is made King's Advocate, and it had not been decent for the Son, to manage a criminal Process against so good a Man, and Father; and therefore, that Day when he is admitted, the Father's Process is delayed till *March 28.* When



When a Remission is produced, read and recorded, to Sir James Dalrymple of Stair, for his refecting, harbouring, and receiving Mail and Duty from Rebels and Traitors, upon his Ground, in the Years 1679, 80, 81, 82, 83. John Dick in Banban, Quintin Dick in Dalmeilington, and many others; and for refecting and harbouring Mr. Alexander Lennox, Mr. Alexander Rost, Mr. Alexander Pedin, and Mr. Alexander Hamilton, vagrant Preachers, and suffering them to preach, and baptize Children in his House, and for his drawing a Petition for, and advising some of the Rebels.

January 4. the Advocate produceth an Indictment, upon the score of Rebellion, against Campbels and others. There are a vast many Persons put together in this Indictment, upward, I think, of Fourscore; most Part are Gentlemen of the Name of Campbell. I name but some of them of most Note. Sir Duncan Campbell of Auchinbreck, Campbell of Barbreck, Mr. Archibald Campbell Son to Lord Neil Campbell, whom we had forfeited before, and how he comes in again here I know not; Campbell younger of Melfort, Campbell of Knap, Mr. Alexander Campbell Advocate, Campbell of Kilberry younger, Alexander Macmilan of Drummoir, David Macneil of Crier, Duncan Campbell of Carridel, Alexander Campbell of Otter, Major Henryson, Captain John Fullartoun, Mr. George Wishcart ( I fancy it ought to be Barclay ) Preacher, Mr. Alexander Hastie Preacher, Robert Elphinstoun of Lapness, Captain John Henry, Patrick Campbell, commonly called black Patrick, Patrick Mackater of Inchrennie, Archibald Maclevernock of Oab, Iver Maciver, alias Campbell, of Aishnish, Campbell of Eavnathan, Campbell of Kildalvan, Ker of Kerstrand younger, John Campbell of Dargachie, Robert Campbell his Brother, Dugal Macavish of Dunardrie, Alexander Mackarter Captain to the late Argyle.

There is nothing of Probation against those Persons in the Registers, but they are remitted to an Affize, who bring them in as guilty of being in the Rebellion, with the late Earl of Argyle; and the Lords sentence them to be executed and demeaned as Traitors, when apprehended, in common Form.

That same Day, the criminal Action against Mr. Thomas Forrester Minister, John Guthrie, Alexander Campbell of Sonnachan, John Nisbet, Dugal Maclevernock of Ardnasick, tor alledged Accession to the late Rebellion, is continued, and I meet with no more about them. And Hugh Campbell, Brother to John Campbell of Dargachie, deserted simpliciter, as being eminently serviceable to the King, being employed as a Spy by Montrose's Chamberlain.

January 18. Duncan Campbell of Allangreg younger, confesseth his Accession to the late Earl of Argyle's Rebellion, casts himself on the King's Mercy. He, with his Father Colin Campbell of Allangreg, are sentenced to be executed July 9. at the Crois of Edinburgh; but Remissions were got by that Time. And December 7. Campbell of Balnavie, Campbell of Dana, Campbell of Balgaltro, Maclachlan of Barnagad, Maclachan of Dunnad, and Colin Campbell of Blairn-tibbert, are sentenced to be executed and demeaned, &c. in common Form. This is all I meet with as to the Gentlemen concerned with Argyle this Year. We shall meet with some more next Year. It was their Estates now they were seeking more than their Blood.

I find this Year Two other Processes before the Justiciary, for alledged Accession to Bothwell, and other Heads. March 1. David Robertson Writer in Cowpar, is indicted for being in the Rebellion 1679. and his framing and affixing upon the Kirk-door of Darsie, a Paper disclaiming the King, and calling the late King Charles a Tyrant. Not compearing he is declared Fugitive, and put to the Horn.

And upon July 14. Gavin Weir in Waterside, in the Parish of Lesmahago, in Prison for the Rebellion 1679. and no Probation appearing, the Lords liberate him; and William Macmillan in Barbreck, upon Promise judicially never to rise in Arms against the King, upon the Pretext of the Covenant, or any other Pretext whatsoever, and that he should orderly keep his Parish-church, and upon his owning Bothwell-bridge to be Rebellion, is liberate.

Many were the Fines and exorbitant Exactions made this Year and the following, upon the poor Country, for not coming up the full Length the Episcopal Ministers would have them. I have not laid out my self so much to recover the Accounts might be had of those Fines, all the Particulars would be endless and wearisom.

There is before me a well vouched Account from the Parish of Calder, of Fines uplifted by William Stirling, Bailie-depute of the Regality of Glasgow, this Year, and some of them perhaps in the Two following Years.

James Donaldson Portioner of Ralbreston, for a Meeting for Prayer at his House upon a Sabbath, besides many other Abuses	L.	sh.	d.
Losses by the Soldiers, fined and paid	200	00	00
John Baxter Tenant there for the same	40	00	00
Walter Donaldson there for his Wife's being present	36	00	00
James Stevenson Tenant there	33	00	00
John Paterson Tenant there	23	04	00
What follows was exacted for mere Nonconformity.	29	00	00
John Barron Tenant in Ralbreston			George



1686.

	L.	sh.	d.
George Wardrop Smith there	23	04	00
George Leech Tenant there	35	00	00
John Horn Weaver there	23	04	00
James Atkin Miller there	29	00	00
John Walker Weaver there	23	04	00
Robert Brash Cottar there	12	00	00
James Hodge Taylor there	18	00	00
George Wardrop Tenant there	31	00	00
Margaret Walker Widow there	12	00	00
James Craig Tenant there	31	00	00
John Leech Tenant in Carderoch	31	00	00
James Henry Tenant there	12	00	00
William Henry Weaver there	31	00	00
Walter Reid Weaver there	23	00	00
Alexander Barron Tenant	15	00	00
Thomas Paterson Tenant in Lumnoch	60	00	00
James Boyd Tenant there	18	00	00
Robert Steven Tenant there	15	00	00
James Hunter	23	04	00

Those, and many other Sums were uplifted by the said Bailie-depute of the Regality, who obtained the Gift of the Fines for Church-irregularities in that Parish, from all who were not Heritors, and exacted upwards of a Thousand Pounds *Scots* from the poorer Sort of People, without any legal Citation, Trial or Sentence, only sending for whom he pleased by his Officer, and when they came, threatned them with present Imprisonment, to ly there till they rotted, unless they promised, and of many he took a Note, to bring him in such a Sum of Money against such a Day; and they behoved to come home, glad to escape present Imprisonment, and sell their Cow or Horse, or Produce of their Acre of Land, to get Money to pay him. The most Part of those Persons had lived regularly for some Years; and it was for alledged Irregularities, a good many Years ago, for which those Fines were imposed; and it was only the poorer Part of the Parish he attacked; the Tenants of the Laird of Keir, and other Gentlemen who could protect their Tenants, he did not meddle with, though many of them were equally involved with the former, in what was now termed Guilt.

These Sums indeed are but comparatively small; but when we consider that they were imposed upon poor Country Tradesmen, Cottars, &c. and that but in a few Country Towns in that Parish, the Reader may easily reckon what prodigious Sums were lifted generally through the Country, where such Fines were exacted with the same Rigour.

Plundrings and Oppressions of that kind were very common this Year; I shall scarce enter upon them. In the Parish of *Dalry* in *Galloway*, Three good Men had gone into a retired Place of a Wood, to spend some Time in Prayer together. One of them under remarkable Enlargement, had extended his Voice so that at some Distance he was heard; and a Party of Soldiers coming by, noticed the Voice, and came to it as softly as they could. When they drew near, they observed Three Men upon their Knees, and straightway, without giving them any Warning, or endeavouring to seize them, they discharged their Pieces upon them. It pleased the Lord none of the Three were touched, but got off, and the Soldiers soon lost them in the Wood. However, such was the Soldiers Activity in Persecution, that they went to the next House, and enquired to whom the Wood belonged, and the Grounds about, and plundred the Houses as resetting those Men, and brought the Heritors to much Trouble.

January this Year, a Party of the Soldiers searching the Country, for which they never wanted Pretexes, came to the Parish of *Stonehouse* in *Lanerk* Shire, and carried away Eight Men and Two Women Prisoners, for alledged hearing an outed Minister. The Two Women had each of them sucking Infants on their Breast, and so savage were these People, that when the Mothers were carried away, by no Means would they suffer them to take with them their Infants, but behoved to leave them to the Care of Providence, and charitable Neighbours.

About the same Time *Halyards* fearfully oppressed the neighbouring Parish of *Glasford*, particularly *Janet Scot* a Widow Woman, Mother, as I am told, to *John Semple* formerly mentioned: Her House was plundred, and Plenishing spoiled, merely because it was alledged her Son had been at *Bothwell*.

Towards the Beginning of this Year, great Numbers of worthy Gentlemen, who had ventured over with *Argyle*, or favoured his Design, were forced to hide or wander up and down under great Hardships, and some of them to live in Caves and Dens of the Earth, and retired Places; others were put to vast Charges, to get Access to any small Part of their own Estates in the Hands of the Managers.

And

Three Men  
attacked when  
at Prayer, in  
the Parish of  
*Dalry*.

Mothers made  
Prisoners, and  
parted from  
their sucking  
Infants.



And the rest of the Presbyterian Gentlemen, who had no Access to favour the Earl when he made his Attempt, whom we left in Prison at *Edinburgh*, and others paid this Year prodigious Sums, as Compositions of their Fines, really Forfeitures and Impositions equal to them. However, there was some preaching of the Gospel here and there, by Presbyterian Ministers, but very privately, which was a sweet Balance to the sore Distresses now so common. I find it observed, that last Year and this, Mr. *George Barclay*, Mr. *Robert Langlands*, Mr. *George Guthrie*, Mr. *John Black*, and Mr. *Duncan Campbell*, preached sometimes in retired Places in *Galloway*. 1686.

This Summer the Soldiers were sent to several Places through the West Country, to quarter, upon no pretended Fears or Faults, but merely to oppress and bear down such Places of the Country, as hitherto had not been brought up to a full Conformity. Great Losses by quartering of Soldiers this Summer.

Major *Douglas* came and formed a Camp in the Parish of *Dalmeintoun*, where a far greater was last Year. Some Soldiers were sent some time before the rest, to guard the Meadow Grounds, that the Possessors might not cut or eat them. The Major had with him Six Troops of Horse, and Four of them for Three Weeks were upon free Quarter, without any Reason for it; one of them in *Monnivey*, another in *Overlaight*, another in *Netherlaight* and *Dunaskies*, and the Fourth in *Laffin-hill*. I need not enter upon the Damages done to the Inhabitants, several of whom were sorely spoiled the very last Year, as we heard.

A Bond of Regularity was violently urged by many Noblemen and Gentlemen this Year, much in the Terms of the Act already noticed in *Queensberry's* Parliament; and a good many fell about renewing their Tacks, as ordered by that Parliament. By this Bond insert in their Tacks, the Country People were obliged to subject to Ordinances dispensed in their own Parish-church, pay Cess, and subject to every Imposition that came about. This was a new Occasion of Sufferings to great Numbers in the West and South, and very many refused such Tacks. Bond of Regularity pressed.

In December this Year, *David Steil* in the Parish of *Lismahago*, was surpris'd in the Fields by Lieutenant *Creighton*, and after his Surrender of himself on Quarters, he was in a very little Time most barbarously shot, and lies buried in the Church-yard there. This is all I shall notice upon the Persecution this Year. I come now to the Procedure of the Parliament. *David Steil in Lismahago, shot in the Fields, December this Year.*

## S E C T. II.

*Of the Proceedings of the Parliament, which met April 29. this Year, with the Disappointment of the Project for rescinding the penal Statutes.*

MY Accounts of the Parliaments since the Restoration, have, no doubt, been melancholy and unpleasant to the Readers. In all their Acts relative to Church-affairs, they were Tools to the Prelates; and after the Council had assumed a parliamentary Power, and made Experiments how the rigid and extraordinary Methods would do, the Parliament, as we have seen, then used to meet and turn the Actings of the Prelates and Council into standing Laws, and continual Burdens upon the Lieges. Remark on the Procedure of our Parliaments since the Restoration.

This Course of Things had given Ground to expect, that this Session of Parliament would pay the same Deference to the King's declared Will, which the preceeding Parliament had shewn to that of the Council and Prelates; but they have the Honour to make the first gallant Stand to the Court Measures, at least in Point of our holy Religion, and Reformation that hath been made since the Return of King *Charles II.* therefore I shall give as full a Deduction of their Procedure, especially as to the penal Statutes, as my Materials offer me, earnestly wishing to see a larger and better Account of this, by some better Hand.

In *March* it came to be known, that the Parliament was to meet next Month, and the Design of it, to repeal the penal Statutes, was made no Secret of. No Stone was left unturned, to prevail with the Members to fall in with the King's Design. I cannot give so distinct Accounts of the Carriage of the Episcopal Clergy at this Time, as I could wish: But this I am well informed of, that several of the inferior Clergy in a good many Places of the Country, some time after this, when the King, by his Letter, ordered an Indulgence to Presbyterian Ministers, did begin to preach upon the Popish Controversies, and warn their People of the Hazard the Protestant Religion was in. But too many of them took this Occasion to vent their groundless Spleen against the Presbyterian Ministers, who, with the greatest Freedom, did guard their Hearers against Popery; and some of them we shall hear were criminally pro- The Design of this Parliament. The Carriage of the Episcopal Clergy at this Juncture.



1686. proceſſed for ſo doing. But what they did before, and during the ſitting of the Parliament, I have little Information. However, I ſhall carefully inſert what I have.

Many of the moſt noted of the eſtabliſhed Clergy in the moſt eminent Charges, were brought over to the Court Meaſures, or at leaſt to be ſilent at this Juncture. Too many of them had gone intirely off the Doctrine formerly taught in Scotland, not only in Times of Preſbytery, but even by themſelves, and in former Times of Epiſcopacy, and were deeply tinctured with *Arminianism*, and other Errors; and ſeverals, either through Ignorance or ſomewhat worſe, were running headlong into a great many Popiſh Tenets; and the Bulk of the inferior Clergy through the Country, were groſſly ignorant, ſupinely negligent, and too many of them ſcandalous and profane, as appeared undeniably at and after the Revolution. From thoſe, no Stand could be expected againſt Popery in its blackeſt Shapes.

Address of the  
Synod of Aber-  
deen to their  
Bishop, April  
this Year.

The Lords of the Clergy were a mixed Company, and ſome few of them made a Stand in Parliament, as we ſhall ſee; but, excepting that Branch of Appearance of ſome of the Biſhops, the only Teſtimony given from the Clergy I have met with, againſt this opening the Door to Popery, was from the Synod of *Aberdeen*. They met in *April*, and after ſome Struggle, with a Party who were for boating with every Wind and Tide, they agreed on the following Addreſs, which I inſert here, as their commendable Teſtimony againſt the Attempt to be made in Parliament.

*To the right Reverend Father in God, George Lord Biſhop of Aberdeen,*

*The humble Addreſs of the Dioceſe of Aberdeen.*

*May it pleaſe your Lordſhip,*

WE look upon it as a favourable Providence, that we have this Opportunity of meeting with your Lordſhip, before your going to Parliament. The Conſtancy of our Loyalty, both as to our Principles and Practices, is known to all, and, God willing, we ſhall continue in it. We need not tell your Lordſhip, what Apprehenſions there are of the Hazard of the true Proteſtant Religion in this Church, ſeeing there is ſo great Fear of loſing the legal Securities of it, by taking off or weakening the Force of the penal Statutes againſt the Papiſts, which we look upon as one of the Hedges thereof.

We cannot perſwade our ſelves, that your Lordſhip, or any other of the Governors of the Church, will conſent thereunto, were it no more, but when we conſider the great Obligations that ly upon all Perſons in publick Capacity, by the late ſolemn Oath and Teſt, wherein they and we have liſted up our Hands to the eternal God, and ſworn not only to adhere to the Proteſtant Religion all the Days of our Life, but never to conſent to the Alteration thereof, or any Thing contrary thereunto; as alſo to the utmoſt of our Power, to maintain the Privileges of his Majeſty, and his lawful Succeſſors, which cannot but be highly prejudged, if the Nation ſhould be leavened with Popiſh Principles.

But whatever any may do, we judge our ſelves humbly obliged in Conſcience, to intreat and obteſt your Lordſhip, that as you tender the Honour of *Jeſus Chriſt*, the Interests of our holy Religion, your Duty to the King and his lawful Succeſſors, the Obligation of your Office and Truſt, and the Reputation of your Order, not to give Conſent to any ſuch Alteration.

The Eye of God is upon you, and the Eyes of the World alſo, at this Juncture of Time, and we have juſt Ground to preſume, that your ſtanding vigorously for the Preſervation of the eſtabliſhed Laws, may be of great Conſequence for the End foreſaid; but whatever may be the Iſſue, we ſhall have Peace in this, we have diſcharged our own Conſciences, leaving this humbly to your Lordſhip's Conſideration; and it is and ſhall be our earneſt Prayer to almighty God, to direct your Lordſhip, and all concerned in this weighty Affair.

I am much a Stranger to the Biſhop's Character, but there is no Hazard in putting the beſt of Men in mind of their Duty, and having it preſſed upon them; but one would think ſome Terms in this Addreſs import, that their Dioceſan needed this honeſt and free Advice given him.

Parliament  
meet April 29.

Upon the 29 of *April*, the Parliament convened at *Edinburgh*, and there was a numerous Meeting of all the Three Eſtates. I have already noticed, that the King's Deſign, and conſequently the Commiſſioner and Courtiers Work was to reſcind the penal Statutes and Laws made againſt Papiſts ſince the Reformation, and ſo often ratified, even laſt Seſſion of Parliament, if I may call ſuch an Act a Ratification, that ſo the Popiſh King might be the more at Liberty, to fill all the civil Poſts and Places of Truſt with Papiſts.

Obſerves  
on the Laws  
againſt Papiſts,  
as they ſtood  
at this Time.

Thoſe Laws indeed had been very little executed for 26 Years. The Zeal of the Prelate and Government had ſpent it ſelf againſt Preſbyterians, yet ſtill they were Laws, and is ſtanding



standing Force, and a considerable Bar in the Way of a Popish Prince, and such who were willing to serve him in all his Designs. 1686.

The most vigorous and cutting Laws against Papists and Popery, ever made in Scotland, those, 'twixt the 1639 and 1650. were long since rescinded; and our National Covenant, as well as the Solemn League, our great Bulwarks against Popery, had been treated with all the Spite and Ignominy Men could contrive.

Our fundamental Constitution was broke in upon, and our Laws already invaded by a Papist's mounting the Throne, and the Tide of the Times had been running most impetuously against Presbytery, and Presbyterians the most hearty Opposers of Popery; so that on the whole it might have been naturally enough expected, especially from such a Parliament, that some further Acts of Favour would have been shewn to the King's Friends, and Fellow-idolaters. But the Lord would have it otherwise.

To facilitate the King's Project, his Letter to the Parliament was read. I have annexed, App. No. 115. a Copy of his Majesty's Letter, with the Earl of Murray's Speech as Commissioner, and the Parliament's Answer to the King's Letter. How it comes that the Earl of Perth, now Chancellor, had not a Speech, or if he had, that it is not printed, I cannot say. Now, I suppose, he had declared himself Papist, and it was not altogether decent, that a profest Papist should have a Speech in behalf of his own Party. The Letter is printed by the King's express Command, which is not so very ordinary; but it might be now necessary that all should know what his Majesty expected for his beloved Roman Catholics.

King's Letter  
and Commission-  
er's Speech,  
App. No. 115.

I shall make some Remarks upon it. The King compliments them upon last Year's Supply, sets them up as Patterns of Loyalty to England and Ireland, both now, and in his former Difficulties; when indeed, Scotland screened him from the Defenders of Liberty and Religion, in England. As a Return to their Services, the King tells them, he was, with all imaginable Application, essaying to open a free Trade with England. It would seem now projected upon some other Foot, than an Union, so often projected in vain.

Remarks upon  
the King's  
Letter.

He adds, that he had sent down to be passed in their Presence, *A full and ample Indemnity, for all Crimes committed against his Royal Person and Authority.* No such Indemnity is to be found in the printed Acts of this Session. A Pardon for the Commons in the Shire of Argyle, we shall meet with in September; but the Parliament are either to be blamed for marring this *Act of Grace*, or, which I rather believe, found it really suspended on such Conditions, and clogged with such Weights, that the Subjects were as well without it. Thus, for any Thing I can learn, it dwindled away into the Pardon to the common Highlanders, from whom they had taken all they had to lose. I imagine this Indemnity was like the Pope's Indulgences, which take no Effect, unless People come up to their Price, as appears from what follows in the Letter.

His Majesty's Inclinations to Mercy seem to have been suspended upon the Favours to be shewn to the Papists: Thus he adds, *And while we shew those Acts of Mercy to the Enemies of our Person, Crown, and Dignity, we cannot be unmindful of others our innocent Subjects of the Roman Catholick Religion.* This was what might be expected, and one good Reason why all good Protestants could not but be against his Accession to the Crown and Dignity; but how far he had reason to term them *his innocent Subjects*, ought to be considered. Innocent they were, no doubt, as to any Opposition to his Accession, or Practices against what they reckoned, and really was their greatest Interests as Papists; but sure they were not innocent in other Respects. Their avowed Principles lead them to the greatest Villanies and Wickedness Men can perpetrate, and their Practices never disagreed when they had Opportunity. Since the Reformation they had been in a continued Plot for overturning our Religion and Liberty, and bringing Scotland under a foreign Yoke. They had been the Springs and Authors of many Evils, for many Years, and most bitter Instruments in all the Massacres, Blood, and Persecution of those Times, as they had Access; and it was their constant Practice to divide and disjoyn Families and Societies, and to sheath every Man his Sword in his Brother's Breast; to say nothing of the personal Vices and Profanities, which, alas! were equalled by too many who called themselves Protestants.

The King, or some pretended Protestant, who for him penned the Letter, adds, *The Roman Catholics had, with the Hazard of their Lives and Fortunes, been always assistant to the Crown, in the worst of Rebellions and Usurpations, tho' they lay under Discouragements hardly to be named.* I could name very good Catholics, who joyned with the Country against the Crown, when encroaching upon the Laws of the Kingdom, and Liberty of the Subject. We had a good Number of Papists joyning against Queen Mary, the Mother and the Daughter, and some few since that Time, who have preferred the Interest of the Country to the Designs of a Court; though, I must own, their Religion, which leads to downright Slavery, was not the Reason of it. Upon the other Hand, we find them so far from assisting the Crown, that they have been in a continual Plot against it, generally speaking. Every Body knows what Plots they were engaged in while King James VI. was in Scotland; and that the monstrous Gun-powder Plot was projected, and very near executed by them. And whether the present King knew of their blowing the Coal of the civil War, and their Share even in his

Father's



1686.

Father's Death, I shall not say; but sure he was not ignorant of their Designs once and again against his Brother's Life, and he himself best knew how far they helped him to his Grave. But this being for holy Mother Church, and in order to his own Accession to the Crown, it may be, some reckoned it an assisting him, as indeed it was in the worst of Rebel-lions and Usurpations. It is certainly Matter of Fact, that in some Sense, during his Father and Brother's Reigns, a good many Roman Catholicks were very assitant to the Crown, and stuck by them in levying War against some of the best of their Subjects; but then it was their unhappy falling in with Popish Measures, which broke them and their good Subjects, and it could not but be expected, the Papiits would assist in their own Quarrel. This much I'll venture to say, that when King and Court were heartily against Popery and Papiits, they never had any Disturbance but what came from the Roman Catholicks. As to what is added, *Although they ly under Discouragements can hardly be named*, it is undoubtedly true, if it be understood of the Smalness of them. Their Discouragements since the Restoration, especially since this Popish King's Accession, were indeed inconsiderable; they had some Laws against them unrepealed, but these were far from being executed, and many Papiits were in the highest Places of Trust and Power.

Those the King heartily recommends to the Parliament's Care, *to the end, that as they have given Experience of their true Loyalty, so by the Parliament's Assistance, they may have the Protection of the Laws, and Security under the Government, which other Subjects have, and not be suffered to ly under Obligations which their Religion cannot admit of.* It is but reasonable to expect such a Request from a Popish Prince; but methinks, it runs pretty high, that they should not only have the Protection of the Law, which they already had in civil Things and Rights, 'twixt Man and Man, but the same Security, and to be put on the same Foot with other Subjects, tho' they be of the King's Religion, when by their Religion and Principles they were obliged to destroy, and keep no Faith with them. I do not know what Obligations they were under, which their Religion could not admit of; for if they lived peaceably and blamelessly, there were no Obligations required of them. But, *aut Cesar aut nihil*, there was a Test in the way of their possessing all the profitable Offices and Trusts, and this Bar they would have out of their Way.

All this is expected as a Demonstration of the Parliament's Duty to the King, where that lies is hard to perceive; but I cannot doubt of what follows, *and their Affection for him, and acceptable Service to him.* This Love the King expects they will shew unto their Brethren, as they see he is an indulgent Father to them all. They are mightily obliged to their Father's Indulgence, for bringing in his butchering Children their bastard Brethren, and making them Heirs and Portioners with the Bairns of the House.

The Letter ends with Commendations of the Earl of Murray, present Secretary and Commissioner to this Parliament, and a Promise, *That the particular Concerns of every Member of Parliament, should be especially regarded, and Expressions of Royal Favour bestowed upon them,* only, it seems, upon their falling in with the King's Inclinations; for he thus concludes, *So not only expecting your Compliance with us, no doubt in repealing the penal Statutes, but that by the Manner of it, you will shew the World your Readiness to meet our Inclinations; we bid you most heartily Farewel.* That is to say, he expects implicate Obedience, and that they will make no Difficulties, nor presume to trouble him and his Commissioner with Reasonings upon this Head, so much at his Heart.

Upon the Com-  
missioner's  
Speech.

This peremptory Letter from the King, was followed with a very smooth Speech from the Earl of Murray, which is added in the last named Number of the Appendix. It consists mostly in a Resumption of the Heads of the King's Letter. To curry Favour with them, he signifies, that the King's Envoy in France, was instructed to have the Fifty Souz per Tun, upon Scots Goods there, discharged, and the Privileges of Scots Merchants there, restored. And had the French King been ever guilty of Gratitude, it might have been expected, somewhat might have been done this way, to gratify the Subjects of a King who was his obedient Servant, and closely pursuing his Design of rooting out the Northern Heresy. He adds, that his Instructions bear him to consent unto the Redress of the Merchants Grievances, as to their Staple-trade with the Netherlands, the Abuses in importing Irish Cattle and Victual, the Want of an open Mint, and all the Oppressions of Com-military Courts. He acquaints them, his Master is to demand no more Supplies at this Time, and no wonder, since last Year they had prevented him this Trouble; and that he is willing to regulate the Soldiers, in their local and transient Quarterings upon the Country; where a certain Truth is owned from the Throne, that there had been great Irregularities and Oppressions committed this way. What he adds seems no great Compliment to his Master, *That which will surprize you, is, That the King is willing to pardon and forgive the Crimes of such as have behaved undutifully;* and then harangues upon the Indemnity he was instructed to pass, and comes to the great Thing in View, the Ease and Security the King designs for Papiits, by their Advice, of which enough hath been said.

And the Par-  
liament's An-  
swer to the  
King's Letter.

This Session of Parliament was not so forward and quick in answering his Majesty's Letter, as last Year. The Inclinations of a great many in the House, as to the grand Point,



Point, were not altogether so passive and submissive as was expected; and the Reader will remark in their Return to the King's Letter, added likewise in the last Number of the *Appendix*, that they were not willing to prelimit themselves by any Compliment in their Return to his Majesty. So after some Struggle with the Courtiers, upon the 6 of *May*, they came in to this safe Clause. 'As to that Part of your Majesty's Letter, relating to your Subjects of the *Roman* Catholick Religion, we shall, in obedience to your Majesty's Commands, and with Tenderness to their Persons, take the same into our serious and most dutiful Consideration, and go as great lengths therein as our Consciences will allow, not doubting that your Majesty will be careful to secure the Protestant Religion.' This is the first Time since the Restoration, I remember, that the Parliament speak of their Conscience; and instead of passing an Act in favour of Religion, as was ordinary in every Parliament, they become humble Suiters, that a Popish King may preserve it, and carefully secure it.

1686.

Such Beginnings were no good *Omen* to the Commissioner, who met with considerable Rubs in the Way of his main Errand. Indeed he was not idle during the first Month, in closetting Members, and using both Threats and Promises to bring them in to his Master's Measures; and yet could not prevail with the most part of the Nobility and Gentry, to suffer the Hedge about the Reformation to be taken down. I have Accounts from a worthy Nobleman yet alive, of the daily Messages sent to him, and various Offers, and most advantageous Proposals made, as well as severe Threatnings used, if he did not come up to what the King had so much at Heart, and had interested himself so openly in. But his Lordship, with many worthy Patriots, made a gallant Stand, and lost several considerable Posts in the State and Army, for their stedfast Adherence to our legal Securities against Popery.

The repealing the penal Statutes proposed by many of the Nobility and Gentry.

It was but Two or Three at most of the Bishops, who had the Courage to oppose the Court in this important Affair. Some of them ashamed to appear in so black a Cause, chose to be silent, or withdraw. The rest, contrary to their Oath, Office, and plain Interest, fell in with the King's darling Design, and my Informations bear, the chief of them were active for the Removal of the penal Statutes, which heightened the Aversion the Nation had for them. I hear Bishop *Atkin* of *Galloway*, an old Man, made a noble Stand, and died shortly after; otherwise probably he had been turned out. And Bishop *Bruce* of *Dunkeld*, had a remarkable Sermon at this Time, much commended, opposed the penal Statutes, and was put from his Office.

Carriage of the Bishops.

How the Bishop of *Aberdeen* carried after he had been so honestly dealt with by his Clergy, I know not; but I find Bishop *Ramsay* of *Ross*, used great Freedom with the Commissioner, and came to no small Trouble therefore. That Prelate who was heartily against Papists, being admitted to Places of Trust, happened to be with the Earl of *Murray* in his Closet, and after much home Reasoning against taking off of the penal Statutes, came at length to use an Argument *ad hominem*, and took the Liberty to tell his Grace, that he was surprized to find him so keen in pushing that Affair; and with some Peremptoriness assured him, a Project was already laid to turn his Lordship out of his Post as Secretary, as soon as the Parliament was up, and to bring in a Papist to it. The Earl essayed to pump him upon that Subject, and the Bishop opened himself, and let him know all he had heard upon that Head, scarce expecting his Grace would have propaled what he had said to him alone, and as a Friend.

The Bishop of *Ross* uses Freedom with the Commissioner.

Upon what Reasons the Earl best knew, he was pleased very soon to give a full Account of the Bishop's Conversation with him, to Chancellor *Perth*, who meditated Revenge, and would not be satisfied till the Bishop was brought under a Censure for what passed in private and friendly Conversation; and so far did the Chancellor push the Matter, that he gave in a Representation to the Primate, which the Reader will be pleased to have here.

Whereupon the Chancellor gives in a representation against him to the Primate.

*Representation from the Lord High Chancellor of Scotland, to his Grace the Archbishop of St. Andrews Lord-Primate.*

THE Bishop of *Ross*, having upon the Day of *May* 1686. attended upon his Grace the Earl of *Murray* his Majesty's high Commissioner, and (after some Discourse betwixt them) asked his Grace, why he was so earnest in Matters proposed by the King to the Parliament, seeing that the Lord Chancellor, and Lord *Melford* designed to have his Grace turned out of his Office of Secretary, when the Parliament was over; and his Majesty's high Commissioner having desired to know what Ground he had for such an Information, the Bishop said, it was a Thing he was assured of, and his Assurance was founded upon his Knowledge of the Lord Chancellor and *Melford*'s Tempers and Humours, or Words to this or the like Purpose.

L111111

And



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‘ And this being prejudicial to his Majesty’s Service, and the Honour and Interest of the Persons concerned, it is therefore desired that his Grace, with Advice of such of the Clergy as he thinks fit, may take notice of it, and do therein as by the Rules and Customs of the Church is usual in such Cases, or such a Crime deserves.’

PERTH

What was done by the Primate, and the Lords of the Clergy upon this extraordinary Step, I have not learned. It may be well supposed this Course was fallen into mostly *ad terrorem*, and for any Thing I can hear, this Prelate continued firm in his Opposition to the Project now on foot.

The Parliament do nothing as to the penal Statutes for some Time.

During the Month of May, I find very little publick Business gone through by the printed Acts; and suppose most of the Time was spent in forming a Party for the Liberty designed to be given to Papists, and Essays among the Members to bring them up to the King’s Lure.

That Matter was now the Subject of every Body’s Conversation; and great Care was taken of the printing Presses, that nothing might be published against the King’s favourite Design, or in Defence of the present standing Laws: And on the other Hand, Papers, and Pamphlets, making a Nose of Wax of the established Laws, were printed, carefully spread and handed about; while severals were brought to Trouble for handing about privately, Papers in Defence of the Laws and Religion of the Land. And the Lampoons upon the penal Statutes were encouraged, and Smoothings of the grossest Popish Tenets greedily received, and many Popish Books and Papers carefully spread for corrupting the Nation.

Great Efforts were made to chuse the *Lords of Articles*, so as the King’s Inclinations might meet with no Opposition there: Yet some Struggle and Opposition was made. I cannot pretend to give so distinct Accounts how this Act for repealing the penal Laws was treated there, and in the House, as I would; and I may be under some Mistakes, as to the Circumstances of Time, in my Conjectures from the Papers come to my Hand; but, in as far as I can guess at this Distance, the Matter stood thus.

Draught of an Act as to the Penal Statutes transmitted from the Lords of the Articles May 27.

Upon the 27 of May, the following Draught of an Act in favours of Papists, with some Difficulty was transmitted from the *Lords of Articles*, which, as being the utmost Length our Managers for Popery and a Popish King could be brought unto, I shall insert here.

(A.)

‘ The Estates of Parliament, taking into their serious Consideration his Majesty’s Desire exprest in his gracious Letter directed to them, for some Ease to his Subjects of the Popish Pen-  
sion; and that although there are several Laws and Acts of Parliament containing sanguinary and other Punishments against Papists, yet such hath been the Force of Christian Charity, and the Meekness and Gentleness of the Protestant Religion, that those Laws have seldom or never been put in Execution, since the Reformation, by their religious Predecessors, and (A.) now being firmly resolved to adhere to the established Protestant Religion, and, so far as their Religion and Conscience will allow, to yield an humble and dutiful Compliance with his Majesty’s Desires; therefore his Majesty, with Advice and Consent of his Estates of Parliament, statutes and ordains, that those of his Majesty’s Subjects, who are of the *Romish* Communion, shall be under the Protection of his Majesty’s Government and Laws, and shall not for the Exercise of their Religion in private (all publick Worship being hereby expressly excluded) be under the Danger of sanguinary, and other Punishments contained in any Laws or Acts of Parliament made against the same. It is always hereby declared, that this Immunity or Forbearance granted to the Papists for the Exercise of their Religion, in private Houses allenarly, shall no ways import Allowance or Approbation of that Religion, or any ways evacuate or prejudice the Laws or Acts of Parliament made against Popery, or in favours of the Protestant Religion, (B.) which are hereby declared to abide in their full Force and Effect as to all Ends and Intents for which they were made; except as to the Forbearance and Immunity hereby granted in the Terms, and to the Effect above mentioned, and no otherwise.

(B.)

Presented to the Parliament.

When this Draught was proposed to the Parliament, I cannot say; but I have Ground to think it was not read for some Days, till the Pulse of the Members was tried upon this Draught, which hath abundance of Cunning in it. At length it came to be tabled in the House, where the Reasonings were bold and warm against it; and I shall enter no further upon them, but to acquaint the Reader that he will find the Substance of the Reasonings against this Draught, in the Papers I am just now to place in the *Appendix*.

Another Form of this Act after it was re-committed.

App. No. 116.

Changes in this Draught.

A.

The Courtiers were glad to get off this Field, and to have the Draught remitted again to the Lords of the Articles to ripen it. There, instead of bettering it in the Eyes of the Courtiers, some new Clauses were added to it, yet more shocking to them. After all their Debates and Reasonings, this Act fell into the Shape which the Reader hath *App. No. 116*. In it the Reader will observe, among other Changes, Two very considerable Alterations. The first is at the Letter (A.) in the first Draught, and the Paragraph runs. ‘ And as the Estates of Parliament are firmly resolved to adhere to the true Protestant Religion, as by Law



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It is dropt.

Papers relative  
to the penal  
Statutes.

Reasons why  
a Consent to  
abolish the  
penal Statutes,  
ought not to be  
given.

7. App. No. 117.

Mr. Hamilton's  
Sufferings on  
the floor of  
this Paper.

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to

the Reasons for  
abolishing the  
penal Statutes.

App. App. No. 118

utes, Answer to the  
former.  
App. No. 119.

Rea- Letter from the  
erian Heritors of the  
their Share of  
Ab- to their  
Member of  
Parliament.

Thus



1686.

Mr. Archdeacon Eachard's Account of the Procedure of this Parliament on the penal Statutes.

Thus the Reader hath some View of the Procedure of Parliament, about this important Affair. Tho' this Protestant Parliament thus stuck at the Repeal of the Statutes against Popery, yet the King did not stop his Design for overturning our Religion, but pushed it boldly by his own dispensing Power, as we shall hear upon the next Section.

Mr. Archdeacon *Eachard* gives a very just Account of the King's Designs, in pushing the Repeal of the penal Statutes, in this Parliament. He observes, ' That the King, to feel the Pulse of his Subjects in *England*, resolved to raise a Superstructure of arbitrary Power in *Scotland*, in which he had laid the Foundation by his Popularity, and publick Dissembling his religious Designs when he was Lord Commissioner for his Brother. Before that Parliament broke up last Summer, besides other Acts formerly mentioned, one passed containing a Tender of Duty, and Offer of the Excise to his Majesty; in the Preamble of which they declare, " That they ow all their Blessings to the sacred Race of their glorious Kings, and to the solid absolute Authority, wherewith they were invested by the first and fundamental Laws of their Monarchy." And therefore they again declare to the World, " That they abhor and detest, not only the Authors and Actors of all preceeding Rebellions against their Sovereign, but also all Principles and Positions which are contrary or derogatory to the King's sacred, supreme, sovereign, absolute Power and Authority, which none, whether particular Persons, or collective Bodies, can participate of any manner of way, or upon any Pretext, but in Dependence on him, and by Commission from him, &c." And, as it were intentionally to introduce a despotick Power, they passed another Act, " To confirm and approve whatever had been done by his Majesty's Privy Council, Justice-court, and those commissioned by them, in banishing, imprisoning, and fining such as refused to take and swear the Oath of Allegiance, and to assert the Royal Prerogative in the utmost Extent of them."

And after giving Account of the King's Letter, and Commissioner's Speech, which the Reader hath already in the *Appendix*, he adds, ' When this Speech came to be considered, the Creatures of the Court shewed a present Inclination for passing an Act in favour of the Papists, without looking further than his Majesty's Desire; but the more considerate Party moved and prevailed to have a Committee appointed, to inspect the Statutes provided against the *Roman* Catholics. After a full Examination of those Laws, the Committee drew up a Bill, whereby " Papists were to be allowed the Exercise of their Religion in private, without repealing those former Acts, which made them liable to Penalties for publicly assembling together." The King seemed to be contented with this Step at present, hoping to have gained more in a proper Season: But however, this Bill being presented to the Parliament for their Approbation, they divided upon it, and many warm Speeches were made against it. The King being informed of their Debates, and apprehending the Miscarriage of his Designs, he dispatched an Express to the Earl of *Murray* his Commissioner, with Orders to dissolve, or at least prorogue that Parliament, that had done so much in favour of his Prerogative. And about Ten Months after, he did that by his sole Power and Authority, which he could not effect with the Consent of the Nation, as will be remembered in its proper Place.

I should now come to take some View of the other Acts of this Parliament, in as far as they concern the Subject of this History. The Court's main Design in their Meeting being broken, there is not much more remarkable in the printed Acts.

Notwithstanding of the mighty Solemnity used in the last Session of Parliament, when they annexed the Lands of the Noblemen and Gentlemen, forfeited for their conscientious Endeavours in behalf of the Protestant Interest, to the Crown, they are now parcelled out among Papists and Favourites.

Lands belonging to *Cesnock* and *Douchal*, disjoyned from the Crown, in favour of the Viscount of *Melford*. *Torwoodlee's* Lands to the Vount of Lieutenant general *Drummond*.

By the first Act an Excambion is made between some Lands belonging to the Viscount of *Melford*, and the Lands of *Cesnock* and *Douchal*, now annexed to the Crown; and we may easily suppose who had the better in this Excambion. The Viscount's Activity in the Persecution at the Circuit Courts, and otherwise, is given as the Reason, without any Ceremony, or disjoyning these Gentlemens Estates from the Crown, for the Viscount's Use. By their 7 Act, the Lands of that worthy Gentleman Mr. *Pringle* of *Torwoodlee*, are dissolved from the Crown, and given to the forementioned Lieutenant-general *Drummond*; and to find Reasons for this, the Parliament go as far back as the Year 1648. when that Gentleman joyned in the Duke's Engagement, and the 1649. when he joyned the Duke of *Ormond* against the Protestants in *Ireland*. To be sure, his Services at *Pentland*, and against the Earl of *Argyle*, were not forgotten. It seems his Service at *Bothwell* did not deserve so much Notice, tho' *Melford* hath his there noticed.

*Ferviswood's* to the Duke of *Gordon*. Disjunction of the Lands of *Earlston*, *Craichlaw*, *Kaitloch*, *Kennedy* of *Grange*.

Their 13 Act makes over the Lands and Estate of Mr. *Baily* of *Ferviswood*, to the Duke of *Gordon*, as a Token, no doubt, of Royal Favour to that Popish Family, for their Services and Sufferings for the Crown and Royal Family. By the 26 Act, the Lands of *Earlston*, *James Gordon* of *Craichlaw*, and Mr. *William Fergusson* of *Kaitloch*, are given to Sir *Theophilus Oglethorpe*, Lieutenant-colonel *Main*, and Captain *Henry Cornwall*, and dissolved from the Crown. By the 27 Act, the Lands of *Thomas Kennedy* of *Grange*, are dissolved from the Crown.



Crown, and given to Sir Thomas Kennedy Provost of Edinburgh, for his Services at Bothwell, and his Father's at Worcester Engagement. 1686.

And by the 28 Act, James Earl of Arran hath the Lands of Sir Thomas Stuart of Cultnesh, and his Son, the Baronies of Cultnesh, North-berwick, and Good-trees, granted him for his good Services against the Earl of Argyle. And by the 29 Act of the same Session, the Lands of Walter Earl of Tarras, are again given back to him, and dissolved from the Crown, as the Narrative bears, for his free Confession of the Conspiracy he was engaged in. And this Confession is declared by the Parliament, to be the great Mean of preventing its fatal Effects.

Thus Part of the forfeited Estates was dissolved, and given off by the Parliament, and others of them were disposed with, without any parliamentary Solemnity, to such as had best served a Popish Prince in the State and the Army, as a Reward for their Share in the Persecution, during the former Years.

Little further offers this Session of Parliament. By the Second Act, new Burdens are put upon the Lieges in their paying the Cess, instead of the Ease promised by the Commissioner in his Speech. By the 25 Act, they rescind a Clause in their Address against the Earl of Argyle, last Year, begging, *That no Intercession might be heard for Mercy to the Earl, or any that joyned with him.* Of this, it seems, upon Reflection, they were ashamed, and so they might; and this rescissory Act stands as a lasting Blot laid by themselves, upon their former unchristian and virulent Procedure. And in the unprinted Acts, the Reader will find an Act dissolving the Lands of Sir John Cochran of Ochiltree from the Crown, and granting them to his eldest Son, which is a substantial Proof, Sir John had made his Peace with the Court. Thus I have done with the Parliaments in this Period.

Cultnesh.

Earl of Tarras.

Clause in the Address last Year relating to the Earl of Argyle, rescinded.

Sir John Cochran's Lands disjoyned in favour of his Son.

### S E C T. III.

*Of the King's remarkable Letter after the Rising of Parliament, the State of Mr. Renwick and his Followers, some Proclamations and other Things this Year, which came not in so naturally upon the former Sections.*

**B**eing in this last Section to gather up some Facts this Year, that may tend to enlighten the History of it, I shall begin with what further offers as to the Design of weakening the Protestant Interest, and Introduction of Popery, because it hangs best with the Subject of the former Section, and the Reader will have the whole of it thus in his Eye at once, and then I shall go through other incidental Things, just as they fall in by the Order of Time.

Contents of this Section.

When the King's Project was broken in our Parliament, he took himself to other Methods for introducing Persons of the Popish Profession, to Places of Profit and Trust, and fell about it in the shortest Way, both in Scotland and England.

Other Methods taken on to bring in Papists to Places of Trust.

Upon the 20 of July, a Declaration is impetrate from the English Judges, which was much more useful for the inbringing of Popery and arbitrary Power, than our Scots Act of Parliament would have been, though it had got through. I refer the Reader to the English Historians for the full Accounts of this, and few or none of them pass it.

Declaration of the English Judges, July 20.

In short, the Matter stood thus. At the Term, the Case of Sir Edward Hales, a Papist, prosecuted for being in a Post contrary to the English Law, was tabled before the Judges, with a Design to have their favourable Judgment here, as in a leading Case. A vast Plurality of them give it as their Opinion,

In the Case of Sir Edward Hales.

- ‘ That the King is a sovereign Prince.
- ‘ That the Laws are the King's Laws.
- ‘ That the King may dispense with the penal Laws in case of Necessity.
- ‘ That the King is Judge of that Necessity.
- ‘ That the King hath not his Power by any Grant from the People, but it remains in him, and never was, and never can be taken from him.’

About this same Time, and to make further Way for Papists, and to purge out such who should make any Stand for ecclesiastical or civil Liberty, the famous ecclesiastical Commission was set up in England, and a Grant was passed, empowering the Archbishop of Canterbury, the Bishops of Durham and Rochester, with the Lord Chancellor, Lord Treasurer, and the Earl of Sunderland, whereof the Chancellor was still to be one, to put in force the ecclesiastical Laws against all Offenders, whether by Suspension, Deprivation, or other ecclesiastical Censures, and to enquire into the Orders of the Clergy, Foundation of Churches, &c.

And

Ecclesiastical Commission set up in England.



1686. And to complete the Design, Papists were brought in to be Members of the *English* Privy Council, in great Numbers, such as the Lord *Powis*, Lord *Belassis*, Lord *Arundel*, and several others.

And Papists  
made Privy  
Counsellors.

Change in our  
*Scots* Council.

When Matters are thus going on very fast towards *Rome*, in *England*, some wider Steps are taken in *Scotland*. Since the Union of the Two Crowns, our *Scots* Affairs were very much under *English* Influence, and in so extraordinary a Juncture as this, we may expect a double Share. Accordingly, a thorough Purge is made of our *Scots* Council. The best Protestants, and such who had the Courage to appear in Parliament against the King's Project, are turned out, and upright violent Papists are brought in their Room. I cannot give all the Changes made at this Time, but I find the Earls of *Mar*, *Lothian*, *Dumfries*, and *Kintore*, with the Lord *Ross*, are turned off; and the Duke of *Gordon*, Earl of *Traquair*, Earl of *Seaforth*, and some other Papists, were brought in.

King's Letter  
to the Council  
August 21. re-  
pealing the  
penal Statutes.

Our *Scots* Council being thus prepared to receive such a Message, a Letter comes down from the King, dated *August* 21. which is so very singular, tho' indeed it was what might be reasonably expected from a zealous Papist, that I insert it here.

### JAMES R.

Right trusty, &c. It was not any Doubt We had of Our Power, in the putting a Stop to the unreasonable Severities of the Acts of Parliament, against those of the *Roman* Catholick Religion, that made Us bring in Our Designs to Our Parliament, but to give Our loyal Subjects a new Opportunity of shewing their Duty to Us, their Justice towards the innocent, and their Charity towards their Neighbours; in which We promised Our selves their hearty and dutiful Concurrence, as what was founded on that solid Justice We are resolved to distribute to all, and consequently to Our Catholick Subjects, against whom those Laws were made, upon Supposition that Loyalty was inconsistent with their Religion, and that, upon the Authority of an external Power, they were freed from all Allegiance to their Sovereigns; and if those Things had been so then, there had been most just Grounds for the utmost Severity against them.

But now in a long Tract of Time, these Things have not only been found false, but the contrary true; for when unnatural Rebellions have been raised against Our Royal Father, Brother, and Us, by Protestant Defenders of those Laws, Supporters of that Persecution, the *Roman* Catholicks have still adhered to the Royal Interest; and at the Expence of their Lives, Fortunes, and all that was dear to them in the World, supported the Crown, died for the Peace of their Persecutors, and thought nothing too dear to buy the generous Character of *religious* towards God, and *loyal* toward their Sovereigns.

When all this had appeared in a long Series of Years, notwithstanding of bitter and frequent Persecutions, We could do no less than secure the innocent Catholicks from these Pains, intended and designed for the restless, rebellious, and impious Idolaters; especially considering, by Our own Experience, that they are not capable of those Evils they are scandalized with; and We are sure, that none of sober and rational Principles will blame Us, or envy the Ease We intend to give them.

Nor had Our Parliament, or any Member thereof, scrupled their Consent, if the perverse Intentions of Our Enemies had not suggested unreasonable Scruples, into the Heads of some well-meaning Men, as if, by the Test they had been bound up from giving their Consent to what they thought so reasonable, that they wished Us to do it by Our own Authority, being fully resolved to support Us in it.

In the first Place, that none may have so unreasonable a Scruple, We do hereby declare, That it was never Our Meaning by the Test, to preclude any Man from the Freedom of voting in Parliament or Council, in any Case brought in by Us, for the Well of the Government, and Peace or Ease of Our good Subjects, and that no Man could take the Test in any other Sense, seeing it is the Giver, and not the Taker of an Oath, that is to give the Meaning to it. Like as We have already explained to Our Clergy before, upon some Doubts that did arise concerning it; so We now declare, that it is not the Meaning of the Test, to preclude any from consenting to any Change or Alteration, not contrary to the express Tenets of the Protestant Religion, as oft as We shall think fit to desire their Consent in Parliament, or otherwise, to any such Thing.

We have also thought fit to let you know, that as We have performed Our Part in supporting those of the Protestant Religion, the Professors whereof are perfectly under Our Royal Protection, so We resolve to protect Our Catholick Subjects against all the Insults of their Enemies, and Severity of the Laws made against them heretofore; notwithstanding of all which, We hereby allow to them the free private Exercise of their Religion in Houses, in which We authorize and require you to support and maintain them, as under Our Royal Protection, in all Things, as well their Persons as Estates; and We hereby do discharge any Sentences to be given against any of them, for the Things above allowed of Us.

Willing



Willing and requiring you, to make Intimation hereof to all Our Judges, civil and criminal, as well as to Ecclesiasticks; and declaring that the Allegiance of this shall be a sufficient Defence against any Pursuit, civil or criminal, for the Exercise of the Roman Catholick Religion, Profession thereof, or using any of the Rites and Ceremonies of that Church, or doing what by any Law or Act of Parliament is called trafficking, in all Time coming. And We further require Our Judges to do herein according to Our undoubted Right and Prerogative, as they will answer the contrary.

1686.

And to the end the Catholick Worship may with the more Decency and Security be exercised at *Edinburgh*, We have thought fit to establish Our Chapel within Our Palace of *Holy-rood-house*, and to appoint a Number of Chaplains and others, whom We authorize and require you to have in your most special Protection and Care, as Persons whom We are resolved to maintain in their just Rights and Privileges, and to secure under Our Royal Protection.

You are likewise to take Care, that there be no Preachers or others, suffered to insinuate to the People any Fears and Jealousies, as if we intended to make any violent Alteration; and if any shall be so bold, you are to punish them according to Law, for it is far from Our Thoughts to use any Violence in Matters of Conscience, consistent with Our Authority, and the Peace of Our ancient Kingdom.

We are also resolved to maintain Our Bishops, and the inferior Clergy, in their just Rights and Privileges, and the Professors of the Protestant Religion, in the free Exercise of it in their Churches, and to hinder all fanatical Encroachments upon them.

We are resolved likewise to maintain Our Subjects of all Qualities, in their Rights and Privileges, and to have Justice impartially administrate by Our Judicatories. And We are resolved to restrain the Insolencies (if any be) in the Army, and to cause them punctually to pay the Country: All which We recommend to you, as what We are most extremely concerned in.

And seeing We are thus resolved in relation to Our People, We do expect from them all the Returns of Duty and Loyalty, as well as Compliance and Concurrence in those Things, so just in Us, and reasonable in all Our good Subjects, from whom We do also expect that mutual Love and Charity, one to another, that becomes Compatriots, Subjects, and Christians. The Execution of all which We remit to you, authorizing and requiring your punctual Performance in all Points. In full Confidence whereof, We bid you heartily Farewel. Given at Our Court at *Windsor*, the 21 Day of *August*, 1686. and of Our Reign the Second Year.

By his Majesty's Command,

MELFORD.

This brisk Letter speaks out so plainly, that I need make very few Remarks upon it. The *Remarks on it* Popish King begins with a Satyr upon our *Scots* Laws against Papists, as containing unreasonable Severities. How far this may be reckoned Tyranny, without any Ceremony to set himself above the Laws, I shall not say; but it cannot be reckoned Perjury, since our Managers were so complaisant, as not to urge him to take our Coronation Oath. But if the *English* Laws contain as severe Penalties as ours do against Papists, which I do not pretend to know, what, shall we think it a Branch of Wickedness I want a Name for, to swear to maintain and rule them by Laws as severe, and yet thus to brand ours?

However, he gives the Council to know, it was not from any Doubts of his own Power to dispense with standing Laws, he desired the Parliament to rescind them, but to give his Subjects, even the Parliament, an Opportunity of testifying their Duty. The King is very open here and speaks out. By his paramount Power to the Laws, he could take them away, but he would have the Legislature to be a Tool, and truckle to his Power, and not to rescind them upon any solid and just Foundations; for well did he know, none could be advanced, but merely to be an Evidence how much they were his humble Servants. Thus as, in Fact, he had no more Parliaments, so there was really no Use for them. How far their implicate Obedience would have been either Justice to the innocent, or Charity to the merciless Papists, we have heard. The Reasons adduced to prove the Equity of such an Act have all been considered.

But what follows, is an intolerable Jest upon our holy and established Religion and Reformation, *When unnatural Rebellions have been raised by the Protestant Defenders of those Laws, and Supporters of that Persecution.* This biting Turn upon Protestants in general, and the Patriots in Parliament, is very agreeable to the Jesuitical Influence that poor Prince was under. What follows, of the *Roman* Catholicks adhering to the Royal Family, hath been just now considered.

The King next speaks of bitter and frequent Persecution of Papists, through a long Series of Years, of which I can learn nothing from our Histories; and to be sure, for a good Number of Years, since the Duke of *Tork* got the Ascendant over his Brother, they were



1686. were so far from being persecuted, that they were overlooked, yea, imployed in several very considerable Offices. Upon this false Narrative the King is made to ground his Resolutions, to secure Papists from the Pains due to these Evils he alledges they were not capable of. The Parliament is next lampooned for believing *unreasonable Scruples suggested into the Heads of some well-meaning Men*. What follows I do not so well understand, and, as I take it up, can scarce believe it, that the Members of Parliament thinking themselves bound by the Test from giving their Consent to the penal Statutes being removed, wished the King might do it by his own Authority. To me it does not appear that the Parliament wished the Statutes should be at all removed. To answer this Difficulty, the King comes to explain the Test, and declares he never meant thereby to bind up Members of Parliament, from consenting to any Thing he should propose for the Well of the Government, and Ease of the Subjects. It is certain, that the Ease of Popish Subjects was not for the Well of any Government, which ought to have been over Protestants. And what ever might have been the Intention of the King in imposing that Oath during his Reign, unless upon the foot of *Jesuitical Equivocation*, and *mental Reservation*, it can never free the Swearer from the plain Meaning and Sense of the Words sworn. As to the Evasion which follows, that the Test bound not up from any Change not contrary to the express Tenets of the Protestant Religion, it is plain, the Change sought was so, and flatly opposite to the old Confession sworn to in that Oath.

After this perverting of the Test, which, every Body knows, was carried in Parliament over the Belly of the King, and a very faint Compliment to the Protestant Establishment, *That it was perfectly under his Protection*, which, to be sure, was no more than what the Roman Catholick Perswasion was; he tells the Council, *sic volo, sic jubeo. We resolve to protect our Catholick Subjects*, and that not only in the private Exercise of their Worship, but against all their Enemies, and the Laws made against them; and requires the Council to support them; and all this is done according to his undoubted Right and Prerogative. Here is a good Commentary upon the Prerogative so much scrupled at by Sufferers in this Period.

And to be an Experiment how the publick Introduction of Popery, which was next designed, would take, he orders the publick Exercise of the Catholick Religion in his Chapel at *Holy-wood-house*, and orders the Council to support this. And next the secular Arm is hounded out against all, who, in so sad a Time, should signify their Fears of any violent Alteration. I shall not say what is meant by this; perhaps the King wanted not Hopes, gradually and not violently to get the Reformation overturned.

To please the Clergy, Assurances are given of maintaining Prelacy, and hindring all fanatical Enchroachments upon them. This undoubtedly he saw a better Form for the interim, and much nearer Popery than Presbytery, and wanted not Hopes of good Numbers of Friends among the Clergy. And I doubt not the King was sincere in his Resolution for some Time, till Matters were a little ripened: Prelacy might be continued, and such as were called Fanaticks born down, even though the King's Religion were established.

Promises are added of some good Things to the Lieges; and the Concurrence of all with this plain Scheme for introducing of Popery, is peremptorily expected; and as too much of this was given, so had not Providence happily interposed by the never to be forgotten Revolution, no question the Project had succeeded. Thus the Reader hath what offers to me upon this Design of rescinding the penal Statutes. Next Year we shall find various Shapes of a Toleration and Indulgence offered by the King, mostly, no doubt, with an Eye to further Liberty for those of his own Religion. I come now to run through some other Things I have omitted in the former Sections.

Essays of some Ministers to bring Mr. Renwick and his followers from their Heights, to an Harmony with other Presbyterians.

Last Year and this, some Essays were made for an Union 'twixt some of the Presbyterian Ministers who were wandering up and down the Country, and the Society People now headed by Mr. Renwick, if possible, to bring the last from some of the Heights they had run to; and though this does not belong directly to the Sufferings, yet being a considerable Part of the Misery of Presbyterians, to have such Divisions among them, and the Essays to heal them frustrate, and this being a Part of our History very little known, I shall here give some short Deduction of it, during the last Year and this.

I have before me most Part of the principal Papers relative to this, all of them Originals, and mostly under Mr. Renwick's own Hand, from which I could fill many Sheets; but I shall only give a very short Hint of the Contentings some of the suffering Ministers had with those who erred on the right Hand, when they had so much to grapple with from Prelates and Papists on the left.

Mrs. Langlands and Barclay meet with the Society People July last Year.

July 29. last Year, those Two excellent Persons, Mr. Robert Langlands and Mr. George Barclay, whose Characters have been given, being acquainted of the Meeting, and desired to come, came to one of the general Meetings of the Societies at the Kypes in the Shire of Air, to see what might be done to bring those People who held Communion with no Minister but Mr. Renwick, to hear and joyn with others of the suffering Ministers. A good



A good many of the Meeting were very much for this, and so their Conference <sup>1686.</sup> began.

These Two Ministers upon one Side, and Mr. *Renwick*, *George hill*, with some others on the other. The Ministers proposed the laying aside all Debates about former Differences and Practices, and an Union in those things wherein they were agreed, and moved, that what they could not agree in, should be referred to be determined by a competent Judiciary. This was refused by the other Side, who insisted, that an Enumeration of public Desertions should be drawn up; which the Ministers did not come into, as what would rather widen than heal their present Breaches. Thus the Conference ended after they had been together some Days.

However, this Conference had good Effects upon several of the People who were present; and upon the back of it there appeared an Inclination in many of the particular Societies, who sent their Representatives to the general Meeting, to joyn in Ordinances with others than Mr. *Renwick*, and to hear the suffering Presbyterian Ministers, especially in *Kyle*, *Carrick*, and several Places of *Galloway*.

Some other Things concurred about this Time, to take off good Numbers of the Members of the Societies from the Heights which others of them ran to. Mr. *Brackel*, a Dutch Minister, who corresponded with the Societies, when better informed concerning them, sent over a Paper to them, vindicating himself from Mr. *Hamilton's* Aspersions, containing his Sentiments on defensive Arms, regretting their Divisions, and advising them to joyn with other suffering Ministers. This had no small Weight with some. And in the End of the Year 1685. Letters passed 'twixt Mr. *Langlands* and Mr. *Renwick* and his Followers, which, I doubt not, were useful to several of the Society People. The Originals and some Copies of these are before me, too large to be inserted.

By a Letter from the Societies to *Robert Hamilton*, dated October 21. I find they had Information about him, which was ready to be proven, 'That he had countenanced the *Hamilton* Declaration which he and his Party since had cried out so much against; that he had signed a Petition to *Monmouth* in name of the Army; that he had received large Sums of Money from good People in *Holland*, for printing the Testimonies of the Sufferers, and yet greater for the Support of the suffering Party in *Scotland*, of which he had given no Accounts.' By their Letter they call him to vindicate himself from all these Charges. The breaking out of those Things, as to Mr. *Hamilton*, together with his not giving the Societies full Satisfaction in his Return, did not a little dash the Party among them who run highest, and had been headed and supported by Mr. *Hamilton* in their greatest Extremities: Yea, after the Revolution, it was he who hindered their intire Union with this Church, when Matters were brought very near it.

In the Entry of this Year 1686. *Robert Cathcart*, a very pious and knowing Christian in *Carrick*, who had formerly joyned with the Societies, but now was very much for Union and quitting their Heights, drew up an Information relating to Mr. *Renwick* and his Party. This Paper made no little Noise among suffering Presbyterians at this Time. He had no Thoughts of its going abroad, but when he had communicated it to a Friend, it took Air. The Reader, no doubt, will be desirous to see it, and I give it from the original Records of the Societies, App. No. 121.

We shall just now find, that the last Clause was added to this Paper of *Robert Cathcart*, by the Meeting, who adopted it as their own; the Occasion whereof was this. January 28. this Year, the general Meeting of the Societies was held at *Frierminion*, to which *Alexander Gordon*, *John Dick*, and some others came, as they used to do from the Societies in *Kyle*, *Carrick*, and *Galloway*, most Part of whom were for uniting with, and hearing other suffering Ministers, as well as Mr. *Renwick*.

The Meeting came to enquire into their Commissions, and the Reports they heard of the Inclination of several of their Societies to unite with other Ministers besides Mr. *Renwick*, and that some of their Members had written the above Information. The Issue was a long Conference with the abovenamed Men, upon many Points too long here to be insert, from the original Account of it now before me.

In short, after they had owned their hearing Mr. *Barclay*, when he had satisfied them in Conversation about some Scruples they had; and because they would not absolutely disown *Argyle's* Declaration, and promise to do nothing in Time to come, without the Allowance of the Meeting, they debarred them in Time to come from their Meeting, and would keep no more Fellowship with them.

When those Persons returned to their Constituents, there was a large Meeting of such who were for Union with other suffering Ministers, to whom an Account was given of the Conference at *Frierminion*. There *Robert Cathcart's* Paper was read, and in the Form above was sent to several Presbyterian Ministers, with a Letter containing an Abstract of the Conference above, and a Desire to have Ministers Judgment in those Points in Difference between them and Mr. *Renwick's* Party. They beg likewise the Ministers may acquaint them, if they had any Share sent them of some Money that was gathered for the Support of

What passed there.

After this Conference many shew their Inclinations to joyn with other suffering Ministers.

Mr. Brackel's Paper sent to the Societies.

*Robert Cathcart's* Paper against Mr. *Renwick* 1686.

App. No. 121.

Procedure of a Meeting of the Societies at *Frierminion*, Jan. 28 this Year.

Which brings many to own *Robert Cathcart's* Paper, and leave Mr. *Renwick*.



1686. suffering Ministers, or any in their Name, and desire Direction from them as to their Duty in this dark Day.

I have not seen any of the Answers sent by the Ministers to this Letter; but I know they went up and down, preaching as as they could have Access to such as would hear them, till the Liberty came next Year. Particularly Mr. Robert Langlands, Mr. George Barclay, Mr. John Moncrief, Mr. Adam Alcorn and others.

This Step taken in the general Meeting at *Frierminion*, in breaking Fellowship with such as were for hearing other honest Ministers, and essaying to make up the Breaches among Sufferers, did them much Harm in the Eyes of sober Onlookers, and some of themselves found Cause afterwards to repent it.

Notwithstanding of the Essays of Mr. Renwick and his Friends.

In March this Year, I find Mr. Renwick, with James Clerk, John Clerk, James Wilson, Alexander Ramsay, and some others, came to Carrick, if possible, to regain the People who had been cast off by them; and they had a Conference with them. March 20. Robert Cathcart, Quintin Dick, and some others managed it. Robert owns he had drawn up the Information, and did not design to publish it; that he had not communicated it but to one Friend, and did not reckon himself obliged to such who had propaled it. But now that it is spread, he owns, and is ready to defend every Point of it. This issued in a long Conversation, where no Ground was gained on either Hand.

Who draw up their informatory Vindication.

This Rupture, together with some other Occurrences this Year, put Mr. Renwick and his Party to draw up their informatory Vindication, which was penned by Mr. Renwick, and revised by their general Meeting at great Length, and approved. But this took some Months after this; and we shall again meet with the informatory Vindication, where the Reader will see that Party's Answers to what is laid to their Charge, in this Information by Robert Cathcart; and indeed 'tis as much as such a Subject will bear.

Thus I have given some View of this considerable Change, in the Circumstances of the Society People this Year. The Heights run into by some, and the misgiving of all Essays for Union among Sufferers, did not a little distress the Spirits of the more sober Party at this Time.

Protestation of some Societies against Mr. Renwick.

Towards the Close of the Year, when Mr. Renwick was preaching in the South to such who would hear him, several Societies who countenanced and heard other Presbyterian Ministers, left him and his Followers very much. And some of the Societies in *Galloway* hearing of his coming, drew up a Kind of Testimony, and gave in to him by some of their Number, upon Sabbath November 22. before he began Sermon, near to the Places where they lived. That the Reader may know the Grounds upon which they went, I have insert here the Paper given in to Mr. Renwick, by William M<sup>r</sup> Hutchison, who had suffered not a little those Years past, from the Original in my Hand.

We Undersubscribers, according to the laudable Example of others, taking to our Consideration the great Scandal, and woful Effects of Division among the Professors of the Church of Scotland, and especially among our selves; and finding the Causes of this Division partly to proceed from some amongst us their paying Cests, hearing Curates, and taking the late Abjuration, and partly from others their condemning of those Things, and adhering to the late Declaration on Church-doors and other Places, and receiving of, and adhering unto Mr. James Renwick, without the Consent and Approbation of the Remnant of faithful and godly Ministers of the Church of Scotland, and contrary to the laudable Practices of this Church, and Acts of general Assemblies, from the Reformation to this Day: And finding those Things to be above our Capacity, to decide and determine among our selves, and that by them rather jangling Strife and Division is increased; we do hereby refer and submit our selves, in all those aforesaid Things, to an Assembly of faithful Ministers and Elders, which is the only Church Judicatory approved in the Word of God, and competent Judges of such debatable Principles and Practices; at least to such a competent Number of Ministers and other grave Persons, as the afflicted State of this Church will allow at such a Time; and promise upon the one Hand to give Satisfaction, as we shall be found guilty and convicted by the Word of God, for any Thing done by us to the Scandal and Offence of our dear Brethren: And upon the other Hand, we will forbear to call or joyn with Mr. James Renwick, till such Time as his Ordination and Entry into the Church of Scotland be seen and approved of some competent Number of the faithful Ministers of the Church of Scotland, according to the Word of God, laudable Practice, and Acts of general Assemblies of this Church, since the Reformation till his coming into this Church. And are willing, upon his Submission to his Brethren, according to the Word of God, to receive him into our Bosoms, and to submit to his Ministry, as to one of our faithful Pastors. But if he, at the Desire of Strangers, or of any of our Brethren dividing from us, intrude himself on our Labours, without our Call and Consent, till such Time as we have the Mind of our faithful Ministers anent the foresaid Things, we will protest against all such Dealing, as horrid and abominable Usurpation and Intrusion upon us and our Labours, contrary to the Word of God, and Acts of our general Assemblies, and Practice of this Church, since the Reformation till this Day, and that we will look on such Practice as not only divisive, but destructive to the



the poor suffering Remnant of this Church, and will resent it before God. Witness my Hand, subscribed in the Name of this Place of the Stewartry betwixt the Water of Cree and Dee. In the Name of the whole, signed

1686.

William M'Hutchison.

How this Paper was received I have no Information, but Mr. *Renwick* and his Followers went still on, in a separate Course from the rest of the Sufferers and Ministers of that Time.

In December this Year, Mr. *David Houston* Minister, come over from *Ireland*, was taken in with Mr. *Renwick*; we shall hear more of him ere this History end. He preached up and down among Mr. *Renwick*'s Followers, but not under that Regard that was paid to Mr. *Renwick*. I have a large Account under the Hand of the Clerk of the Societies, of the Manner of his Reception, the Engagements he came under, and the Acknowledgments he made, before me, but it is not worth while to insert, or abridge it.

Mr. David Houston taken in with Mr. Renwick, Ireland, in 1686, December.

At the same Time, that excellent Person Mr. *Alexander Shiels*, formerly mentioned, was received by the Societies. He had found Means to escape out of his Confinement, and made an Acknowledgment to the general Meeting, of what he thought he had done wrong before the Justiciary. He was extremely welcome to Mr. *Renwick*, and the more judicious People among them: He was mighty useful to them, and much against some of the Lengths they ran to; and came in heartily at the Revolution, as I doubt not Mr. *Renwick* would have done, had he been alive. Thus I have given all I have as to the Society People, this Year, together. I come now to hint at some other Things, just in the Order of Time they fell out.

And Mr. Alexander Shiels.

Upon the 26 of January this Year, that singularly pious Minister, Mr. *Alexander Pedin*, of whom in the former Part of this Work. died in the *Dikes*, in the Parish of the *Sorn*, in *Air* Shire; and though he was not executed publicly, because not reached by the Enemies, yet the Hardships he was brought to, hastened him to the Joy of his Lord.

Jan. 26 Mr. Alexander Pedin died.

Many remarkable Things are related concerning this good Man, in the Days of his Youth, when he was under many sore Depths, and much Soul Exercise, and had wonderful Out-gates and Deliverances, and some very singular Attainments through his After-life; Accounts of which would come more natively in upon an History of Providences, than here.

Some Account of him.

He was Minister of *Glenluce* before the Restoration, and when removed from his People by Force, I am told, he was very positive that no Curate should ever be fixed in that Parish, which, they say, held true. We have met with him in the former Part of this History, under very heavy Sufferings in the *Bass*, and otherwise. Last Year I find him upon his Hiding in *Air* Shire and *Galloway*. The forenamed Captain *Campbel* of *Welwood*, at this Time very young, getting Notice of him, went to him, and stayed many Days with him, in a Den they made for themselves in the Earth, in a very retired Place, which no Body knew of, but one Person who brought them Meat. At length their Hiding-place was smelled out by the Soldiers, and they were put again to their Shifts.

This Gentleman tells me, that all this Time, for some Months, Mr. *Pedin* had a great Presence upon his Spirit, and was unwearied in Prayer and wrestling, and used to pass many Nights in Sighs and Groans. Mr. *Pedin* most of the Summer 1685. wandered through the South the best way he could, being much under his Hiding with Mr. *Langlands*, Mr. *Barclay*, Lieutenant-colonel *Fullarton*, and *Cleland*, and the last named Gentleman; when they were followed with a Train of very remarkable Providences, Preservations, Supplies, and Deliverances from Dangers. He died in full Assurance of Faith as to himself, and great Hope of a comfortable Delivery to this Church, just at the Door.

He was privately interred in Mr. *David Boswell* of *Auchinleck* his Isle, in the Church of *Auchinleck*; and after he had been buried Six or Eight Weeks, the Soldiers getting Notice where he had been laid, came and took out his Corps, and carried them to the Gallows Foot in *Cumnock*, and there buried him as a Malefactor. This raising him after he was buried, Mr. *Pedin* before his Death, did very positively foretel, before several Witnesses, some of whom are yet alive who were present, from whom I have it, else I should not have noticed this here.

Indeed this singularly religious Person hath been very much abused since his Death, by handing about some propheticall Expressions, said to have been uttered by him in the Year 1684, or 1685. and the printing of a Prophecy, said to have been emitted by him in *Ireland*, 1684.

Remarks on the Prophecy published in his Name.

That the Secret of the Lord was with this Fearer of him, I do not doubt; and the attested Hint I have given of his foretelling the disturbing of his dead Body, before he died, may fully satisfy as to this; and I am apt to think this Prediction, with some others I have pretty well vouched, together with the Additions that are generally made by too many to such Accounts, when they are in Conversation, indistinctly told and handed about, may have given an Handle to some designing Persons, for their own Ends, to shape and frame Prophecies under Mr. *Pedin*'s Name.

As to those propheticall Expressions of his, which are handed about in Writ only, I say nothing



1686. nothing of them, since they are but in the Hands of a few, and by the Tartness and Bitterness of the Stile, they evidently discover themselves to be far from his Spirit.

Of the Prophecy that is printed under Mr. *Pedin's* Name, I have seen Two different Copies, and a Third in Manuscript differing from them both. In some of them it is said, that King *William* was to have War with *Spain*, which is false: In others of them it is said, the *Jews* shall bring their Genealogies with them when converted, which is morally impossible, and really useless. I shall make no Reflections upon the many unintelligible Phrases and Sentences in this pretended Prophecy. The Year 1715. is now expired, without any Prospect of those great Things palmed upon this good Man, their being accomplished. And by all the Rules of Charity, I reckon my self obliged to take this Prophecy to have been most injuriously fathered upon Mr. *Pedin*.

Besides, I have seen several of his original Letters when in the *Bass*, to some indulged Ministers and others, which breathe a quite other Spirit than those Papers handed about make him to be of. And I cannot but remark, both from the Company he haunted, after he got out of his Confinement, and some Passages in the original Records of the Societies, that this excellent Person was far from the Heights at this Time run to; which, mean while, appear some way to be designed to be justified by the Papers handed about under his Name. This much I thought necessary to observe, for the Vindication of the Memory of this worthy Minister, so much injured by fixing those Papers upon him after his Death.

Affronts put  
on the Chan-  
cellor upon  
his turning Pa-  
pist.

But to go on to Things of a more publick Nature; towards the End of *January*, and the Beginning of *February*, there were some Gatherings and Tumults in the City of *Edinburgh*, and some Affront was put upon Chancellor *Perth*, who was now either violently suspected, or certainly known to be a Papist. I know little more of this Tumult than is contained in the King's Letter, dated *February 9*. a Copy whereof follows.

### JAMES R.

King's Letter  
upon this.

Right trusty, &c. We greet you well. Having been exceedingly troubled to hear of the Insolency committed by a tumultuous Rabble, in Our City of *Edinburgh*, whilst you and your other Coadjutors were in the Place, and that their Insolence should have gone the Length of affronting Our chief Minister, and yet that so much Lenity is shewn, in punishing a Crime so immediately touching Our Royal Person and Authority: We have now thought fit to let you know, that We have not only the Character, but likewise the Person of Our Chancellor, so much in Our particular Care, as that We will support him in despite of all the Attempts and Insolencies of his Enemies; and therefore do require you to take that Care of his Person, and have that Respect for his Character, as may convince Us of your Affection to Us, and Obedience to Our Commands.

In the next Place, We hereby require you, to go about the Punishment of the guilty, with the utmost Rigour of Our Law; nor can We imagine, that any has been, or will be remiss in this, except those who have been Favourers of that rebellious Design. But above all, it is Our express Pleasure, that you try into the Bottom of this Matter, to find out those that have either by Money, Insinuation, or otherwise, set on this Rabble to that villainous Attempt, or encouraged them in it; and therefore, that for the finding of this out, you spare no legal Trial by Torture, or otherwise; this being of so great Importance, that nothing more displeasing to Us, or more dangerous to Our Government, could possibly have been contrived, and We shall spare no Expences to know the Rise of it.

We command you again to be diligent in finding out the whole Matter, and punishing the guilty; as likewise to use your utmost Endeavours for preventing the like Villainies for the future. So after We shall hear what the next Post shall bring, ye shall know Our further Pleasure herein. In the mean Time, We bid you very heartily Farewel. Given at Our Court at *Whitehall*, the 9 Day of *February*, 1686. and of Our Reign the Second Year.

By his Majesty's Command,

MURRAY.

I never loved Tumults and Rabbles, and shall say nothing in Defence of this. I know very little of its Circumstances, those are generally magnified in publick Papers at this Time, in other Cases. But we need not much wonder, that under the Reports of a Design framing against our Constitution, by the overturning the penal Statutes against Papists, the common People's Resentment discovered it self in some Disorders and Abuses, especially when a Papist was publickly acting in the highest Station in the Kingdom.

Bond which  
the Students at  
the College of  
*Edinburgh* were  
obliged to sign.

Great Care was taken at this Time to corrupt the Youth, and dispose them for giving way to all the Encroachments made, and to be made upon our holy Reformation and civil Liberties. I own Students at an University ought to ply their Books, and should not intermeddle with other Things, and the Masters ought to take all Care to fix them at their proper Work; and



and if this was the only View in obliging them to sign the underwritten Bond, 'tis good: But considering the Current of the Times, and the Character of the People, who at this Time pushed the Subscription, there is not wanting reasonable Ground to suspect this was one of the Branches of the passive Obedience, whereby the Youth was to be corrupted. The Tenor of the Bond they were made to sign, follows.

1686.

We Undersubscribers, Students in the College of *Edinburgh*, considering, That we are abused and calumniate by the Rabble, as active and forward in raising and continuing the Tumults and Disorders, by Gatherings which have lately happened in this City, and Suburbs thereof; and conceiving, that in Point of Honour and Duty, we are obliged to vindicate our Innocence, and manifest our Abhorrence at such Practices, as may disturb the Peace of the Place, wherein we ought by our Education to be exemplary in all Peaceableness and regular Behaviour: Therefore, as we do hereby disclaim and disown all tumultuary and disorderly Practices, and particularly those of late, to which we had no Accession; so we purpose for the future to abstain from any such, and in case of Failure, we declare our selves liable not only to the Discipline of our Masters, but also to the Censure of our honourable Patrons, the Lord Provost and Council of *Edinburgh*. In Witness whereof, we have subscribed those Presents.

How far the Students were prevailed upon to go in to this Bond, I do not know; but it being exculpatory as to former Practices, as well as obligatory in Time to come, it may be doubted if it was proper to be signed by most Part of the Boys, who probably were not altogether Strangers to some Share in the former Gatherings.

All the Three Kingdoms were at this Time, upon good Grounds, apprehensive of Invasions upon their Religion, under the Government of a Popish Prince, managed by the fiery Jesuits; and the poor Protestants in *Ireland*, were most open to the Storm from Multitudes of bloody Papists, ready to react their former bloody Work and Massacres. Some Ministers there in their Sermons, and others in their Conversation, had the Justice and Courage to warn the Protestants of their Hazard, which, it seems, was extremely displeasing to the Earl *Tyrconnel*, Lord Deputy.

Thereupon a Proclamation is issued out, *February 21.* to lull Protestants asleep, and fright such who were not willing to sleep, till their Throats were cut. I should scarce have noticed it, had I not found it reprinted at *Edinburgh*, no doubt for somewhat else than a little Money to the Printer, especially when our Chancellor was Papist, as well as the Earl of *Tyrconnel*. That the Reader may perceive, that the same Fears possessed all who had any Regard for our holy Religion, and the same angry, and yet cozening Methods were used, in all the Three Kingdoms, I have added the *Irish* Proclamation *App. N<sup>o</sup>. 122.* It is not my Province to enter upon the Affairs of *Ireland*, but the Reader, upon considering it, will perceive it much of a Strain with several of our *Scots* Proclamations. Ministers are made Firebrands for warning their People, they are reckoned out of their Road, and threatned; and all the Security of Religion, Liberty, and Property, is now resolved not into Law, but the Assurances of a Prince, who by his Principles was obliged not to keep Faith with his Subjects of a differing Religion.

Proclamation  
by the Earl of  
*Tyrconnel*, *Dublin*  
*Feb. 21.*

App. N<sup>o</sup>. 122.

Probably it was much with the same View, that at *London*, *March 5.* the King directs a Letter to the Archbishops of *Canterbury* and *York*, and with it he causes reprint the Directions given by King *Charles*, in the Year 1662. to Preachers, which I have annexed *App. N<sup>o</sup>. 123.* No Remarks are needful. It had not been decent for a Popish King, to have formed in his Council, where there were so many Papists, new Directions to Protestant Clergymen. It was sufficient to reprint the former, and threaten, and give ill Names in the Proclamation, to such as should speak of any present Hazard from Popery. And the high Commission Court within a little, took Care to rivet the Threatnings in the Proclamation; which, with the Directions, are likewise reprinted at *Edinburgh*, to be a Warning to our *Scots* conformable Clergy.

Letters and Directions  
as to  
Preachers in  
*England*, *March 5.*  
*App. N<sup>o</sup>. 123.*

*June 2.* I find a Letter comes down from the King, and is recorded in the Justiciary-books, removing that worthy Gentleman my Lord *Pitmedden*, from being a Lord of Justiciary. His Carriage in *Ceshnock's* Case stuck with the Managers, and now he would not go into the Measures laying down for bringing in Popery, and therefore he is turned out of his Posts. His Ability in Law, especially the criminal Law, is publicly discovered in his Edition of Sir *George Mackenzie's* Criminals; and his Love to all Branches of Learning, appears in his curious and vast Library. This worthy Person being yet alive, his Modesty forbids me to say any more of him.

The Lord *Pitmedden* turned  
out of the Justiciary,  
*June 2.*

Why it was so long delayed I know not, since we have met with a Parallel to this some Months ago in *Ireland* and *England*; but *June 16.* the Council issue out a Proclamation against Slanderers and Leasing-makers, which is annexed *App. N<sup>o</sup>. 124.* No Remarks are needful. It is just the Revival of an old Act of Parliament, *James VI. Parl. 8. Cap. 134.* and the Reason of the Proclamation is, because divers Ministers take upon them to alarm the People. This is new Stile to the Episcopal Clergy, and much for their Honour.

Proclamation  
against Slanderers,  
*App. N<sup>o</sup>. 124.*



1686.

King's Pardon  
to the Com-  
mons in the  
Shire of Argyle.  
App. N<sup>o</sup>. 125.  
Remarks on it.

And to end this Year, in *Spetember* the Council emit another Proclamation, containing the King's Pardon and Indemnity to the Commoners in the Shires of *Argyle* and *Tarbet*, which I have likewise added *App. N<sup>o</sup>. 125.* This Pardon is a new Slur cast upon the unchristian and merciless Address of the Parliament last Year, already noticed. It is confined to the Subjects in those Two Shires, while there is no Reason why it should not have extended to all the Commons which joyned with the Earl, unless it be, that all could be expected, was got already of these Two Shires. The King's Pardon likewise is much curtailed, by its being only extended to the Lives of the Persons indemnified. The Moveables, and every Thing else valuable, lies open to every one who shall please to attack them. Yea, besides this, a Commissioner is sent thither to mark out whom he pleases for Ruin, and all whom he pitches on are expressly excepted out of the Indemnity. Such Half-favours may Protestant Subjects expect from a Popish Prince.

## C H A P. XI.

*Of the State and Circumstances of Presbyterians, during the Year 1687.*

1687.

Matter of this  
Chapter

Remarkable  
Letter from a  
Jesuit at *Liege*,  
to his Brother  
at *Friburg*, con-  
cerning the  
State of Popery  
in Britain, 1687.



HIS History having already run to so large a Bulk, and not many Particulars offering that are necessary to be insert, after so many Instances of Severity, I shall very quickly run through this Year.

The Papists by this Time were come to have very big Expectations of the Restoration of their Religion in *Britain* and *Ireland*, from the bigotted Prince now on the Throne. It is from them we may expect to understand best the State of this Matter; and therefore I shall, in the Entry of this Year, insert from Mr. Archdeacon *Eachard*, the Copy of a Letter from a Jesuit at *Liege*, to a Brother of his at *Friburg*, which contains a very full Account of the Expectations and Designs of Papists, at this Juncture. The World owes its first Publication to that industrious Author, very lately, and I doubt not but it will be acceptable to the curious Reader. Its Date is *February 2. 1687.* and it runs thus.

It is wonderful to see King *James's* great Affection to our Society: He wished Prosperity to this whole College, by the Reverend Father the Provincial, and earnestly recommended himself to our Prayers. Upon Father *John Keyner's* Return into *England*, he gave him a most gracious Reception, (while Earls and Dukes were commanded for some Hours to wait for Admittance) with whom, in the Queen's Presence, he discoursed with all Familiarity. He asked him, *How many Candidates for Orders he had, and how many Students.* And upon the Provincial's Answer to his Majesty, who was very urgent with him, *That of the former, and of the latter, he had above Fifty.* He replied, *There would be Occasion for double or treble that Number, to effect what he designed for that Society's Performance; and ordered, that they should be all exercised in the Art of Preaching; for now, says he, England has Need of such.*

I do not doubt but you have heard, that the King writing to Father *de la Chaise*, the French King's Confessor, concerning the Affairs of the House among the *Walloons*, declared, *That whatever was done to the English Fathers of that House, he would look upon as done to himself.* Father *Clare*, Rector of the same House, being arrived at *London*, to treat of that Matter, got an easy Access to the King, and as easily gained his Point. The King himself forbid him to kneel, and kiss his Hand, according to Custom, saying, *Reverend Father, you have indeed once kissed my hand; but if I had known then, as I do now, that you were a Priest, I would rather my self, Father, have kneeled down and kissed your Hand.* After he had finished his Business in a familiar Conversation, his Majesty told this Father, *That he would either convert England, or die a Martyr, and he had rather die the next Day and convert it, than reign Twenty Years piously and happily, and not effect it.* Finally, he called himself a Son of the Society, of whose good Success, he said, he was as glad as of his own. And it can scarcely be express, how much Gratitude he shewed, when it was told him, *That*



1687.  
 he was made Partaker, by the most Reverend our Provincial, of all the Merits of the Society, out of which he is to nominate one for his Confessor; but hitherto it is not known who it will be. Some report, that it will be the Reverend Father the Provincial, but still there is no Certainty of that. Many are of Opinion, that Father Edward R. Petre, who is chiefly in Favour with the King, will obtain an Archbishoprick, but more believe it will be a Cardinal's Cap. To him has been granted, within this Month or Two, all that Part of the Palace, in which the King used to reside, when he was Duke of York, where there is not a Day but you may see, I know not how many Courtiers waiting to speak to his Eminence, for so, they say, he is called. For the King advises with him, and with many Catholick Lords, who have the chief Places in the Kingdom, to find a Method to propagate the Faith without Violence. Not long since, some of these Lords objected to the King, That they thought he made too much Haste to establish the Faith. To whom he answered, I am growing old, and must take large Steps, else, if I should happen to die, I might perhaps leave you in a worse Condition than I found you. When they asked him, Why then he was so little concerned about the Conversion of his Daughters, who were the Heirs of the Kingdom. He answered, God will take Care of that, leave the Conversion of my Daughters to me. Do you, by your Example, convert your Tenants and others to the Faith.

He has Catholick Lord-lieutenants in most Counties, and we shall shortly have Catholick Justices of the Peace, in almost all Places. We hope also, that our Affairs will have good Success at Oxford. In the publick Chapel of the Vice-chancellor, who is a Catholick, there is always one of our Divines, who has converted some of the Students to the Faith. The Bishop of Oxford himself, seems to be a great Favourer of the Catholick Faith. He proposed to the Council, Whether it did not seem to be expedient, that at least one College should be granted to the Catholicks at Oxford, that they might not be forced to study beyond Sea at such great Expences: But it is not yet known what Answer he had. The same Bishop having invited Two of our Brethren, together with some of the Nobility, drank the King's Health to a certain Heretick Lord who was in Company, wishing his Majesty good Success in all his Undertakings; adding also, That the Religion of the Protestants in England, did not seem to him in a better Condition, than Buda was before it was taken, and that they were next to Atheists that defended that Faith. Many embrace the true Religion, and Four of the most considerable Earls have lately made publick Profession of it. Father Alexander Keynes, the Provincial's Nephew, to whom is committed the Care of the Chapel belonging to the Elector of Palatine's Envoy, is continually taken up in solving and answering the Questions of Hereticks, who doubt of their Faith, of whom you may see Two or Three together, walking by the Chapel Door, continually disputing about some Point of Religion. As to Prince George, it is yet uncertain what Religion he professes. We gradually begin to get Footing in England, we teach human Learning at Lincoln, Norwich, and York, and at Worcester we have a publick Chapel, protected by a Guard of the King's Soldiers; and we are to buy some Houses in the Town of Wiggan, in Lancashire. The Catholick Interest grows very strong, and at some Churches granted to the Catholicks, upon holy Days, there are often counted Fifteen hundred present at the Sermon. At London also, our Business is carried on with the same good Success; Sermons are preached upon every holy Day, and there are so many that frequent the Chapels, that they are not big enough to hold them. Two of our Society, Dormer and Bertue, preach continually before the King and the Queen, Father Edward Neville, before the Queen Dowager, Father Alexander Keynes, in the Chapel aforesaid, others in other Chapels. There are many Houses bought in the Savoy, near Somerset House, which is the Queen Dowager's Palace, towards the erecting the first College in London, for about Eighteen thousand Florins; and they are hard at Work to bring them to the Form of a College, that a School may be opened before Easter.

A Catholick Lord-lieutenant is shortly to go over to Ireland, because the King cannot be satisfied with any other, to establish the Catholick Interest in that Kingdom. The Parliament will certainly sit in this Month of February, of whom his Majesty is to ask Three Things. First, That by a general Act, all the Catholick Peers may be admitted to sit in the Upper-house. Secondly, That the Test may be abolished: And Thirdly, which is the chief Point, That all penal Laws against Catholicks should be abrogated. And that he may the better obtain these Things, he designs to let them all know, That he is resolved to turn out all those who will not heartily act for the obtaining of them, and likewise dissolve the Parliament. At which Resolution some Hereticks being terrified, came to a certain Earl to advise with him what might be done; to whom he answered, The King's Mind is sufficiently known; what he has once said, he will certainly perform, if you love your selves, submit to the King's Pleasure. There is to be a great Preparation of War at London, and a Fleet of above an Hundred Men of War is to be fitted out against the Spring, but against whom it is uncertain. The Dutch are under great Apprehensions, but for what Reason, although they are said to make an Armament, Time will best discover.

In Scotland the former Hardships continued upon good Numbers of Presbyterians. Heavy Oppression remained upon many Places in the West and South, during this Year. Several



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were fined for Nonconformity, and good Numbers were banished to the Plantations, in the Entry of this Year. The Justiciary went on in forfeiting of some, and processing others; and we shall meet with Part of the old Spirit working in the Privy Council, against Conventicles.

But the great Thing for which this Year was remarkable, is the Liberty granted by the King, first to the Papists, and with them, under Restrictions, to the Presbyterians, who still refused it, till after several Shapes in July, it came unclogged with any Thing gravaminous to their Consciences; and this put an End to the Sufferings of the greatest Part of them.

The Accounts of those Things I shall comprise in Two Sections, and hasten to the End of this Work.

## S E C T. I.

*Of the Procedure of the Justiciary and Council, with the general State of the Persecution through the Country, this Year 1687.*

Contents of  
this Section.

I Have already given the Reasons of the Abatement of the Persecution against Presbyterians, and I shall give but a few Instances of its Continuance, if once I had run through the Procedure of the Justiciary and Council, from any Thing I have met with of their Actings.

Sir John Dalrymple made Advocate, in room of Sir George Mackenzie.

To begin with the criminal Records; upon the first of February, by a Letter from the King, Sir John Dalrymple, Son to the late President, is received King's Advocate in Sir George Mackenzie's room. The Springs of this Change I shall leave to the civil Historians of this Period.

James Slofs and many Country People dismissed by the Justiciary.

That same Day, James Slofs, a worthy Merchant in Glasgow, since the Revolution one of the Bailies of that City, and mentioned before in this History, produced before the Lords Relaxation from the Horn, for alledged being at Bothwel-bridge, and no further Probation being offered against him, he is dismissed; and that same Day great Numbers of Country People from the Parish of Kilbride, and other neighbouring Parishes in Lanarkshire, cited before the Lords for Refet and Converse with Rebels, and Accession to Bothwel, are liberate, no Proof appearing against them.

More Persons forfeited for joynung with the late Earl of Argyle.

March 4. some more Persons are before the Lords, for their joynung with the late Earl of Argyle. And Campbel of Oab, Campbel of Drumfunish, Campbel of Dalton, Campbel of Ulva, are found guilty, and the Lords decern them to be executed to Death, &c. as in common Form, when apprehended. And upon the 8 of March, Lawmont of Meandrynan, Campbel of Aitarich, M'Fun of Invernydan, M'Collum of Reanlochtean, M'Fun of Dryp, and Campbel of Sonachan, are found guilty, and sentenced as above. These are all I meet with prosecuted upon the Earl's Attempt.

Indictment May 4. against several Country People, for their Accession to Bothwel.

May 4. commences a very long Process in the criminal Books, of many Sheets of Paper, against several Country People, for their Accession to Bothwel-bridge, now Seven Years after the alledged Guilt. The Advocate presents an Indictment of Treason and Rebellion, for Accession to Bothwel, against the following Persons, John Love younger in Little-govan, John King elder and younger there, Alexander Clark, William Caldwell there, Humphrey Barber in Risk, John Caldwell, William Orr there, John Patison elder in Lochside, James Wilson in Mosshead, John Caldwell in Beltrees, John Orr, Thomas Caldwell, William Caldwell, Andrew Robertson, Robert Orr, David Smith, Robert King, Robert Orr in Beltrees, and James Robertson.

Interlocutor.

The Lords give their Interlocutor, that the Pannels rendezvousing in Arms at Middleton-bill, the Week before Bothwel-bridge, is relevant to infer Treason, and remit the Probation to an Assize. May 5. there are long and learned Debates about Witneses, too large here to be abbreviated. May 6. is spent in Examination of Witneses, who prove very little; and May 7. the Assize alloillie the Pannels.

Pannels assailed.

Others indicted for hearing Mr. Renwick, May 4.

Upon the Day last named, the Lords have another Process before them, John Vallange, James Carskill, John M'aulay, and Hugh Smith, are indicted for corresponding with Mr. James Renwick, for traitorous Principles, and frequenting Conventicles. The Advocate restricts the Libel to their owning traitorous Principles, being present at Field-conventicles, refusing to own the King's Authority, and to assert his Prerogative. The Lords give their Interlocutor, that the Libel inters an arbitrary Punishment, which is not the Method of former Years, and the Diet is continued; and I find no more about them.

June



June 30. *Semples* in *Nethershiels*, *Paterfon*, *Scot*, *Fleming*, *Laurie*, *Chapelton*, are indicted for Accession to *Bothwell*, and the Diet is deserted.

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In July, the criminal Court have before them a Process against the forenamed Doctor *Gilbert Burnet*, sometime Professor of Divinity at *Glasgow*. and since the Revolution Bishop of *Sarum*. This great Ornament of his Country is so well known to the World, that it were to light a Candle to the Sun, for me to offer any Account of him. His vigorous Appearances against Popery exasperated the King and the Jesuits about him, so far as to shew their Spite by this mean Process against him in Absence, and when out of the Nations by the King's own Permission. And all the Hurt they could do him, was to bring him in among the rest of the excellent and worthy Patriots and Protestants, who felt, in as far as they could be reached, the Fury of this Period.

Diet deserted  
against the  
withinwritten  
Persons, for  
being at *Bath*,  
and,  
Process against  
Dr. *Burnet*.

When, in common Course, he behoved to be cited at the Pier and Shore of *Leith*, Accounts were sent him by his Friends of this impotent Malice the King and Managers here were shewing against him. Whereupon the Doctor wrote a Letter to the Earl of *Middleton*, Secretary, if possible, to divert this Process; a Copy of which being before me, I have insert it here.

May it please your Lordship,

Hague, May 3. 1687.

THE Affairs of this Province belonging to your Lordship's Share in the Ministry, this leads me to make this humble Address to your Lordship, and by you to his Majesty. I have received Advertisement from *Scotland*, that the King has writ to the Privy Council, ordering me to be proceeded against for high Treason against his Person and Government, and that, pursuant to this, the King's Advocate has cited me to appear there. If any Thing in the World can surprize and disorder me, this must needs do it; for as few Men have written more, and preached oftner against all Sorts of treasonable Doctrines and Practices than my self, so all the Discoveries that have been made of late Years, have been so far from aspersing me, that though there has been Disposition enough to find Fault with me, yet there has not Matter been given so much as for Examination.

His Letter to  
the Secretary  
May 3. relative  
to this.

It is Thirteen Years since I came out of *Scotland*; for these last Five Years, I have not so much as mentioned the commonest News in any Letter that I have written to any in that Kingdom. I do not mention Acts of Indemnity, because I know that I need not the Benefit of them. I went out of *England* by his Majesty's Approbation, and I have stayed out of it, because his Majesty expressed his Dislike of my returning to it.

I am now upon the Point of marrying in this Country, and I am naturalized by the States of *Holland*; but tho' by this, during my Stay here, my Allegiance is transferred from his Majesty to the Sovereignty of those Provinces, yet I will never depart from the profoundest Respect to his sacred Person, and Duty to his Government.

Since my coming to these Parts, I have not seen any Person, either of *England* or *Scotland*, that is outlawed for Treason; and when the King took Exceptions to my Access to the Process and Prince of *Orange*, there was not a Thing of this Kind objected to me: So I protest to your Lordship, I do not so much as imagine upon what it is that these Informations, that, it seems, are brought to his Majesty, are founded.

My Lord, as I am not ashamed of any thing I have done, so I am not afraid of any Thing my Enemies can do to me: I can very easily part with a small Estate, and a Life of which I have been long weary; and if my Engagement in this Country could dispense with it, I would not avoid the coming to stand my Trial: But as this cannot be expected in the Estate in which I am, so I humbly throw my self at his Majesty's Feet, and beg that he may not condemn me, not so much as in his Thoughts, till I know what is the Crime that is objected to me, so as I may offer a most humble Justification of my self to him.

I shall be infinitely sorry, if any Judgment that shall pass upon me in *Scotland*, shall oblige me to appear in Print for my own Defence: For I cannot betray my own Innocence so far as to suffer any Thing of this Nature to pass upon me, without printing an Apology for my self; in which I will be forced to make a Recital of that Share I have had in Affairs those Twenty Years bypast, and in which I must mention a vast Number of Particulars that I am afraid must be displeasing to his Majesty; and as I will look upon this, as one of the greatest Misfortunes that can possibly befall me, so with all the Duty and Humility in the World, I beg that I may not be driven to it.

I will not presume to add one Word to your Lordship, nor to claim any sort of Favour or Protection from you, for I address only my self to you as the King's Minister for those Provinces.  
I am, my Lord, &c.

His Indictment  
App. No. 126.  
A.

This pathetic Letter had no Effect. Soon after, his Indictment or criminal Letters came to his Hand, dated April 19. a Copy whereof I have added App. N<sup>o</sup>. 126. A. The  
P P P P P P P  
Witnesses



1687.

His second  
Letter to the  
Secretary.

Witnesses are added. To those he drew up an Answer, which, evincing clearly his Innocence, I have annexed *App. N<sup>o</sup>. 126. B.*  
Those his Answers the Doctor sent inclosed in another Letter to the Earl of Middleton, which deserves a Room here, and it follows.

*May it please your Lordship,*

**T**HE Copy of the Citation against me, has been sent me out of *Scotland* since I took the Liberty to write last to your Lordship; this puts me on a second Address to you for conveying the inclosed Answer, which I most humbly lay down at his Majesty's Feet. I am confident, that the Falseness of the Matters objected to me, will appear so evident to his Majesty, as well as to all the World besides, that he will not only order the Proceedings to be quite discharged, but that he will also order some Reparation to be made to me, for so publick a Blemish, as even a Citation for so high a Crime amounts to. I confess, the many hard Things that have been of late cast on me, and in particular to young and old, and Foreigners as well as *Englishmen*, that have been coming into those Parts, make me see that my Enemies have possessed his Majesty with Thoughts of me, that I must crave Liberty, with all Humility, to say, that they are as undeserved as hard. What have I done or said, to draw on me so heavy and so long a continued Displeasure? But my Comfort lies in the Witness that I have within me, of my own Innocence, so that I dare appeal to God, as I do now with all Duty to his Vicegerent.

Since this Matter is now become so publick, and that now my Name is so generally known, I must not be wanting to my own Innocence, especially, when not only my Life and Reputation are struck at, but the Religion I profess is wounded through my Sides: Therefore till I have put in order my Memoirs for a larger Work, I find it in some sort necessary to print the Citation, together with this Answer. But I had much rather have all this prevented by an Effect of his Majesty's Justice, in ordering an End to be put to this Accusation; and that by some Act that may be as publick as the Citation it self was, which may bear his Majesty's being satisfied with my Innocence as to these Matters; but if I have still as melancholy an Answer to this, as I have had to all the former Applications I have made, I must maintain my Innocence the best way I can, in which I will never forget that vast Duty I owe his Majesty, whatsoever I may meet with in my own Particular.

If there is any Thing, either in the inclosed Paper, or in this Letter, that seems a little too vehement, I hope the Provocation that I have met with will be likewise considered; for while my Life and Reputation are struck at, and while some here are threatening so high, a Man must be forgiven to shew that he is not quite insensible: Tho' my Duty to the King is Proof against all that can ever be done to provoke me, yet I must be suffered to treat the Instruments and Procurers of my Disgrace, who are contriving my Destruction, with the Plainness that such Practices draw from me. I will delay printing any Thing for a Fortnight, till I see whether your Lordship is like to receive any Order from his Majesty relating to him, who is

*At the Hague, May 17.  
Old Style, 1687.*

*May it please your Lordship,*

*Your Lordship's, &c.*

When the Doctor's Letters were altogether neglected, before the publishing his Apology in Print, he sent a third Letter to the Secretary, which likewise follows.

*May it please your Lordship,*

His third  
Letter, June 6.

**I** Venture once more to renew my Addresses to your Lordship, before I print the Paper that I sent you by my last, of the 17 of May, together with the Two Letters that I wrote you; for I find it necessary to add this, and that it go with the rest to the Press.

I am told, that great Advantages have been taken upon an Expression in my first Letter, in which I wrote, that by my *Naturalization, during my Stay here, my Allegiance was translated from his Majesty to the Sovereignty of this Province*, as if this alone was Crime enough: And I hear that some who have been of the Profession of the Law are of this Mind. I indeed thought that none who ever pretend to study Law, or the general Notions of the Inter-course among Nations, could mistake in so clear a Point. I cautioned my Words so, as to shew that I considered this Translation of my Allegiance only as a temporary Thing, *during my Stay here*. And can any Man be so ignorant as to doubt of this? Allegiance and Protection are Things by their Natures reciprocal: Since then Naturalization gives a legal Protection, there must be a Return of Allegiance due upon it. I do not deny but the



Root of natural Allegiance remains, but it is certainly under a Suspension, while the naturalized Person enjoys the Protection of the Prince or State that has so received him. I know what a Crime it had been if I had become naturalized to any State in War with the King; but when it was to a State that is in Alliance with him, and when it was upon so just a Ground as my being to be married and settled in this State, as it could be no Crime in me to desire it, so I having obtained it, am not a little amazed, to hear any are so little conversant in the Law of Nations, as to take Exceptions at my Words. Our Saviour has said, *that a Man cannot serve Two Masters*: And the Nature of Things says, that a Man cannot be at the same Time under Two Allegiances. His Majesty, by naturalizing the Earl of *Feversham* and many others of the *French* Nation, knows well what a Right this gives him to their Allegiance, which, no doubt, he as well as many others have sworn, and this is a Translating their Allegiance with a Witness. That Lord was to have commanded the Troops that were sent into *Flanders* in 1678. against his natural Prince: And yet tho' the Laws of *France* are high upon the Points of Sovereignty, it was never so much as pretended that this was a Crime. And it is so much the Interest of all Princes, to assure themselves of those whom they receive into their Protection, by naturalizing them, (since without that they should give Protection to so many Spies and Agents for another Prince) that if I had not very good Ground to assure me that some have pretended to make a Crime out of Words, I could not easily believe it.

1687.

My Lord, this is the last Trouble that I will give your Lordship upon this Subject: For it being now a Month since I made my first Address to you, I must conclude, that it is resolved to carry this Matter to all Extremities; and Mr. *D'Abeville's* Instances against me, and the Threatnings of some of his Countrymen, make me conclude, that all my most humble Addresses to his Majesty, are like to have no other Effect but this, that I have done my Duty in them, so that, it seems, I am to be judged in *Scotland*. I am sorry for it, because this must engage me in a Defence of my self, I mean, a Justification of my own Innocence, which I go to much against my Heart; but God and Man see that I am forced to it: And no Threatnings of any here will frighten me, for I will do that which I think fit for me to do, to Day, tho' I were sure to be assassinated for 't to Morrow. But to the last Moment of my Life, I will pay all Duty and Fidelity to his Majesty.

My Lord,

At the Hague, the 6 of June  
Old stile, 1687.

I am, with all possible Respects,

Your Lordship's, &c.

Mean while the Doctor gets a new Citation, dated *June 10.* mostly upon his first Letter to the Secretary, which I have likewise inserted *App. N<sup>o</sup>. 126. C.* Thus every Thing was improved against the Doctor and other worthy Persons in this Period, and turned to Treason and the worst of Crimes. In this Citation there is no special Law cited; and in Law such a Citation could scarce operate against him.

His second Citation *June 10.*  
*App. N<sup>o</sup> 126. C.*

Mean while this good and great Man, when thus prosecuted by his own Countrymen in Absence, had this Satisfaction, that so early as this or some Time before, he foresaw, and made some Proposals agreeable to the taking Place of the Protestant Succession, in the then illustrious, and now royal Family of *Brunswick* and *Hannover*; and under all the Discouragements he had at home, his Head was plodding abroad, upon what Providence might do for the Security of the holy Reformation and Protestant Interest, so much at his Heart now when Popery was mounted the Throne. And since his Majesty King *George* his happy Accession to the Throne, in his old Age he had a congratulatory Letter from the *Hannoverian* Minister, acknowledging he had the Honour to be the first Person who suggested the distant Prospect of that comfortable Turn of Affairs to him, and by him to his Matter the Elector.

The Doctor's Proposal this Year or formerly as to the Protestant Succession in the Family of *Hannover*.

A Person thus giving up himself to act for the Protestant Interest, could scarce escape the Fury of this melancholy Time in *Scotland*. Accordingly *July 7.* an Indictment of high Treason is tabled against Doctor *Burnet* before the Lords of Justiciary, for conversing and corresponding with *James Stuart*, Mr. *Robert Fergusson*, *Thomas Stuart* late of *Cullinstown*, and *William Denholm* of *Wishaiels*, forfeited Rebels; and being cited at the *Pier* and *Shore of Leith*, and not compearing, the Lords denounce him, and order him to be put to the Horn.

He is denounced.

I have observed no more about him in the Registers. When his large History of his own Time, which the World impatiently waits for, is published, we will, I hope, have this Matter of the Doctor's Trouble at this Time, set in a fuller Light.

*July 25.* I find another Process in the Records. *John Anderson* younger of *Westertoun* is indicted, that upon *Thuesday, March 8.* 1687. he said in a Company at *Edinburgh*. 'That it was lawful for Subjects to rise in Arms for their own Defence, and that otherwise no Man's

*July 25. 7th*  
*And 10th*  
*11. 10. 1687*  
*ten. co. die*  
*in the speaking*  
*ing in favour*



1687.

of defensive  
Arms.

'Life or Property was secure.' And being desired to speak low, and the Company threatening to abandon the Room, he still uttered the same. The Pannel confelleth he said so, comes in the King's Mercy, and disowns it as his Principle. Next Day the Assize bring him in guilty: And the Lords decern him to be executed to Death, demeaned as a Traitor, and leave the Time and Place to the King. I meet with no more about him. This is a sad Instance of the slavish Spirit of this Time. It was now high Time for the People to awake out of their Lethargy, when People were condemned to die for asserting the plainest and most certain Principles.

James Boyd indicted and condemned for being at Bothwell and hearing Mr. Renwick.

November 7. James Boyd Prisoner, indicted for being at *Bothwell*, that he disowned the King's Authority, by adding treasonable Limitations, asserting he was not King till he took the Covenant, that he conversed with Mr. James Renwick, and heard him preach in the Fields. The Pannel confelleth *Bothwell-bridge* to have been Rebellion, owns the King to be lawful King without taking the Covenant; confelleth he heard Mr. Renwick, and that it was a Transgression. The Assize bring him in guilty. The Lords sentence him to be executed at the Grass-market, December 7. and forfeit all his Goods to the King. He was not executed for any Thing I find.

James Cunningham and John Buchanan banished.

This is what I meet with remarkable in the criminal Records this Year. I come now forward to the Procedure of the Council, as far as any Hints of it have come to my Hand. Toward the Beginning of January, there had been a Sermon somewhere in the Shire of Renfrew in the Night Time, at which, among others, James Cunningham Merchant in Glasgow, and John Buchanan Cooper there, were present. When they were returning to their Houses, they were seized and challenged where they had been, and being unwilling to give an Account, were imprisoned; and there confessing they had been at a Sermon, they were sent into Edinburgh, and banished to Barbadoes.

The one and twenty Persons underwritten banished to America.

April this Year, I find Sixteen Men, and Five Women, were banished to America, and gifted to Captain Fairn, who carried them away in Captain Croft's Ship then lying at Leith. Their Testimony they joyntly signed lies before me, and therein they signify the Reason of their Sentence was, because they would not acknowledge the present Authority to be according to the Word of God, nor disown *Sanquhar* Declaration, nor engage not to hear Mr. James Renwick, and conclude with leaving their Testimony against the Evils of the Times, and sign thus.

James Hamilton, James Douglas, John Brown, George White, Alexander Bailly, Gilbert McCulloch, Thomas Brown, John Wight, John Russel, William Hanna, John Stuart, James Richart, John White, John Atkin, Robert Mitchel, William Howie, Isobel Cassils, Agnes Keir, Isobel Steil, Margaret Weir, Bessie Weir.

Liberation of John Spreul from the Bast, May 18.

The Reader has had already the Case of John Spreul, with the Debates upon his Torture, at great length. In May this Year an Order is granted to liberate him. Favours were now shewn to the Prisoners; and after near Seven Years Imprisonment, Mr. Spreul sent a Petition to the Council, which follows from the Original.

Where 'tis not unknown to your Lordships, how that your Lordships Petitioner, after his first Imprisonment, was put to the Extremity of the Torture Two several Times, the which having sustained, was thereby allolied by the Laws of this and all other Nations. Thereafter when he was indicted, he was also cleared by the Verdict of the whole Assize, and thereupon allolied by the Lords of the Justiciary; and at last being libelled before your Lordships by his Majesty's Advocate, who could prove nothing against him, yet your Lordships being pleased to fine him, and continue his Imprisonment so long, because he had not Freedom to depone upon the Libel, the Reasons wherefore he could not, being not only from Grounds in Law, but especially from Conscience, and his Obligation and Respect to the Gospel of Jesus Christ, which are at more length expressed in his Information, together with a Touch at a few of the great Losses he hath sustained both before and since his Imprisonment (what by Sea, the great Fire at Glasgow, House and Shop taken from his Wife in his Absence, also by bad Debtors, and through his Imprisonment all is prescribed by Law (that's due him) after three Years past, the Goods taken from him by Major Johnston, and the Death of his Wife, and other great Expences since his Imprisonment, being these Six Years and Five Months) all which he humbly offereth to your Lordships Consideration and Pity. May it therefore please your Lordships, to grant your Lordships Petitioner Liberty to follow his lawful Calling in his native Country, at least in any other Banishment (and so to be sold as a Slave, the which he would not be ashamed of, for the Gospel's sake, if he be called of the Lord to it) but the Liberty of a free-born Subject is that he humbly begs, at least Liberty a competent Time to see if by Law he can obtain any Thing of his Debtors to maintain himself in Prison, seeing nothing hath been hitherto allowed him out of the Goods taken from him by Major Johnston, neither out of the Treasury.

May



May 13. The Council grant the following Act of Liberation. ' The Lords of his Majesty's Privy Council having considered an Address made in behalf of *John Spreul* Apothecary in *Glasgow*, now Prisoner in the Isle of the *Bass*, supplicating for Liberty, in regard of his Majesty's late gracious Proclamation, do hereby give Order and Warrant to *Charles Maitland* Lieutenant Governor of the Isle of the *Bass*, to set the said *John Spreul* at Liberty, he having found Caution acted in the Books of Council, to appear before the Council once in *June* next, under the Penalty of one Thousand Pounds Scots Money, in case of Failie. Extracted by me

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Colin Mackenzie Cl. Secr. Concilii.

When this Order comes to the *Bass*, Mr. *Spreul* was unwilling to take his Liberty upon any Terms that to him appeared inconsistent with the Truths he was suffering for; and he apprehended this Order involved him in an Approbation of the Proclamation specified, which he was far from approving. So much he signified to the Governor of the *Bass*, and continued some Time in Prison, till a Letter came over requiring the Governor to set open Doors to him, and tell him he was at Liberty to go, or stay, as he pleased. Whereupon, after so long Imprisonment, he chose to come out under a Protestation against what he took to be wrong in the Orders and Proclamation, and went over to *Edinburgh*, and waited on the Counsellors, thanked them for allowing him Liberty, and verbally renewed his Protest against the Proclamation and Orders. Thus ended the long Tract of Sufferings this good Man was under.

The Council was much taken up in the former Part of this Year, in framing the different Shapes of the Liberty and Indulgence; but these will come in upon the next Section. In *October* they emit a Proclamation anent Field-conventicles and House-meetings, of the Date *October 5*. which is added *App. N<sup>o</sup>. 127*.

Proclamation about Field-conventicles &amp;c.

App. No. 127.

I find, the Occasion of this Proclamation was a great Clamour made by the Archbishop of *St. Andrews*, of great Meetings of People without Doors in his Diocese, and the Representation of the Bishop of *Glasgow*, of Mr. *Renwick's* frequent Field-conventicles in the West Country. There is nothing in the Proclamation needs Remarks after so much hath been said this way already.

The general State of the remaining Persecution through the Country needs not, after what hath been said upon the former Years, take up much Room here. The Soldiers continued to make their Ravages in the Beginning of the Year; but some Regiments were called up to *England*. The Sheriffs and inferior Magistrates were frequently imposing Fines for Non-conformity; and when the Liberty put some Stop to this, they went back and squeezed for alledged Guilt in former Years.

State of the Persecution through the Country.

This Year the Family of *Mayfield* in the Parish of *Twinam*, who, we heard before, had their Share in the former Sufferings, had their Oppressions continued. The Lands of *Mayfield* had been waste Two Years, and no Tenants in them; and the Collector of the Shire gave them up as deficient in paying the Cess. Whereupon Soldiers were ordered out to poynd the Ground; but there being nothing upon it, the Party called in the neighbouring Inhabitants, and would have them pay the Cess. This they positively refusing, the Soldiers seized the People's Cattle, alledging they had fed upon the Grounds of *Mayfield*, and their Owners had them to buy back at Rates double to the Cess. The same Course was taken for uplifting the King's Feus in those Lands.

Continued Sufferings of the Family of *Mayfield*.

This Year *Alexander Keir*, late Bailie of *Stranraer*, was imprisoned for alledged irregular Baptism, as likewise *William M<sup>r</sup> Tyre*, and *Nathanael Johnston*, for being present at the said Baptism. After some time's Imprisonment, it was reckoned a Favour to them when they were let out upon a Bond given by each of them to compear when called, under the Penalty of an Hundred Pounds *Sterling*. And, generally speaking, the liquidate Sum in the Bonds during this Period, was what was designed to be exacted of the Person.

*Alexander Keir* pursued for irregular Baptism.

During a good Part of this Year, the Ministers and Preachers, who had been either banished, or necessitated to flee to *Holland*, continued there, and towards Harvest and Winter, generally came home. The old Ministers banished thither at first, Mrs. *M<sup>r</sup> Waird*, *Living Stone*, *Brown*, and others, had all ere this Time got safe to the Joy of their Lord, and were beyond all Persecution; but considerable Numbers forced over since, continued there.

Ministers in *Holland* returned homeward the End of this Year.

I can do little more then record their Names; several of them have been pointed at formerly: All I now name, were carried safe through their Troubles, and brought back again to their Mother Church, to be singularly useful. Mr. *James Veitch*, Brother to Mr. *John* and Mr. *William*, formerly spoken of, an excellent Philosopher, and very much seen in Scholastick Divinity; Mr. *George Campbell* who so well filled the Chair of Divinity, Professor at *Edinburgh* after the Revolution; he was of vast and universal Learning, prodigious Application and Diligence, of extraordinary Piety, and singular Humility; Mr. *Patrick Warner*, of whom before; Mr. *Alexander Pitcairn*, whose singular Abilities in Controversy are known to the Learned in his Tractate *de justificatione*, his Skill in Philosophy by his *examen Cartesiani*, and his Knowledge in practical and casuistical Divinity, from his large and comprehensive Treatise on Prayer.

List of them.

Mr.

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Mr. *James Kirkcoun*, a Minister of great Zeal, Knowledge and Learning, a most curious Searcher into the natural, civil and ecclesiastical History of *Scotland*: When he returned, he was for a good many Years Minister at *Edinburgh*, and a most successful and sententious Preacher of the Gospel; Mr. *Alexander Hastie* a worthy and useful Minister of the Gospel at *Glasgow*, since the Revolution; Mr. *Thomas Hog* Minister at *Kiltairn*, of whom before; Mr. *John Harroway*, Mr. *Andrew Cameron* yet Minister at *Kircudbright*, Mr. *William Moncrieff* present Minister at *Largo*; and Mr. *Patrick Cowpar* Minister yet at *Pittenweem* in *Fife*, at this Time, I think, Preachers. I doubt not but there were some others who have escaped me, besides Mr. *Langlands* and Mr. *Barclay*, who continued in the Country since they came over upon *Argyle's* Attempt.

Persecution continues even after the Liberty.

Towards the End of the Year, and after the Liberty was granted, the Persecution continued severe enough, upon such as the Soldiers and others alledged were at Field-conventicles, and Mr. *Renwick's* Followers; and though some warm Papers about this Time, landed it at the Door of such who fell in with the Liberty, yet there is no Reason at all to affirm this, for their accepting the Permission given them, hath no Kind of Connection with the Persecution of those who did not use this.

King's Birth-day October 14. observed, and a Search at *Glasgow*.

Upon the 14 of *October* this Year, being the King's Birth-day, great Rejoycings were made at *Glasgow*, by ringing of Bells, and Bonfires; and at this Time, when nothing such was looked for, the Troopers lying there surrounded the Town, and the Foot made a very narrow Search from Sunset, till about Ten of the Clock at Night. Several were taken, and brought to no small Trouble.

Some Persons in *Cambuslang* imprisoned for their alledged Presence at a Field-conventicle.

In *October* this Year, *John Summer* elder in *Hole*, *Robert Summer* his Brother, and *William Speir* in *Easter-cotes*, in the Parish of *Cambuslang*, near *Glasgow*, were by a Party of Soldiers taken out of their Beds, and imprisoned in *Glasgow* Tolbooth, merely upon Suspicion they had heard a Sermon in the Fields thereabout, and not the least Probation was offered against them. There they lay Ten Days, and were carried into *Edinburgh*, where they were in close Prison about a Month. They paid Two Shillings *Sterling* to the Clerk of the Tolbooth, for inserting their Names in his Book, Two Merks to the Under-good-man of the Tolbooth. Each of them paid Two Dollars to an Agent, to appear for them at the Court, who yet did not plead for them; and each of them paid Eight Dollars to the Clerk of the Court, (whether Council or Justiciary my Information does not bear) before whom they were examined: Besides, Four Shillings *Scots* per Day, each of them for every Day they continued in Prison. All which amounts to near an Hundred Pounds *Scots* each; all this over and above their maintaining themselves in Provision while in Prison, their Loss of Time, and the rifling of their Houses by other Parties of Soldiers, while they were in Prison. I have taken Notice of those minute Charges, that the Reader may have a better View of the prodigious Expences many honest and religious People were put to at this Time, and the former Years, of more heavy and general Persecution.

Quarterings in the South this Winter.

In the Winter 1687. and the Beginning of the former Year, some Soldiers were sent into the South, particularly a Troop of Dragoons, under the Command of Lieutenant *Crichtoun*, who quartered by Turns in *Kirkcudbright*, *Dumfries*, and *New Galloway*, and did abundance of Hurt to the Country.

Societies infor-matory Vindication agreed to March this Year.

Last Year I took Notice of the Occasion of the Society People, their forming their infor-matory Vindication. Towards *September*, the general Meeting ordered Mr. *Renwick* to draw it up, and after several Meetings and long Reasonings, it was at last agreed unto in *March* this Year. The original Copy under Mr. *Renwick's* own Hand, delivered in to the Societies, is before me.

It is in Print, and there the Reader hath all that can be said in favour of the Heights some of them ran to. And Mr. *Renwick* evidently smoothes the former Actings of that Party, and in some Things he recedes from them, and puts the best Face he can upon their past and present Conduct. This Book was printed in *Holland* this Year, and hath been reprinted since, about the Year 1708. by the Remains of the same People under Mr. *Macmillan*, with some Addition of Papers published by them since; and it is to this Account of their own I have so frequently referred my Reader.

Their approved Vindication was sent over to *Holland*, and printed, and the Copies came home to them about the End of this Year. Care was taken to spread them through the Country. They further recommend it to Mr. *Renwick*, to take up the Names of all the Members of the particular Societies through the Country, and get Information in each, who were reckoned fittest in each Society to be Elders; and as he found Cause, after Trial and Examination, that he ordain or admit them. This he did in some Places this Summer, and towards the End of the Year, with a Design to form Judicatories, and take Trial of Scandals. But Mr. *Renwick* was soon after this called to better Work, and finished his Course, as we shall hear, next Year.



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S E C T. II.

Of the various Acts of Indulgence granted this Year, and particularly that Liberty in July, which Presbyterian Ministers fell into, with some Remarks.

What made the most Noise, and was most remarkable this Year, was the Liberty granted to Presbyterians in July. Indeed, after so long and sore a Persecution, this breathing Time could not but be welcome to them, tho' many Things in the Circumstances of it were gravaminous.

So tender and cautious were the few Presbyterian Ministers now remaining, after Twenty seven Years Severities, of doing any Thing that might be justly offensive, that they refused several Offers of a Liberty once and again, under such Clogs and Restrictions as they took to be unlawful, and would not fall in with it, till it came to them in such a Mould and Shape, as they thought was consistent with their Principles, and the Cause they had so long suffered for; and what they had in July, was the utmost they could look for in the present Circumstances of Things.

I shall essay to give some Account of all the Shapes in which this Indulgence, Toleration, and Liberty, was offered, and by the Way, take some Notice of what was granted of this Kind in England, and make some Remarks upon the whole; and the best View I can give the Reader of this Matter, will be from the principal Papers themselves relative to this Affair, and I shall put all I have about it in this Section.

Contents of this Section.

When the King's Project last Year, to have the penal Statutes rescinded, misgave, he still prosecuted his fixed Purpose, to bring in the Exercise of the Popish Religion to Scotland, and Papists into Places of Profit, Trust, and Power. Last Year Shoals of seminary Priests and Jesuits came over from abroad, and too many of our Nobility and Gentry professed themselves Papists, and, like all Apostates, proved violent and active Promoters of Popery; and some of them had the best Poits in the Kingdom conferred on them. It deserves a Remark, that such in the Army, and through the Country, as had been most active in the Persecution the former Years, either turned Roman Catholicks, or fell in heartily with the King's Measures, and those of his Popish Servants, so necessary a Connection is there 'twixt Popery and Persecution. We have already noticed the King's Letter last Year, establishing a Popish Chapel, and allowing Papists the Exercise of their idolatrous Worship.

After the Disappointment of the Project, for rescinding the penal Statutes, the King continued in his Design, to make such Papists, and those who had been violent Persecutors join to admit Papists.

Matters being thus ready, February 12. the King writes a Letter to the Privy Council, and incloses in it the Copy of a Proclamation, which at one Stroke cuts off all the penal Statutes against Papists, and gives them a very large Liberty. I have annexed it in the App. N<sup>o</sup>. 128. I need make very few Reflections upon it, having already considered several Papers of this Nature, particularly the King's Letter August last Year.

King's Letter to the Council Feb. 12.

App. N<sup>o</sup>. 128.

I have not seen the Council's Letter here spoken of, but by the Character here given of it as dutiful, one may guess that it was a material Consent to the King's Design. Accordingly now he publishes his Royal Intentions for a Liberty to Papists, among other Things, to evidence his particular Care of the regular Clergy. It would from this appear, the King had good Hopes of many of his Bishops and their Clergy, as favourable to his Design for bringing in Popery, otherwise I cannot so well take up how this Liberty was an Evidence of his Care of them. Any small Compliments he gives them further in the Proclamation, surely could never otherwise balance the inbringing of Popery upon them; yet he was happily disappointed as to several of them, who heartily appeared against Popery at this Time.

Remarks upon it.

He further recommends it to the Council, to root out Field-conventicles, which all their Power could not do. The rest of the Letter is a Specimen of that absolute Power he exerts in the Proclamation. And as he will maintain his own Splendor and Greatness, so he tells them he will be obeyed, and requires Accounts of any who shew Dislike, and adds, He resolves to shew that he is in earnest in this Matter, which I nothing doubt of.

The Proclamation it self inclosed in this Letter, I would have insert here, as deserving the Reader's special Notice, but it is so long, that I have annexed it App. N<sup>o</sup>. 129. Many Things might be noticed in it. It appears to be formed very agreeably to the Maxims and Politicks of France and Rome, and, *mutatis mutandis*, the Phraseology pretty much chimes in with the Revocation of the Edict of Nantz. It is the utmost Stretch of absolute Power, and Obedience, without Reserve, is required and expected.

Proclamation containing an ample Liberty to Papists. App. N<sup>o</sup>. 129.

Remarks on it

The Toleration to Presbyterians to meet in private Houses, is only to moderate Presbyterians, and to such as are willing to accept of the Indulgence, discharging them to meet in Barns or Meeting-houses, with a Renewal of all the Severities against preaching in the fields; and



1687. and Quakers are very amply tolerated, since not a few of the leading Men among them were in close Friendship with the Jesuits.

But any Body who reads the Proclamation, will see the Favour in this Indulgence is designed chiefly to Papists, which Name, it seems, the King does not like, and will have them called *Roman Catholicks*. All the penal Laws against them are rescinded, and a Liberty granted them to have Chapels, and a civil Liberty, if I may call it so, to come into the best Places of the Kingdom. The Test is abrogated, and a new Oath enacted to be offered by the Privy Council, to such as they indulge, and a full Indemnity granted to Papists, who had formerly acted contrary to Law, and a gracious Assurance given by his Majesty, that he will not meddle with the Church-lands, *as long as People carry themselves right*; but when the King finds it convenient to think otherwise, *caveat emptor*; and all this is ordered to pass the Privy Seal *per saltum*.

Reflections on  
the King's Pro-  
clamation.

App. No. 130.

I have waved making Remarks upon this singular Proclamation at any Length, that there might be Room to refer the Reader to a Paper printed at this Time, written by an able Pen, which does fully expose it; and it is added *App. No. 130*.

The King's Letter and Proclamation came to *Edinburgh February 17*. and it was unanimously ordered in Council, that to Morrow, *February 18*. the Proclamation should be published at the Cross. The Counsellors, who were heartily Protestant, did not concur in this Matter, and absented. Accordingly, this was done with great Solemnity, and Demonstrations of Joy; and no wonder the Papists were elevated, since they had no such Footing given them since the Reformation.

Council's Re-  
turn to the  
King's Letter  
Feb. 24.

App. No. 131.

Upon the 24 of *February*, the Council make a Return to the King, acquainting him of their Obedience, and Resolutions to prosecute the Ends of his Royal Proclamation. They give their Opinion for the incoming of Papists to Places of Trust, and thank the King for his Royal Word, to maintain their Church and Religion established by Law, believing that to be the best Security they can have. This submissive Answer, with the Names of the Members signing it, deserves a Room in the *Appendix No. 131*. And in this black List, who do themselves the Honour to prefer the Word of a Papist, for the Security of our holy Reformation, to the best Laws almost ever Protestants enjoyed, the Reader will observe our Two Archbishops in the Front.

Duke Hamilton  
and others re-  
sue to join.

The Duke of *Hamilton*, and Earls of *Pannure* and *Dundonald*, among the Counsellors, did themselves the real Honour to refuse to sign this Letter. The Duke gave his Reasons to the King, and was a Person of too great Consequence in the Country to disoblige altogether, and therefore he is continued *cum nota*: But the other Two Noblemen are turned out from the Council, as the Reader will perceive from the King's Answer to this Letter, which, being but short, and never printed that I know of, I insert here.

King's Answer  
to the Council's  
last Letter  
March 1. thank-  
ing them, and  
laying aside  
the Earls of  
*Pannure* and  
*Dundonald*.

- Right trusty, &c. We greet you well. The last Expressions of your Duty to Us in your Letter of the 24 of *February*, were very acceptable; in Return whereof, We give Our hearty and Royal Thanks to all of you, that concurred therein, to whom, upon all Occasions, We will be ready to shew Our Royal Favours.
- And though We have thought fit, upon Consideration of Duke *Hamilton* his Promise for the future, and for other Reasons known to Us, to suspend Our present Resentments for his Carriage; yet We will not have you to believe that We are satisfied therewith: Neither will We delay to testify Our Displeasure against others in Circumstances somewhat less favourable; and therefore We do hereby lay aside, from that Our Council, the Earls of *Pannure* and *Dundonald*, whereof you are hereby authorized and required to make Intimation to them respectively.
- We do approve your Resolution, to keep a Copy of your Letter, to be signed by all Our Privy Council there; and We have ordered the Principal to be offered to all here, who have most dutifully signed the same.
- We do recommend to you to take care that there be no Disorder, nor that any of the Presbyterians be suffered to preach, except such only as shall have your Allowance for the same, and that they at the receiving of the said Indulgence, shall take the Oath contained in Our Proclamation, dated *February 12*. last.
- So soon as you shall have a Return from all Our Counsellors, of their signing or refusing to sign your Letter, you are forthwith to give Us an Account of those who shall refuse, to the end that We may signify Our further Pleasure concerning them. For which this shall be your Warrant. Given at *Whitehall*, the first of *March 1687*.

By this Letter we have a further Discovery, that no Benefit was designed by this Proclamation for Presbyterians, and this puts the Matter, which was formerly debatable, out of question, and requires them to take the foresaid Oath, which the King and Managers were fully apprised no Presbyterian Minister would take. And thus the Papists, and Quakers, if they could come in to any Oaths, stand alone enjoying the Benefit of the King's Moderation and good Intentions.

Whe-



Whether it was to gratify the Quakers, or to quiet the Clamour, and still the Fears of a great many upon this barefac'd coming in of Popery, or to gratify Duke Hamilton a little, and such as he had Influence upon, or for what Reason, I know not: But the King by his Letter to the Council of the 31 of March, gives this Matter a new Turn, makes some more Concessions, and smooths Things a little. I have added it *App. N<sup>o</sup>. 132.*

Therein the King signifies, That in his Letter March 1. when he spake of Presbyterian Preachers being obliged to take the Oath, he meant, *Such of them as did not take the Test, or any other Oath*; which is a silly Stretch and Offcome, for never one of them had taken the Test, neither was it once supposed they would. And now he allows the Council, if they think fit, to indulge them without taking the said Oath. All this was transacted without the least Share of any Presbyterian, or Application from Ministers of that Perswasion. And the King and his Servants were intirely left to cut and carve as they saw good, the suffering Ministers resolving not to move till Providence should clear their Way. And in this Shape not one of them fell in with this Indulgence.

Thus stood Matters in Scotland for some Months: The Papists had all the Liberty they could expect, and the Presbyterians were not a whit bettered in their Circumstances; when the King, to carry on his Projects in England, and prepare Matters for what he had in View, gives a full and ample Liberty to all his Subjects to exercise their Religion, and serve God in their own Way, publicly or privately. Accordingly April 4. his Declaration for Liberty of Conscience, is published, which, that the Reader may have a View of what was done in England in the Matter I am upon, I have likewise annexed *App. N<sup>o</sup>. 133.*

Abundance was written in England, *pro* and *con* upon this Subject. I shall only further notice, that Nine of the Presbyterian Ministers at London, Mrs. Hurst, Chester, Slater, Cox, Rosewel, Turner, Franklin, Deal and Reynolds waited upon the King with an Address of Thanks, which hath been many Times printed, with the King's Answer thereto; wherein with what Sincerity, his Practice afterward will best discover. He declares, 'It hath been his Judgment of a long Time, that none has, or ought to have any Power over the Conscience, but God, and solemnly protests before God, he had no other Design in his Declaration, but the easing and pleasing his Subjects, and restoring to God the Power over Conscience.'

I doubt not but this Declaration in England, very much paved the Way for the third and more ample Indulgence in Scotland. Matters were going on here as before, except that Presbyterian Ministers here and there, as they had Occasion, without accepting the Indulgence, ventured, where invited, to preach in private Families. The dissenting Ministers in England having fallen in with their unclogged Liberty, and the Clamour being raised in Scotland, that all the King's Favours were shewed to Papists, and Presbyterian Ministers refusing to accept of a Liberty with the former Clogs, the King, for Reasons known to himself, and without any Application from the Presbyterian Ministers or their Friends, saw good to cast the Liberty in more general Terms, and not to connect it with that to Papists, nor restrict them to private Houses, or clog his Favour with Oaths.

Thus a Proclamation comes out, dated at London June 28. and at Edinburgh July 5. which I have insert *App. N<sup>o</sup>. 134.* This Paper will best speak for it self, and I shall make but very few Remarks upon it.

Instead of the choking Clauses in that of February 12. it is declared, all Restrictions there are taken off. And the King begins with a Promise to maintain the free Exercise of the Protestant Religion. Next, 'by his sovereign Authority, and Prerogative Royal, and absolute Power, he suspends, stops and disables all penal and sanguinary Laws, for Nonconformity to the Religion established by Law.'

Where I shall take the Liberty to observe, that this dispensing Power in the King, tho' it must be abominate by all who value Liberty, Property, and real Religion, and although in the Design of its Exercise, no doubt, it was aimed at the Ruin of our Reformation, for the introducing of Popery, and for no real Favour to Presbyterians, tho' it had that Effect, yet the King and his Brother owed this Power in Scotland to the Prelates, and the Introduction of that Corruption into this Church, and were by the Parliament vested with this arbitrary and exorbitant Power, to order all Things relative to external Government and Policy of the Church, and consequently had another Claim, such as it was, under the colour of the then Law, to grant such a Liberty to Presbyterians, and rescind the penal Laws against them, yea, even to have restored Presbyterian Government, without Concurrence of Parliament, than for what I know the Laws of England allowed in that Kingdom. And although the Parliament last Year had refused to concur with the King in the full Extent of his Design, for removing the penal Laws against Papists, no Bar was laid in his Way as to Protestants. Those Things I only take Notice of as an Historian, leaving to others the Dispute as to the Lawfulness of accepting this Favour, and how far it could be reckoned an Approbation of the King's unlawful dispensing Power as to Papists.

Further, in the Proclamation, the King grants Liberty to all his Subjects, to serve God after their own Way and Manner, in private Houses, Chapels, or Houses purposely built or hired



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hired for the purpose, and requires that nothing be preached, or taught, that may alienate the Hearts of People from him or his Government; and that the Meetings be peaceably, openly, and publickly held, and all Persons freely admitted to them; and the Names of the Places and Preachers are to be given in to the next Magistrate. All Disturbance to such Meetings is discharged, and Field-meetings are most severely prohibited, and ordered to be prosecuted with the utmost Rigour.

This Liberty  
accepted by  
Presbyterian  
Ministers.

This Liberty was fallen in with by almost all the Presbyterian Ministers in the Kingdom, and brought a great and general Relief to Multitudes who were yet in Prisons, and under other Hardships for Conscience sake. And most part of the Presbyterian Ministers, who had retired to other Countries, or were banished, in a little Time returned to Scotland. I know of no Presbyterians declined the Benefit of this Liberty, save Mr. Renwick and his Followers.

Meeting of  
Presbyterian  
Ministers at  
Edinburgh, July  
20.

Their Address  
to the King  
July 21.  
App. No. 135.  
Address of the  
Presbyterians  
in Edinburgh  
and Canongate,  
App. No. 136.  
Remarks upon  
them  
Nine of them  
the Deed of  
this Church.

The Presbyterian Ministers from the different Parts of the Country, met at Edinburgh about the Twentieth of July, and agreed to accept the Benefit of this Toleration; and after some Reasoning, and different Sentiments about addressing the King, which some were adverse unto, a considerable Number of them went into the following Address, July 21. which was signed by some at the Desire of the rest. This I have added App. No. 135. And about the same Time the Inhabitants of the Presbyterian Perswasion in Edinburgh and the Canongate, drew up and signed another Address to the King, thanking him for this Liberty so surprizingly granted them, which I have likewise added App. No. 136.

The Address of the Ministers is very cautiously worded, and that from the Inhabitants a little more florid. At that Time some Exceptions were made against it in Conversation, as containing a little too much from Presbyterians to a Popish Prince, and some Reflexions have been since made upon it, which I shall presently consider.

In my Opinion, neither of the Addresses are to be reckoned the Deed of the Body of Presbyterians in Scotland; but whatever in them is Praise or Blame worthy, is the proper Fact of the Signers of them. This is plain as to the Address from the Inhabitants; and the Meeting of Ministers was not by Delegation from the rest in Scotland, neither any Judicatory, but an occasional Meeting, wherein every one acted as he saw good, and withdrew when not satisfied: So that it is not worth while to dip into the Dust raised against those Addresses by Mr. Renwick and his Party, or others. Good Numbers of excellent and worthy Persons, joyned in them as what they thought lawful and necessary at this Juncture; and supposing the Hypothesis upon which they acted, the Lawfulness of owning a Popish Prince, in the peaceable Exercise of the Government, though he had not taken the Coronation Oath, yet peaceably, and generally subjected to by the Nation; it may be asked, What could they say less than they do, upon Supposition they made any Return at all?

Reflexions on  
some Remarks  
upon the Address  
of the Inhabitants  
of Edinburgh and  
Canongate, published  
1703.

Toleration to  
Scots Prelatists  
promotes the  
Interests of Jacobitism  
and Popery.

The Toleration  
Party join  
the Pretender  
in the Rebellion.

I should have said no more upon this Head, were it not that some Years ago, when a Toleration was desired to Scots Prelatists, one of the Jacobite Party saw good to reprint the Address of the Inhabitants of Edinburgh and the Canongate, with some Remarks stuffed with pitiful Reasonings, and some gross Lies, which deserve here a little to be exposed.

The Remarker pretty openly professeth himself a Jacobite, and by his plain Dealing that way, discovered what every Body now may see verified in Fact, That a Toleration to Scots Prelatists was only necessary to promote the Interests of Jacobitism and Popery, and to strengthen a Party who plainly owned a foreign Jurisdiction.

This was at Bottom of the Toleration fought 1703. when the Remarks I am considering were made, and the Project broken by the vigorous Efforts made by the Commission of the General Assembly, and the Wisdom and steady Conduct of the late Duke of Argyle and others, in Parliament. The same Game was playing more openly upon the Change of the Queen's excellent Ministry in the 1711. when the Toleration was granted to the Prelatical Party; and it must be acknowledged by all at this Juncture, (1715.) tho' some Years after some People may have the Impudence to deny it, that the tolerated Meeting-house Party, have openly joyned the Pretender in the present unnatural Rebellion.

That the Reader may have the fuller View of this, I'll take the Liberty to insert here the Copy of a Letter taken off the Original, written by one of our exauorate Bishops, or their Clergy, to a Scots Gentleman highly Episcopal in his Profession, who had qualified in order to serve in Parliament 1703. which very providentially came at that Time into the Hands of a reverend Minister of this Church, who did me the Favour to communicate it. And being, for what I know, in the Hands of very few, I shall add it here as what gives a plain View of the Spirit of the Prelatical Party, and how deeply they were in the Pretender's Interest, and wherein the Scheme of the Toleration then (1703) desired, is pretty much opened out. Though this be a Digression, yet I doubt not but it will be agreeable to several of my Readers, and the rather that I have some Ground to think, this might be the Concert of that Party, and a Model according to which Letters were written to their staunch Friends, the new Converts and Oath-takers in that Parliament.

Sir,



1687.

Sir,

AS we count it a good Omen, that one of your Principles and Temper comes to be Member of Parliament; so the Expectation we have of your acting your Part in that Capacity, gives us a Reviving to our almost fainting Hopes.

Your laying aside, and refusing Allegiance during the late Reign, was sufficient Proof of your Loyalty to our rightful King, and Affection to our ancient apostolical Government of Episcopacy: We are therefore obliged to believe that your present Compliance doth not proceed from any Change of Principle, but from a good Intention of serving the Interest of the Royal Family, by restoring our banished Prince to his due Right, and our distressed Clergy to their former Power and Splendor.

We hope you are fully satisfied that those are inseparable Interests. The same Blow waited the Ministry and the Crown. The King could not be dethroned, but by turning out our Reverend Fathers, and abolishing our Episcopal Order.

We have now suffered Fourteen Years Affliction for our Loyalty and Religion under a prevailing Presbyterian Faction, which is a Weed never thrives but in Time of Rebellion and Disorder. The *Belgick* Tiger is now happily removed, and now *Halcyon* Days begin to dawn. You have now an Opportunity put in your Hand of giving a Turn to the Affairs of a distempered Church and Nation, that they may again run in the right Chancel; nor will Friends be wanting in both Nations to give Encouragement to so great a Work: But there is Prudence and Discretion to be used in our Management of it at such a Juncture.

The House of Lords in *England*, have put a sad *Remora* in our Way, by carrying on the *Hannoverian* Succession, and it will take some Time to retrieve that unhappy Step; and I judge it will not be expedient to touch in the first Place the Point of Succession, or to declare openly for our righteous Heir; but our Parliament of *Scotland* will readily follow that of *England*.

For though our Queen may favour her Brother more than a Stranger, and, if cherished with fair Promises during her Life, may thereby be the more inclinable to do Justice to an injured Prince; yet it will be inconvenient directly to impugn her pretended Right: But if our loyal Government of Episcopacy were first by Law established, it would be a promising Step to the *right Settlement of the Throne*.

And this you may the more easily appear for, and effectuate, seeing our Queen's Inclinations in this Matter are sufficiently known. Yet this is also to be managed with much Caution; for an Abolishing of Presbytery, and Restoring of Episcopacy in Spite of the Claim of Right, would be a bold Attempt. For though that traitorous Claim of Right might be fairly rescinded if our righteous King were upon the Throne, as being only erected in a Time of Rebellion and Confusion, yet it cannot well be done by a Parliament called in our Queen's Name, without a direct Impreaching of her Authority, or subverting her pretended Right to the Crown, which is wholly founded upon that contentious Claim; but the Members must be first sounded, and a just Computation of our Strength taken, and some previous Steps made.

Such as restoring of Patronages, and granting us an Indulgence, with Liberty to possess Churches and Benefices, and this will undoubtedly make Way for an intire Re-establishment of our *ancient Apostolick Government of Bishops*: For our Queen having Right as Patron in a great many Churches, she will still prefer those of our Persuasion unto others; and the rest of the laick Patrons, partly through Inclination, and partly through Interest, to please her Majesty, will follow her Example.

Or if ye attempt the demolishing of Presbytery, and Restitution of Episcopacy, you would not presently impeach the whole Claim of Right, but only that Clause that declares Episcopacy an insupportable Grievance.

But I will not take upon me to prescribe Methods. We have good Friends at Court, who will wisely lay down the surest Way for advancing our Interest. I shall only intreat, you may follow your Measures. We are obliged to you for the Contrivance of the Queen's Letter to the Council, which hath animated all our Party, and hath not a little encouraged our Meeting-houses. We build much upon the L. Answer to our Address, and the good Reception our Commissioners met with. We take it as a Testimony of my Lord Chancellor's Affection, that he interrupted, and suddenly dissolved the late Assembly.

Our Affairs will succeed apace, if our Friends act their Part in the ensuing Parliament. And the Truth is, unless our Parliament do more for us, what has been hitherto done will avail but little; for tho' we are at indefatigable Pains in establishing Meeting-houses, wherever we can have Access, yet we will not be able to hold out long, if we get not Possession of the Churches. The People whom we engage, with all our Power, to continue in our Meetings, will soon forsake us, if a Burden of our Subsistence be laid upon them.

Letter from  
one of the  
excommunicate  
Clergy to a  
Member of  
Parliament  
1703, opening  
up the Design  
of the 'Tolera-  
tion to Prela-  
tists, then pro-  
posed.



1687. ' them. Expecting your Zeal and Stedfastness for a good old Cause, and Relief of the oppressed Clergy, I remain, in all Duty,

Your most humble Servant.

From this Letter we have a fair View of the Projects of that Party, who cried so much for a Toleration, and published the Remarks to which I return again. The Author of them, by a pitiful Pun, will have the Addressers to be the greatest Jacobites, and taking this for certain, challenges them why they fell in with the Revolution in less than Two Years. We see he enjoys the Comfort of their being Fellow-slaves with him only for a short Time.

Next he asks, with Assurance enough, ' Since no Difference of Religion could dissolve their Loyalty and Duty all the Days of their Life, how came it to be dissolved in less than Two Years? ' It is not my Business to defend the Expression in the Address, perhaps one as good might have been used : But the Remarkers Question may be very soon answered. According to the Principles of the Addressers, the precise Difference in Religion, and the King's being a Papist, was not the Reason of their falling off from him in so short a Space. Had the King kept by his Engagement in this very Proclamation they are just now thanking him for, *to preserve and maintain the free Exercise of the Protestant Religion*, they would sincerely have continued in their Loyalty to him, notwithstanding his Difference in Religion : But when, instead of this, he was violently running into the utter Extirpation of our Reformation, when palming upon them a pretended Child of his, and openly overturning civil Liberty, and when he had taken the Guilt of all upon him by running away, the Case altered mightily.

What he next alledges, That they thanked the King for going over the Belly of Law, and declaring, (he should have said, exercising) *his absolute Power*, is what, I suppose, the Addressers would flatly deny. And besides what hath been just now suggested upon this Head, they were of Opinion the penal Laws against them were iniquitous in their Nature, and injurious in their Execution, and did not reckon the Suspension of such Laws, by one in the peaceable Possession of the Government, any Exercise of absolute Power homologated by them, more than Robbery is homologate, by a Man's receiving back his own Money from the Robber, who had violently taken it from him.

But what follows chiefly led me to make those Observations. The Author after he had taken Notice, that the Addressers gratefully acknowledge their being delivered from many sad and grievous Burdens, adds, I know no Burden they groined under upon the account of Religion; for the Doctrine, Worship, and Censures, (he will not call it *Discipline*, for indeed the Prelatists had little of this) were very much the same under Prelacy as Presbytery, and only differed a little as to the Government, which does not so much concern the Laicks; was it not a sad Burden to them, to live quietly and peaceably under Episcopal Protestantism?

I cannot persuade myself, but the Author knew some Burdens Presbyterians were under for Religion, else he hath been a great Stranger in Scotland; but none know so little as these who will not see. Now the World knows Part of them from the preceeding Work, and I hope we shall have no more such Assertions in Print. I shall not dip into many Differences might be assigned, even as to Doctrine, Worship, and Discipline, under Presbytery and Prelacy. Giving, and not granting, the Differences had been smaller than indeed they were, the Addressers reckoned it no small Burden, to have their scriptural, lawful, and beloved Pastors torn from them and persecuted, and themselves forced in to receive Word and Sacraments, from Men of the Characters and Qualities most of the present Clergy were of, and to submit to a Government, antisciptural, and paving the Way to Popery.

The Remarker adds, ' Indeed a great many who called themselves Presbyterians were fined, imprisoned, banished, and executed, but for what? never one of them was punished for being Presbyterian, but for disobeying the Laws of God and Man, Nature and Nations, and particularly the Laws and Acts of Parliament in this Kingdom. Were they not punished for the Crimes of Treason, Rebellion, Plotting, Sedition, Murder, Assassination, Robbery, Insurrection, refusing *Cesar* his Due, &c.? ' It was this, and such scandalous Lies, and impudent Impositions upon the common Sense and Knowledge of Thousands yet alive, in the Episcopal Writers, since the Revolution, which in part engaged me in the Toil of writing this History. And what is narrated in the former Part of it, and fully vouched, will abundantly confute this vile Calumny cast upon the Sufferers of this Period. I could go through every Branch of this Heap of Slander he throws in Bulk upon the Sufferers since the Restoration, but it would only be a Repetition of what is set in a clear Light in the former Part of this Work; so that those worthy Persons stand in no need of this Slanderer's Apology. *Tempora mutantur, &c.*

But leaving those Remarks, it may be more worth the Reader's while, to have some Account of the Improvement Presbyterian Ministers made of this Liberty thus granted them. The Meeting of Ministers at *Edinburgh*, agreed upon several very good Rules for their own Practice, in their present Circumstances, which discover much of the Solidity and Prudence those worthy Men were blessed with now, after they had come out of a long and fiery

Presbyterian  
Ministers Improvement  
of the Liberty.  
Rules laid  
down by the  
Meeting of  
Ministers at



Furnace. The curious Reader, I believe, will not blame me for inserting them here, being a good Specimen of the Abilities of those Ministers who framed them. 1687.

Edinburgh, for  
their own Pra-  
cise

*Overtures for making the Liberty practicable.*

1. **T**hat all Ministers who can conveniently meet together, associate themselves in the Bounds of the Presbyteries, where formerly they had their Congregations; and if there be not a Number alive, that can make up a competent Meeting, that they of the adjacent Presbyteries, or, if Need and Convenience be, all of the whole Synod joyn together; and that they take in amongst their Number, such Ministers of their Perswasion, as Providence hath cast to live in their Bounds, until the Lord make way for their Access, either to their own or other Congregations, and also those whose Charges have formerly been out of the Nation.
2. That those Meetings convene monthly, or more frequently, as the Conveniency of the Bounds, and Necessity of their Affairs requires.
3. That every Minister in those Bounds submit himself to his Brethren, and that none set up a Congregation by himself, without the Advice of his Brethren, and the Desire of the People.
4. That no Expectants without the Bounds of the Province, preach without acquainting some of the Ministers of that Bounds; and that no People invite any Preachers, without acquainting some of the Ministers of the Meeting. If they be Strangers or Expectants, they are to shew their Testimonials.
5. That all who have not been ordained to particular Flocks, come to the respective Meetings of their Residence, and instruct their Ordination; and that henceforth none be ordained indefinitely.
6. That there be a List given in of all the Presbyterian Ministers alive, and of all Probationers, who are to instruct their Licences.
7. That until Ministers can have Access to their own Congregations, and be accommodated with Meeting-houses and Dwelling-places, they do, in Places of their present Residence, with the Advice of their Brethren, and Invitation of the People, exercise their Ministry, or continue to do as formerly in their Families.
8. That the respective Meetings be careful to recommend to People, the hearing and calling of fit and qualified Persons, and that special Regard be had to such suffering Ministers, as cannot have Access to their own Congregations.
9. That it be recommended to the respective Meetings, to take narrow Inspection of the whole Bounds, and employ their Brethren or Expectants, for supplying the People with preaching, and call for Help where Need is, from Ministers and Expectants, from other Provinces, and that they encourage young Men in their Studies, keep the Rules of the Assemblies in their Trials, and ordain them upon Calls from Congregations.
10. That the respective Meetings give their Advice, and concur with the People for setting up of Meeting-houses in the most convenient Places, especially considering, that one House may be useful for the People of divers adjacent Congregations; and it cannot be expected, that there can be as many Meeting-houses as Parishes, especially in the Country.
11. That associate Meetings take a prudent Way to get the Concurrence and Countenance of Persons of Quality, for the Furtherance of the Gospel, have with them ruling Elders, set up Elderships where they are not, chuse Moderators and Clerks, keep Registers of their Proceedings, behaving themselves humbly and gainingly toward all those of other Perswasions.
12. That Ministers in their respective Meeting-houses lecture as formerly, preach, if able, twice every Lord's Day, and Week Days; and, if they can conveniently, exercise Discipline, and endeavour to have Knowledge of all who are subject unto them, be frequent in catechizing as the great Mean of Edification, and obviating Error, prepare the People for the Sacrament, and administer the same so soon as they can conveniently, seeing it hath been so long in Desuetude, cause to set up Family-worship, and exhort to seeking of God in secret, keep Session-books, and Registers of Baptisms, and Marriage, and Collections for the Poor.
13. That Ministers in their respective Bounds, chuse Two Delegates or more, one of Five, and if fewer, but one, and if but one, that that one come to attend the publick Meetings, as they shall be called *pro re nata*, bring with them a ruling Elder; and that every Meeting correspond as formerly with the adjacent Provinces.
14. That where there is not a constitute Eldership among those of a Meeting-house, who design to call a Minister, the respective Ministers of the Bounds, send some of their Number to constitute an Eldership, with the Advice of the Heads of Families belonging thereunto, that the calling and settling of the Minister there may be the more orderly.



1687.

- ‘ 15. That in supplying of Meeting-houses, and planting of Ministers, special Regard be had to the Noblemens Residences, and considerable Congregations.
- ‘ 16. That special Care be taken that *Edinburgh*, which is the chief City of the Nation, where Courts and Judicatories, and Persons of greatest Quality reside, and which hath been most useful to suffering Persons in these sad Times, be specially regarded and provided with able, experienced, and godly Men; and in the mean Time, while Ministers can be got to them in an orderly Way, by Transportation or otherwise, the respective Ministers of the Bounds, carefully provide them with the most able of those whom Providence hath trusted to reside in the Bounds.
- ‘ 17. That where a Parish is in a Capacity to give Encouragement to a Presbyterian Minister, where their old Minister is alive, who was their called Minister at the Time of the Change, that he be obliged to return to them, and they to adhere to him.
- ‘ 18. That Care be taken, in Meekness and Love, to reclaim all Persons, Preachers, or others, who have stepped aside in the Hour of Temptation, and Day of Darkness, especially those who are given to wild Courses.
- ‘ 19. That Ministers who shall be settled in Meeting-houses, carry abstractly, inoffensively, and unconcernedly, as to their own Maintenance, that the World may see that it is not our own Things, but the Concerns of Christ Jesus we have before our Eyes.
- ‘ 20. That Preachers forget not to pray for our dread Sovereign, his Consort, and the Royal Family, and Persons in Authority.
- ‘ 21. That Unity, Harmony, and Love be entertained among our selves, and former taken Offences be covered with the Mantle of Charity, and not noticed, except where there is Matter of just and unquestionable Offence to be removed, which is to be done by the respective Meetings in the most prudent Way.
- ‘ 22. That the respective Meetings set apart Days for Prayer and Humiliation among themselves.
- ‘ 23. That the respective Meetings chuse their Delegates the First Day of their Meeting, to be in Readiness to come to *Edinburgh* the First *Wednesday* of *October* next, or sooner, if advertised by the Brethren of the Province of *Edinburgh*.
- ‘ 24. That Doubles of the Letters condescended on by this Meeting, to be sent to Congregations and Ministers abroad in foreign Parts, be transmitted to the respective Meetings, to be made Use of by them as the Import requires.

The last of those Overtures brings me to the Letter this same Meeting agreed upon to be sent through the different Congregations, where there was any Room for it; and it favours so much of a Gospel and healing Spirit, that it deserves a Room here, and I give it from one of the original Letters in my Hand, signed by Mr. *Andrew Mortoun*, Moderator of the Meeting.

*Dearlly beloved Friends in Christ,*

Letter from the  
Ministers at  
*Edinburgh*, to  
the particular  
Congregations.

‘ **T**He Ministers of the Gospel, who have been here occasionally together, to consider of the Improvement we are called to make of the signal and unexpected Mercy God hath been pleased to bestow on this poor afflicted Church, by putting it into the Heart of the King, to grant unto us the free and peaceable Exercise of our Ministry, so long denied to us, and the Benefit thereof to you, having Compassion upon the unsettled Condition of the People, and considering what sad Inconveniencies they have been under, the many and great Snares they have been exposed unto, through the Want of the fixed Inspection of their faithful Pastors and Guides; and not doubting but a great many are longing and thirsting after the same, have thought it their Duty, unanimously to concur in stirring up and encouraging those holy Desires in you, that you may lay hold on the present Opportunity for obtaining the sincere Milk of the Word, and somewhat of these Benefits you have been so long deprived of; beseeching you in the Bowels of our Lord Jesus Christ, that laying aside all Heats and Animosities, mutual Jealousies and Suspicions, you may be perfectly joyned together in one Mind and one Heart, to promote this necessary Work of your own and others Edification and Salvation; and therefore that such of you as want Pastors, do seek in the most orderly Way to be furnished with them, and such as have them yet alive in the Kingdom, do call and encourage them home to their proper Work, subjecting your selves to their Ministry; and those whose Pastors are without the Kingdom, do also use all Diligence to call them home to you, endeavouring to have all Obstructions removed out of the Way of their Return. And to enforce the same the more, it is desired that this Letter of ours be transmitted to them by you, with your Invitation to your respective Pastors, as a Testimony of our unanimous and hearty Concurrence with you therein, and the joyning of our earnest Desires with yours for their speedy Return. Which, with your fervent Prayers at the Throne of Grace, for the Lord's being pacified, his gracious Return,



turn, and making his Face to shine both upon you and us, that the good Pleasure of the Lord may prosper among our Hands, is all at present recommended to you by 1687.

Your affectionate Friend in Christ,

Subscribing at the Desire of the Ministers met at Edinburgh,  
July 21. 1687.

And. Mortoun.

From this Letter and those Overtures, the Reader will have the best View of the Improvement Presbyterian Ministers made of the Liberty granted them, and the Notion they had of it.

For my Share, I do not question but this Liberty was designed for Evil, but the Lord turned it about for Good, and great Good; not only to the Souls of many particular Persons, but the Interests of the Church, and the Advantage of the Nation as to our civil Rights. The Toleration was undoubtedly at first designed for Papists; and we have heard how, by a very open Act of dispensing and absolute Power, they got as much as they desired, and the Presbyterians had not the least Share.

This Liberty thus managed turned to great Advantage to the Nation.

So open a Step in favours of Popery, did alarm great Numbers; not only these Noblemen last Year, turned out for their vigorous Appearance in Parliament, the Earl of Dumfries, the Lord Ross, and others named before, but Duke Hamilton, the Earls of Pannure and Dundonald, and others who had a great Interest in the Nation, began to have their Eyes opened, and to take up the Danger their All was in.

Matters were as ill as they could be as to Papists, and that passed Peoples Power to help, for some Time yet; and where can the Blame ly, that the Remains of Presbyterians should essay to recover what had been most unjustly torn out of their Hands? Mean while, I cannot observe any active Hand they had in seeking this Liberty; yea, their Expressions, *the sudden and surprising Nature of this Favour*, they use in all their Papers when they speak of it, seem to import it was unexpected and unasked; and probably it was given by the Court to calm Peoples Spirits, and lull them asleep, till some more favourable Opportunity offered to ruine the Reformation intirely.

It is plain, that the Presbyterian Ministers fall in with the Favour done them, with the Wisdom of the Serpent joyned to the Harmlesness of the Dove, and so as to prevent the Mischief designed thereby.

As long as it was connected with a Liberty to Papists in its Promulgation, and until all the former Restrictions were taken off, they unanimously rejected it; and when those were removed, they improved it, not only as a mere Toleration to preach and worship God in their scriptural Way, but as the taking off the Cords they had been so long fettered with, and the opening of their Prison Doors; and they come out and fall to their Master's Work in all the Parts of it, like People at Liberty, without any Regard to the Narrowness of the Passage by which they escaped, and set up not only Worship, but Government and Discipline, and make Provision for planting the Church, by encouraging young Students, licensing and ordaining them to Congregations. Their Judicatories meet, Ministers are ordered back to their old Charges, and every Thing is done, as far as Circumstances would allow, according to the Plat-form of this Church, and its Privileges since the Reformation, from the Enjoyment of which they had been forcibly and very unjustly removed.

Accordingly the Synod of Glasgow and Air, met in a House at Glasgow, upon the 30 Day of August this Year, a good many of the Members of it at the Restoration being alive, and some few being added to their Number, by Ordination, to particular Congregations upon the Call of the People, even in the suffering Times, as hath been observed. Mr. William Violant was chosen Moderator, and, among other Things, took under their Consideration the Necessity of training up a good many hopeful Youths, who had not the Opportunity of publick Teaching, since they came from their philosophical Studies in the University, in their theological Studies, and by their Act recommended the Care of them to the late reverend and learned Mr. James Wodrow. My Relation is too near to that excellent Person, to offer any Character of him, and I may, without being mistaken, say, it is so savoury and recent in this Church, that there is no Need of it. For upwards of Four Years he had the Care of a very numerous Society of Students of Divinity, joyned with the pastoral Charge of a Congregation in the City of Glasgow, and attended them in his own Chamber five Days in the Week, explaining a Sytem of Divinity, presiding in theological Disputes, and receiving preparatory Exercises and Discourses from them during that Time, till he was called to the Divinity Chair, as Professor of Theology in the University of Glasgow, February 22. 1692. His Scholars were very numerous during this Interval, and the Eighteen Years he was Divinity Professor. At his much lamented Death, September 1708. I had the Curiosity to look over the yearly Rolls of his Students, and it gave me no small Satisfaction to find, that there were near Five hundred reverend Ministers of this Church, who had actually attended his

Synod of Glasgow and Air meet at Glasgow 1687.

The Care of Students of Divinity committed to Mr. James Wodrow.



1687.

Divinity Lessons, and been for some Time under his Care and Inspection. A good many, since his Death, might be added to that Number, to say nothing of several *English*, and a great Number of *Irish* Students, who attended his Lessons, and are useful for the Redeemer's Kingdom in our Sister Churches.

In short, under this Liberty a large Seed was sown, and the Foundations laid for the speedy, happy, and comfortable Settlement of this Church, at and since the Revolution.

This Liberty further prepared Matters for the Revolution.

Besides, the good Providence of God ordered this breathing Time to Presbyterians, sensibly to prepare Matters in *Scotland*, for the great Turn at the never to be forgotten Revolution, and the Nation's Delivery from Slavery, as well as Popery and Prelacy. The hearty Friends of Liberty as well as Religion, had Occasions of being together, and strengthening one another's Hands, and preparing Matters eventually for what followed, though this was not, and could not be in their Eye at the Time, and far less was in the View of the Court; but this was every way the Lord's Doing, and the more of his Hand, and the less of Man's was in it, the more wonderful it ought to be in our Eyes.

Sentiments of the Prince of Orange upon this Liberty.

Those Remarks bring to my Thoughts a Passage which I cannot omit in this History, and think it not improper to record in this Place, as containing the Sense and Opinion of so great a Judge of Men and Things, as the late King *William* of ever glorious Memory, concerning this Liberty I have been giving some Account of. And I have it from the first Hand, the Person to whom the then Prince of *Orange* did the Honour to express his Sentiments upon this Head; and I give it from a written Account under his Hand, where some Time after, as far as his Memory served him, he set down the Expressions which passed; and he is very confident what follows were the Prince's Words to him, for they left no small Impression on his Spirit at the Time, and since.

In a Conversation 'twixt his Highness and Mr. Patrick Warner, November or December this Year.

The Reverend Mr. *Patrick Warner*, of whom above, had a Call this Year from the Magistrates and Inhabitants of the Town and Parish of *Irvine*, with an Invitation from the Ministers of that Presbytery, to the pastoral Charge of that Congregation, sent over to *Holland*, where we left him since his last Sufferings; and he finding Clearness to return and exercise his Ministry in *Scotland*, a Lady of Quality, the excellent Countess of *Sutherland*, but lately deceased, being to wait on the Princess of *Orange*, and knowing of Mr. *Warner's* designed Return, asked his Allowance to acquaint the Princess, and to enquire if her Highness had any Commands to *Scotland*, which he could not but give.

The Return that most excellent Princess was pleased to give to the Lady, was to this effect, 'That the best Service he and those of his Character could do her, was to be earnest in their Prayers to God in her behalf, that she might be kept firm and faithful to the true reformed Religion; that she knew his Principles were not in all Things agreeable to what she had been educated and brought up in; but she assured him, she had a sincere Love and Kindness to all true Protestants, and heartily wished, that a Way might be fallen upon to take up their Differences, and reconcile them among themselves. And she added, 'Notwithstanding our Differences in some Things, yet I have a tender Sympathy with them, and am grieved for the Severities that have been used toward that poor persecuted People in *Scotland*, for their adhering to their Principles, which they thought themselves in Conscience obliged to do, by virtue of their Covenant; and were it in my Power to remedy it, I would, and could never consent to any Persecution upon that Head.' Withal she signified, that it would not be amiss Mr. *Warner* should wait upon the Prince at the *Hague* before he went off.

This he was not very forward to, but upon such an Invitation, and all his Friends urging him to it, he went to the *Hague* with one of them, who had Acquaintances there, and was brought to Myn Heer *Bentinck*, who took his Name, and that of the House where he lodged, and promised to send one to him, when it was most convenient to wait upon the Prince.

Accordingly, about Two or Three Days after, a Servant came to Mr. *Warner's* Lodgings about Eight in the Morning, and brought him to Monsieur *Bentinck*, and in a very little Time he had Access to the Prince, in the large Gallery at the *Hague*, all alone, in the End of *November* or Beginning of *December* this Year, when Mr. *Warner* had not the least Knowledge of a Design (if it was yet formed) in his Highness to go to *England*; but, as every Body did, looked upon the Princess and him as nearest to the Crown of *Britain*, upon King *James's* Demise without Heirs, neither was there any Thing yet known of the pretended Heir the King afterwards provided.

After Mr. *Warner* had kissed the Prince's Hand, he acquainted his Highness, that he had a Call to return to *Scotland*, to exercise his Ministry there, and reckoned it his Duty to wait upon his Highness, to know if there was any Service he was capable of doing him in that Country. The Prince answered, 'He understood he was called home upon the Liberty lately granted there; but, said he, I can assure you that Liberty is not granted from any Favour or Kindness to you, or your Party, but from Favour to Papists, and to divide you among your selves; yet, I think, you may be so wise as to take the Good of it, and pre-



vent the Evil designed, and instead of dividing, come to a better Harmony among your selves, when you have Liberty to see one another, and meet freely together. 1687.

Mr. Warner answered, he heartily wished it might be so, and for his Part, he should not be wanting in his Endeavours that it should be so. And took the Liberty to add, ' That the Presbyterians in Scotland are looked upon, and represented as a very despicable and insignificant Party; and those who do so, take their Measures from the Appearances made at *Pentland* and *Bothwell*, or the like Attempts, reckoning that the whole Power and Numbers of Presbyterians were there drawn forth and united; but he could assure his Highness, that the People who thus reckoned were mistaken, for a great many in the Nation, who were firm Presbyterians, were not fully satisfied as to the Grounds and Manner of those Rifings, and did not joyn, and others were born down with sore Persecution; but he was of Opinion, that if Scotland were left to their free Choice, of Three Parts Two would be found Presbyterians.

We are, continued he, indeed a poor persecuted Party, and for many Years under heavy Sufferings, and have none under God to look to, for our Help and Relief, but your Royal Highness, upon the account of that Relation you and the Princess have to the Crown. Your Ancestors formerly espoused the Protestant Interest when it was low, and had but few Friends, and as they honoured God in appearing for him, so God honoured them; your Family increased both in Dignity and Power: And I nothing doubt (Mr. Warner here remembers he spoke this with more than ordinary Seriousness) that if the Lord now incline your Highness's Heart to espouse his Interest in Scotland, and befriend that poor persecuted People there, you shall never be a Loser thereby, but therein as you honour God, so God will honour your Highness.

To this the Prince was pleased to answer, ' I have been educated in that Perswasion, and hope to continue in it; and I assure you, if ever it be in my Power, I shall make the Presbyterian Church-government, the established Church-government of that Nation; and of this you may likewise assure your Friends, as in Prudence you shall find convenient; and because my Wife has not been so bred, you may possibly be jealous of her, yet I can give you the same Assurances for her, as for my self.

This Account from the Fountain the Reader may intirely depend upon, and I thought it deserved a Room here, as containing the Sense of so great a Person upon this Liberty, and his free and undisguised Opinion of Things in this Time; and it is a noble Instance of that real Kindness, and Heart Respect this excellent Pair, to whom those last Ages have no Parallel, entertained toward the suffering Presbyterians in Scotland, and their warm Side to our Reformation Rights.

The Liberty thus granted, was greedily embraced by Multitudes on the South Side of *Tay*. Large and spacious Meeting-houses were soon built in many of the Towns through the West, South, and East of Scotland, and even through the Country Parishes; and all over those Parts, and even in several Places in the North, Presbyterian Ministers preached, and were settled upon the Call of the People; and the Auditories of the Episcopal Clergy turned very thin, yea, in many Places in the South and West, they had no Body to hear them save their own Families.

Likewise, the Nobility and Gentry, some of them of the highest Rank in the Kingdom, left the Churches, and frequented the Meeting-houses, this Year and the following, as in *Paisly*, *Lesly*, *Weems*, *Ormistoun*, *Struthers*, and other Places; and which was more than all this, the Ministers in the Meeting-houses were evidently countenanced from Heaven, and very remarkable Success attended their Sermons under this Liberty, and Multitudes were converted, and many confirmed and edified.

Presbyterian Ministers very much countenanced by Persons of all Rank, upon the Liberty.

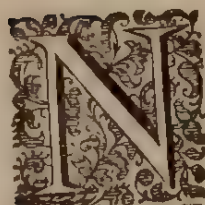


1688.

## C H A P. XII.

*Of the State of Matters in the Year 1688. when the Sufferings of Presbyterians ended, by the happy and glorious Revolution.*

Matter of this  
Chapter.



NOW the Reader is brought to the last of these Twenty and eight Years, of black and heavy Persecution I have undertaken the Narrative of in this History; and therein we find a Stop put to the Tide of Blood in this Period, with the publick Execution of that good Man Mr. *Renwick*. There were likewise not a few other lesser Severities exercised through the Kingdom. No small Encroachments were made upon the Toleration and Liberty granted last Year unto Presbyterian Ministers, who were disturbed in exercising their Function, and some of them processsed criminally, for their Freedom in preaching against Popery. Far greater Hardships were projected, and the Ruin of the whole Reformation was hastening on, had not these been happily prevented, by the wonderful Turn Affairs took in the End of this Year.

I shall very briefly then take a View of what hath come to my Hand remarkable this Year, and run through the Procedure of the Justiciary, and the publick Acts and Proclamations of Council, give a pretty full Account of Mr. *Renwick's* Sufferings, and the lesser Hardships many other good People underwent, and take Notice of some other Remarkables this Year, which will lead in more immediately to the happy Revolution in November.

## S E C T. I.

*Of the Procedure of the Justiciary, and Acts and Proclamations of Council this Year 1688.*

Contents of  
this Section.

SInce hitherto I have ordinarily begun my Accounts of the different Years, with the more publick Procedure of the Managers, I shall follow the same Order here. It is but little that offers from the Criminal Court; from the Council we shall meet with not a few Proclamations, which I shall run through as they come in Order of Time, leaving some of their Actings toward the End of the Year, which are connected more directly with the Revolution, to the last Section.

Process against  
Philip Standfield,  
Feb. 6.

To begin with the Criminal Books; upon the 6 of February, *Philip Standfield*, Son to Sir *James Standfield* of *Newmills*, was tried and condemned for the Murder of his Father. The Process is printed, and I should not have mentioned it here, had it not been to take Notice of one Circumstance, which I have from several Hands, and one of them present when this Passage fell out. This profligate Youth being at the University of *St. Andrews*, a good many Years before he committed this barbarous Murder, came to a Sermon in *Kinkel-clofs*, about a Mile from *St. Andrews*, where Mr. *John Welsh* was preaching, and in his Spite and Mockery in Time of Sermon, threw somewhat or other at the Minister, which hit him. The Minister stopp'd, and said, he did not know who had put that publick Affront on a Servant of Christ; but he who he would, he was perswaded, there would be more present at his Death than were hearing him preach that Day, and the Multitude was not small. This was accomplished, and Mr. *Standfield* acknowledged this in Prison after he was condemned, and that God was about to accomplish what he had been warned of.

Upon February 8. Mr. *James Renwick's* Process came on before the Justiciary; but I am to leave it to a Section by it self, where I shall give a larger Account of it than yet, for what I know, hath been published.

Mr. John Hardy  
processsed for  
preaching a-  
gainst Popery.

February 13. the Reverend Mr. *John Hardy*, Minister at *Gordon*, was tried for Treason before the Justiciary. The true Ground of his Process, was the Freedom this worthy Per-



on took to preach against Popery, and the Hazard thereof he represented those Nations to 1688.  
 in : And it was designed for the Terror of other Presbyterian Ministers, who spared  
 not to warn their Hearers of their Hazard this Way, and some of the Episcopal Ministers  
 who shewed themselves really concerned at this Juncture, with our common Danger of  
 Popery.

Mr. Hardy is indicted for Treason, and seditious Speeches, ' That he inveighed against Indictments  
 that universal Ease which his Majesty hath given to his Subjects, in Matters relating to  
 their Conscience, and that he endeavoured to create Jealousies and Misapprehensions of  
 the King, telling his Hearers, they ought to be sorry, that others besides themselves enjoyed  
 that Freedom, and that no true Presbyterian could consent that any others should have  
 Liberty of Conscience, but those of their own Perswasion ; and so is guilty of Sedition  
 and Treason, and ought to be punished with Death and Confiscation of Goods.'

The Lawiers in Defence of the Pannel, have very large Reasonings upon the Relevancy Pleadings  
 of the Libel, and the Extent of the Words spoken by Ministers in Sermons, and their Im-  
 port in Law. In the Records those take up several Sheets of Paper. In short, still  
 denying the Libel, they plead the known Peaceableness and Loyalty of Mr. Hardy, that un-  
 der the Usurpation he was very useful for levying Men for the King's Service, under the  
 Earl of Glencairn, Lord Kenmuir and Middleton ; that he had since kept the Church ;  
 that the Expressions in the Libel must be proven copulative ; that Hearers are not Judg-  
 es of the Connection of what Ministers preach, many Times ; that the Scope of his Sermon  
 at the Time libelled, did not run that way ; that he blessed the Lord for the Indulgence  
 granted ; that pickt Expressions in a Minister's Sermon can never be admitted as rele-  
 vant, otherwise Ministers could be libelled for Blasphemy, by one that only hears a Part of  
 Scripture cited, as for Instance *Psal.* 14. 1. The Lords, by their Interlocutor, find, that the  
 Speeches libelled do not infer the Pains in the Indictment ; and so the Process is drop-  
 ped.

Upon the 17 of February, I find Sir George Mackenzie his Commission as King's Advocate, Sir George Mac-  
 kenzie made King's Advor-  
 cate, and the  
 Lord Harcass  
 turned out of  
 the Justiciary.  
 is read, and Sir John Dalrymple is turned off. The Reasons of this Change I leave to the  
 civil Historians. And March 1. the Lord Harcass is turned out of the criminal Court ;  
 his Case I think is in Print. No more, needful in this History, offers from the criminal Re-  
 gisters.

The Accounts of the Procedure of the Council will take me some longer Time, and I can  
 only give it from their printed Proclamations, and other Papers relative to the Subjects of  
 those come to my Hand.

When in the Beginning of January, the Accqunts were sent down from London of the Act for a pub-  
 lick Thankf-  
 giving for the  
 Queen's being  
 with Child.  
 Queen's being with Child, so fond were our Scots Council, not only of a Popish Prince, but  
 of entailing Popery and Slavery upon those Lands, that upon the 17 Day of January, they  
 appoint a Day of publick Thanksgiving upon this account, and order it to be kept with  
 Prayers and Thanksgivings in the Diocese of Edinburgh, January 29. and through the rest  
 of the Kingdom, February 19. The Act it self I have insert App. No. 137.

Whether this Day was solemnized with Preaching, as well as Prayer and Thanksgiving,  
 I have not learned. This was the way Days of this Nature used to be kept. But the  
 Proclamation takes no notice of this Branch of the Work of the Day. The tolerated Pres-  
 byterian Ministers did not keep it, and it was well it was not imposed upon them, as far as  
 I can observe in the Act, at least they are not particularly specified. No doubt, the Popish  
 Meetings kept it with a peculiar Pleasure. The Suspicions of Fraud in this Matter were  
 by this Time not small.

Upon the 27 of April, the King publishes another Declaration, for Liberty of Conscience Another De-  
 claration pub-  
 lished April 27.  
 for Liberty of  
 Conscience in  
 England.  
 in England. The King signifies, ' His Conduct hath been such in all Times, as ought to  
 ' persuade all he was firm to his Resolutions ; yet that easy People may not be abused by  
 ' the Malice of crafty Men, he declares his Intentions are not changed, since he issued his  
 ' Proclamation, April 4. last Year.' Which is insert, as we had it above, App. No. 133. And af-  
 ter the former Declaration, he adds, ' Ever since we granted this Indulgence, it hath been  
 ' our principal Care to see it preserved without Distinction, as we are encouraged to  
 ' do daily, by Multitudes of Addreses from our Subjects of all Perswasions, the Effects of  
 ' which, we doubt not, our next Parliament will shew ; and that it is not in vain we have  
 ' endeavoured to establish Liberty of Conscience, on such Foundation as will render it un-  
 ' alterable, and secure to all People the free Exercise of their Religion for ever. It is such  
 ' a Security we desire, without the Burden and Constraint of Oaths and Tests, which have  
 ' been unhappily made by some Governments, but never could support any ; nor ought  
 ' Men to be advanced by such Means, to Offices and Employments which should be the Re-  
 ' ward of Fidelity, Service and Merit.' He expects this will be much for the Advantage of  
 ' Trade, and plainly intimates he had turned out of Places of Trust, all who were not  
 ' for this Liberty ; and desires his People to consider their Happiness under his Govern-  
 ' ment, and that now during Three Years, he has not appeared to be what his Enemies re-  
 ' presented him ; calls the Country to chuse such Members as will carry on what he hath be-  
 ' gun



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Proclamation  
in Scotland, May  
15. called the  
fourth Indul-  
gence.  
App. No. 138.

gun for the next Parliament, which he designs to hold in November next. But he had other Work put in his Hand by that Time.

That Things might correspond in Scotland, a new Proclamation is published there, called the Fourth Indulgence, May 15. which I have insert App. No. 138. It speaks for it self. He alleges Law for what he had done, particularly the second Act of his first Parliament. He narrates his Proclamation, February 12. last Year; but how truly 'tis said, that therein *all are freed from Oaths, &c.* when a most choking one to Presbyterians was in the Bosom of it, I must leave to others. He repeats his Proclamation, June 28. and signifies he has dissolved all Juridicatories, and the Magistracy of Royal Burghs, that they might receive new Commissions in the Terms of his Royal Pleasure. He declares he will maintain his former Proclamations, and threatens such as act contrary any way to those Points.

Act June 14.  
for a Thank-  
sgiving on the  
Birth of the  
Prince of Wales.  
App. No. 139.

The next Act of Council I meet with, is June 14. *Act for a Thanksgiving for the Birth of the most serene, &c. Prince of Wales, born June 10. 1688.* I have insert it App. No. 139. I need make no Remarks. The plain Defects in Law, purposely and of design to cover this Matter, as every Body now knows, must be supplied with Days of Thanksgiving. I wonder how the Council stumbled upon that Expression, that this Birth is fitted to unite all our Hearts, and prevent all Jealousies, when such a suspicious Birth gave the greatest Strength to Surmises and Jealousies, and, I hope, united the Hearts of all true Protestants, to joyntly in the grand Turn of Affairs in the End of the Year. The Day appointed is the 21. of June for the Diocese of Edinburgh, and the 28 for all the rest of the Kingdom. It was well the tolerated Presbyterians were not called to keep this Day either.

Rescue of Mr.  
David Houstoun,  
June 20.

About the 20 of June, the Society People rescued Mr. David Houstoun, from a Party of Soldiers carrying him in Prisoner to Edinburgh, which produced another Proclamation, and no small Trouble to the Shires of Lanerk, Renfrew, Air and Nithsdale, of which I shall give some Account from some Papers in my Hands, and it is the last Scuffle of this Nature we shall meet with.

Account of it  
from the Re-  
cords of the  
Societies.

We heard last Year, that Mr. Houstoun was adopted by the Societies, and joyned with Mr. Renwick in preaching to them; and from their Records I give the following Account of this Scuffle. Upon the 7 of June, it was represented to their general Meeting at Lochars, that Mr. David Houstoun who preached to them last Year with Mr. Renwick, and had gone over to Ireland *January* this Year, was apprehended there, and now sent over, or a coming to Scotland under a Guard, to be tried by the sanguinary Laws against Field-preachers yet in their Force, though those against Papists were taken off. They fearing he might meet with the same Measure as Mr. Renwick did, resolved to rescue him by Force.

Accordingly, about the 20 of June, a good Number of them gathered together well armed, and attacked the Soldiers at Carbelly-path. I find other Papers call it Crichton and Bellow-path, in the Shire of Air. Mr. Houstoun was rescued, and several of the Soldiers killed, and some wounded. Among the Country People John Mgechan in Auchingibbor in Cumnock Parish, a singularly pious Man, was killed, and some others wounded.

It is afterwards remarked in their Records, that Mr. Houstoun having discovered his Weakness, if not worse, and several Representations being given in against him, and some Things laid to his Charge, being found by the general Meeting not to be without Ground, that Party cast him off, and would have no more to do with him.

Proclamation  
upon this, July  
22.  
App. No. 140.

As soon as the Accounts of this Rescue came into Edinburgh, the Council issued out the Proclamation, June 22. which I have annexed App. No. 140. The Proclamation terms him a declared Rebel, though I doubt if ever he formally was declared to be so. And the Nobility and Gentry of Air, Lanerk, Renfrew, and Nithsdale Shires, are ordered to meet June 29. and July 6. to make all the Discoveries they can anent this Attempt.

The Country  
brought to  
no small Trouble  
by this Re-  
scue.

The Country was brought to no small Trouble by these Meetings, to find out the Authors and Actors in that Attempt, about which a great Noise was made, and it was aggravated beyond Truth: And after all the Diligence used, as far as I can find, few or none who were Actors in that Business, were discovered, though in some Places the Inquisition was very strict.

Particularly in  
the Shire of  
Renfrew.

From original Papers before me, I shall give some Account of what was done in the Shire of Renfrew upon this Proclamation, that the Reader may see how ready the Managers were to run into the Courses of the former Years, when any Opportunity offered. With the Proclamation there came a Letter from the Council, to the Conveener of the Shire, requiring him to acquaint the Heritors in Terms of the Proclamation. Accordingly they met at Renfrew June 29. and appointed a Committee, whereof the Nobility were supernumerary Members, to meet and receive Reports, July 12. and agreed to the following Interrogatories, which were ordered to be put by every Heritor to the Inhabitants in his Ground; and if any of the Heritors desire the Advice and Concurrence of the Minister of the Place, he is allowed to take it; and a Report of the respective Answers is to be made to the Committee, with Certification, that all Absents from the respective Examinations, and all Heritors who shall neglect to examine, shall be delated to the Privy Council.



The Queries propounded are as follow ; and the Reader will observe, that these who form them, go beyond the Occasion of their Meeting, and the Proclamation, and make Enquiry into Field-conventicles, &c. I shall not doubt, but their Instructions from the Council led them to this.

1688.

Queries to be propounded by Heritors to their Tenants.

## Q U E R I E S.

Every Heritor shall enquire of all Persons under his Charge, whether they know any Person or Persons that were Actors in, or assistant to the late Murder of his Majesty's Soldiers at *Crichtoun-path*; or of any Persons, Refettters, Hounders out, or Suppliers of the said Murderers: And if any know any Thing of those, that they give their Advice how they shall be apprehended, and brought to Justice.

Item. They are to return to the Sheriff and the Committee, an exact Account of those Persons in their Lands, if they own and acknowledge his Majesty's Authority and Government, and declare themselves willing to live peaceably under it, and if they be willing, according to Law, to forbear Field-conventicles.

Item. That the most judicious Inhabitants of each Burgh, or Tenement, or Town-land, be examined upon the Deportment and Practice of every individual Person in the Bounds, in reference to Field-conventicles, and bearing Arms at such Conventicles, or going and returning therewith, and how each of them are inclined, as to the keeping of the publick Peace.

Upon the 12 of *July*, the Committee met again at *Renfrew*, and the Heritors gave in their Reports from their respective Districts; and all the Inhabitants of the Shire, were found free and regular as to the above Particulars, except the Absents which had been sent to the Clerk, who had formed them into a Roll. Another Roll of Absents was formed by the Committee of such as were at Sea, sick, and otherwise imployed, of whom no Suspicion was entertained, which they agreed not to transmit to the Council.

The Presbyterian Ministers in the Shire having been ordered to be present, appeared, and one of them, in Name of the rest, did declare to the Committee ' the Loyalty of their Principles, their Abhorrence of all murdering Principles and Practices, and that since they had Access to the publick Exercise of their Ministry, they had not been wanting in publick and private to bear down such Principles and Practices, and resolve to do the same in Time coming: But as to their sitting and consulting in Matters Civil, or what relates to Blood, they humbly desire to be excused, it being without the Line of their Station or Vocation; and finally, that they knew none who submitted to their Ministry, tainted with such Principles or Practices.

Declaration of the Presbyterian Ministers in that Shire.

The Committee further transmitted the Rolls of Absents who were suspected Persons, with a Declaration of their Willingness to fall in with what further the Council shall think fit to require from the Shire, in order to the Preservation of the Peace of the Country.

This Shire of *Renfrew* lay at some Distance from the Place of the Attempt. I have not seen any Accounts of the Procedure in this Matter from any of the rest of the Shires, *Lanerk* and *Air* Shire, which ly near the Place of the Scuffle: But probably it was much the same with what is above, and the Inquisition was very narrow; yet I do not find any Persons accessory were discovered.

Upon the 15 of *August*, another Proclamation was published by the Council, prohibiting the Books named in it, which I have added *App. N<sup>o</sup>. 141*. The Occasion of it was the seizing of some Copies of the *Hind let loose*, when coming home from *Holland*. We have had several Proclamations of this Sort before, and so I shall not spend Time in Observes upon this; and indeed it is softer than one would have expected, after their seizing of such a Book as the last named, wherein the King's Right and Title is impugned and argued against.

Proclamation August 15 prohibiting several Books. *App. N<sup>o</sup> 141.*

It is not without a particular Emphasis, that the Proclamation declares the Books prohibited to have been printed in *Holland*, now when the Noise of the Prince of *Orange's* Expedition began to be talked of. The Books and Pamphlets discharged, are, ' All Translations of *Buchanan de Jure Regni, Lex Rex, Jus Populi, Nephthali*, the *Cup of cold Water*, the *Scots Mist*, the *apologetical Declaration, Mene Tekel*, the *Hind let loose*, the *treasonable Proclamations* issued out at *Sanquhar*, and those issued out by the late Duke of *Monmouth*, and the late Earl of *Argyle*. The Terms upon which they are to be brought in, and other Things, the Reader hath in the Proclamation it self.

I am well informed that this Proclamation was put in Execution in *Edinburgh*, by People who in the Councils Name went through the Book-sellers Shops, and seized not only these where they found them, but likewise any Books written against Popery, alledging the Selling of these tended to alienate Peoples Minds from his Majesty. And I have the following pleasant Incident from a very good Hand at this Time in *Edinburgh*.

Extended in the Execution to Books against Popery.

Some of the Counsellors gave themselves the Trouble to visit some of the Book-sellers Shops, and the Advocate used to relax himself this way. Either he, or another of the Coun-

U u u u u u

sellors



1688. sellers came in to a Shop, where the Master was a firm Whigg, and asked him if he had any prohibited Books. The other desired him to search and look for them. After he had looked through and caught nothing, he asked if he had any Books against Popery. The other answered he had, and a good Number of them. The former called for a Sight of them; for, said he, that is the Religion of his Majesty, and his Subjects ought not to be alienated from him upon that Score. Upon this the Counsellor was directed to the Place in the Shop where the Bibles lay, and the Door being cast open he took one of them, and a second, and said to the Bookseller, *These are Bibles. They are so, said the other, and from one End to the other against Popery.* This was reckoned an high Crime; and in the Afternoon the Matter of the Shop was cited to appear before the Council, and there was brought to some Trouble.

Country designed to be disarmed.

I am likewise told, that a Design was formed, and secret Orders were given to the Soldiers, to disarm the Country, especially the West and South, which was in part done, and good Numbers of Arms were seized. Some other Branches of the Procedure of the Council, immediately before the Revolution, will come in upon the last Section.

## S E C T. II.

*Of the taking, Trial, and publick Execution of Mr. James Renwick in February this Year 1688.*

Mr. Renwick seized at Edinburgh February this Year.

Some Account of him, from a manuscript Copy of his Life.

IN the Beginning of February this Year, Mr. Renwick was seized in a private House in Edinburgh, and executed upon the 17. He was the last who suffered publicly, and he wanted not Impressions, his Blood would stem the Current of Blood we have seen running those Twenty and eight Years.

This pious Person having been Minister to the Society People, who endured no small Hardships for many Years, and separated from the rest of our Presbyterian Sufferers for Conscience sake since the Year 1680. and very little of him being known, and the first rude Draught of his Life writ by the Reverend Mr. Alexander Shiels, having come to my Hand; I shall from it, and some other original Papers under Mr. Renwick's own Hand, before me, give the Reader a few of the most remarkable Passages of his Life, and a larger Account of his Sufferings and Trial, from the Registers and other Papers, than I have yet seen.

In the Entry I take the Liberty to observe, as in part I have already hinted, that, had not this good Man been overdriven by several of the People he was embarked with, he would not have run the Lengths he went in some Things, and had he outlived the Revolution, I make no question but he would have come in with Mrs. Shiels, Linning, and Boyd, to joyn with the Establishment of this Church, and might have been a very useful Instrument in it.

Mr. James Renwick was born February 15. 1662. of mean but pious Parents, in the Parish of Glencairn. His religious Disposition appeared very early, and his Parents had the Hopes of his being publicly useful. His Father, who died about the 1676. declared to some of his Friends upon his Death-bed, that he was under the Thoughts his Son would have but a short Time in this World, and die publicly in his Youth.

During his Child-hood he wanted not Temptations and Vexations about the Foundations of Religion, out of which he got with Advantage, and came to great Establishment, and a settled Faith of God's Being, Attributes, Providence, and a future State. He was educated at the College of Edinburgh, and there fell under some Repröaches and Aspersions, from which the Writer of his Life fully vindicates him. When he came to receive the Degree of Master of Arts, he refused the Oath of Allegiance, and publicly objected against the nauseous Titles and Compliments given to the then Duke of York, in the Dedication of *The Jes* emitted by the Class he was in; for this Reason he was excluded from a Share in the publick Laureation, but received his Degrees privately.

When prosecuting his Studies at Edinburgh, he fell in with the People who at that Time raised Objections against the Indulgence, and came that Length in his Scruples upon that Head, that he gave over in a little Time hearing the indulged Ministers. Frequently afterwards he used to signify that he was extremely affected at Mr. Cargil's Death July 21. 1681. And upon the back of this intirely joyned himself with that Party who cast off the King's Authority, and set up on a Lay distinct from the Principles and Practice of other Presbyteri-



and since the Reformation. He kept their general and particular Meetings, and was not a little useful to that People by his Letters, and quick Apprehension of Things. 1688.

Mr. *Renwick*, when thus embarked with the Society People, was a most violent Opposer of *Gib* and his Followers, tho' he wanted not Aspersions cast upon him as if he had been dipt with them. And when that vile Blasphemer had seduced about Thirty Persons, most part silly Women, and was apprehended and extremely favoured by the Duke of *York*, at that Time in *Scotland*, upon all Occasions he opposed *Gib*, and was very useful to recover not a few from his Delusions.

In the Year 1682. tho' Mr. *Renwick* joyned in proclaiming the *Lanark* Declaration, yet he always acknowledged several Expressions in it to be unadvised. A little after this, the Societies sent Mr. *Renwick* abroad to the University of *Groningen* to prosecute his Studies; and there, after about Half a Year's Study, he was, April 1683. ordained indefinitely to the Ministry with Imposition of Hands, and at his Ordination had the Favour done him, that, instead of the *Belgick* Forms, he was allowed to sign the *Westminster* Confession of Faith and Catechisms.

September 1683. he came home to *Scotland* through a great many Hazards and Difficulties, and the Society People chose him as their Minister, and subjected only to him. He was very frequent in Preaching and Baptizing during the following Years, till he was taken; and met with many surprising and singular Deliverances from his Pursuers, several Instances of which ly before me, too long here to be inserted.

Towards the End of the 1684 when the forenamed Declaration, against Informers and Intelligencers, was first proposed to him, he was very much against it, declaring his Fears of the sad Effects it might have; yet at length was brought into it. It was he who penned the *Sanguar* Declaration, and proclaimed it May 28. 1685. with about Two hundred of his Followers, wherein they deny King *James's* Authority, and renounce all Subjection to him.

About that same Time he refused to joyn the Earl of *Argyle* and his Party, till they would so state their Quarrel, that he and his Followers could joyn in it. In the Years 1686 and 1687. he continued preaching and catechizing such as would subject to him up and down the West and South. He appeared with no small Keeness against the Liberty at this Time granted to Presbyterians, and inveighed against their accepting it from a Popish Prince.

Against this he drew up a Paper, and came in to *Edinburgh* January this Year, and gave a Double of it to one of the Presbyterian Ministers in that City, to be communicated to his Brethren. It hath been printed under the Title of *The Testimony of some persecuted Presbyterian Ministers against Toleration, &c.* It being common, I need not insert it.

From *Edinburgh* he went over to *Fife*, where he continued preaching till the last of *January*, which Day he came back and lodged in a Friend's House in the Castle-hill, who dealt in *English* Goods; and the Custom-house Officers were frequently searching it for prohibited Goods. *Thomas Justice*, one of the People who used to look after such Things, by some of his Spies got Notice that a Stranger was come to that House that Night, and the Master of the Family being a known Follower of Mr. *Renwick's*, it was suspected it might be he: Yea, that very Night the said *Justice*, in a Company where the Discourse happened to fall upon Mr. *David Houstoun*, and a Rumour a going that he was seized in *England*, said, he hoped he should have another of them ere long, and taking up a Glass, drank Mr. *Renwick's* Health, swearing he hoped to grip him ere Seven next Morning.

He is seized at  
Edinburgh Fe-  
bruary 1.

Accordingly, February 1. early in the Morning, the Waiters attacked the House, pretending they were searching for run Goods. Mr. *Renwick* coming out of his Room upon some Noise, *Justice* standing at the Door, said, 'My Life for it this is Mr. *Renwick*; all in this House must go to the Guard to see what Trade they are of.' Mr. *Renwick*, with Two of his Friends, retired to another Door, and opening it, found it guarded by some of *Justice's* Company. One of them essayed to force his Way, and was resisted by the Waiters; whereupon Mr. *Renwick* drew a Pistol, and discharging it without hurting any of them, obliged them to give Way, and got out, but when going by them, one of them struck him on the Breast with somewhat or other, and bruised him very fore, which marred him in his Flight, and the Pain of it was the Occasion of his Fall more than once when running.

By this Time *Justice* had raised the Cry for Assistance to take the Dog *Renwick*: However Mr. *Renwick* got down the Castle-wynd, and even to the Head of the *Cowgate*; but having fallen several times, and lost his Hat, he came to be noticed, and being hotly pursued, at last was taken by a profligate Fellow. The Two others escaped.

Mr. *Renwick* was straight carried to the Court of Guard, where, for a while, he was very much insulted. *Graham* the Captain of the Guard, delivered him up to a Committee of the Council, who ordered him to be put in the Irons. When there alone, he afterward signified to some of his Friends, being the first Opportunity he had of stated Supplication, he betook himself to God in Prayer, humbly begging, that the Lord might carry him through his

Suffer-



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Sufferings, cheerfully resigning his Life to the Lord, earnestly begging, that Enemies might be permitted to do no more but take his Life, and not to torture and mangle him. He observed to them, that the Lord was pleased to answer him remarkably enough, several Projects this way being disappointed.

His Examination before some Counselers.

Before he received his Indictment, he was carried to the Viscount of *Tarbet's* Chamber, and there examined very particularly. Two little Note-books of his were found upon him when taken, where, in his own Hand, were the Notes of Two Sermons he had lately preached at *Broad-craigs*, wherein he had disclaimed and disproved the King's Authority, and had reasoned against the paying of Cess, with some other Things, and proven, that bearing Arms, for the Defence of the Gospel at Field-meetings, was lawful. This I find Mr. *Renwick* giving an Account of, in an original Letter of his before me, to a Friend, dated *February 6*.

Upon those Points he was examined, and very frankly acknowledged the Doctrine he had taught, and with much Composure and Boldness he defended it. In the same Letter, he gives an Account of his Examination upon some other Things contained in a Pocket-book found upon him, which were only Forms of Address to some Professors abroad, and *Robert Hamilton*. Those being plain and set down, he owned he corresponded with them; and being asked the Subject of their Correspondence, he answered, he used to give Account of his and his Hearers Sufferings, and beg their Sympathy.

There were moreover some capital Letters in the same Book, such as A. S. M. S. J. W. A. W. P. R. P. A. M. M. at G. where a Hat was left. The Committee were extremely importunate to discover their Names. Mr. *Renwick* knowing they were as obnoxious already, as any Thing he could say would make them, ingenuously declared they were the Names of Persons he was to have writ to, Mr. *Alexander Shiels*, *Michael Shiels*, *James* and *Archibald Wilsons*, *Peter Rayning*, and *Peter Aird*, all of whom were upon their Hiding, and out of their Reach. He made some Difficulty upon the last, till the Advocate promised to save her from any Trouble upon his account; and then, to escape the Torture they threatened him with, he told them it was one Mrs. *Miller* at *Glasgow*. This Ingenuity in him did much soften the Rage of his Enemies.

His Indictment February 3.

After this Examination he received his Indictment, *February 3*. and the annexed List of Witnesses. The Indictment being but short, and the last we are to meet with, I insert it here, and the rather, because it lets us in to several Particulars omitted in the former Account of him.

‘ Mr. *James Renwick* Prisoner, you are indicted and accused, that whereas notwithstanding by the fundamental Laws of this Kingdom, and constant Practick thereof, and by the Acts of Parliament after mentioned, viz. the 129 *Act*, *Parl. 8. Jam. VI.* the 151 *Act* of his 15 *Parl.* by the 1 *Act* of his 18 *Parl.* and by *Act 2. Sess. 2. Parl. 1. Char. II.* and the 2 *Act* of his 3 *Parl.* the Kings of *Scotland*, their Heirs and Royal Successors, are acknowledged to be sovereign Monarchs, absolute Princes, Judges and Governors of this Realm; and that none shall decline the King or his Authority, under the Pain of Treason; and that the Kings of this Realm hold their Crown and Authority from God Almighty only; and therefore the entering into Leagues and Covenants, rising in Arms against the King, or suspending him from the Exercise of his Government, or putting Limitations upon the Allegiance and Obedience of the Subjects, are declared Treason: And that upon the Death of any King, the royal and sovereign Authority is immediately, and *ipso facto*, devolved upon the next lawful Successor; and that no Objection or Pretext whatsoever, can impede or obstruct the same; and the Design to obstruct or divert the Succession, is declared high Treason.

‘ Nevertheless it is of Verity, that you the said Mr. *James Renwick*, having shaken off all Fear of God, and Respect and Regard to his Majesty's Authority and Laws; and having entered your self into the Society of some Rebels of most damnable and pernicious Principles, and disloyal Practices, you took upon you to be a Preacher to those Traitors, and became so desperate a Villain, that you did openly and frequently preach in the Fields, denying claiming against the Authority and Government of our sovereign Lord the King, denying that our most gracious Sovereign King *James VII.* is lawful King of those Realms, asserting that he was an Usurper, and that it was not lawful to pay Cess or Taxes to his Majesty; but that it was lawful, and the Duty of Subjects, to rise in Arms, and make War against his Majesty, and those commissioned by him.

‘ For which Crimes, you the said Mr. *James Renwick* was declared Fugitive, and denounced Rebel by open Proclamation, published at the Market-cross of *Edinburgh*, and printed, bearing the Date of the Day of Year, and the Lieges were certiorate thereanent, and required to apprehend you, and there was a Fine of an Hundred Pounds Sterling, as a Reward and Encouragement, promised to such as should apprehend you.

‘ And yet ye did still continue in your former desperate Obstinacy, keeping Conventicles in the Fields, and requiring your Hearers to provide Arms, and come armed to those Rendezvous of Rebellion, and particularly upon one or other of the Days of *September* last, you kept a Field-conventicle upon the Muir, near *Paisly*, where were many Persons



sons in Arms; and upon one or other of the Days of *November* last, and likewise upon the 18 of *January* last bypast, you did keep Two Conventicles at *Braidscraigs*, within Two Miles of the capital City of this Kingdom, where you not only renewed your former treasonable Doctrines and Positions, but likewise with your Hand you wrote down in a Book found upon you when you was taken, the Heads of those treasonable Sermons, with the Dates and Places where you had preached the same.

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And being apprehended within the City of *Edinburgh*, you did desperately fire upon the Officers that did come to take you. And being brought before the Lord Chancellor and other Counsellors, upon the First of *February*, 1688 Years instant, like a desperate irreconcilable Traitor, you did openly deny and decline our sovereign Lord's Authority, and assert that our most gracious King was an Ufurper, and not lawful King, and owned you had preached the same.

Likeas, ye the said Mr. *James Renwick*, being brought to the Viscount of *Tarbat's* Lodging, did there, in the Presence of the Lord Chancellor, and several other Counsellors, upon the 3 of *February* instant, avowedly and traiterously declare, that you could not in your Conscience acknowledge the King to be your lawful Sovereign, and that the lineal Succession did not give a Right to govern; and that you thought it was not lawful to pay Cess to the King, because it was imposed for maintaining of Forces to bear down the Gospel, and that all Persons who made Payment of any Cess, were involved in that Guilt; and adhered to your preaching Book, and declared the same to be your own Hand-write, and owned you had preached to the People to come in Arms to your Meetings for Defence, in case they met with Opposition, and that it was lawful to do so.

Wherethrough ye the said Mr. *James Renwick* has committed, and is guilty of the Crimes of high Treason above specified, or one or other of them, and is Actor, Art or Part in the same; which being found by an Assize, you ought to be punished with Forfeiture of Life, Land, and Goods, to the Terror and Example of others to commit the same hereafter.

You are to answer to this Indictment upon the 8 Day of *February*, 1688 Years.

*James Guthrie* Purfevant.

With this Libel a List of Forty five was given him as his Assize, to judge upon the Probation, out of which Fifteen were to be chosen. I have formerly observed, that it was customary in this Period to vex Presbyterians, who could not actively joyn in the Bloodshed of this Time, by putting them upon the Assizes of the Sufferers, and that both to expose them if they consented, and to bring them into Trouble if they refused.

Thus I find some worthy Persons, some of them very considerable Sufferers themselves, put upon Mr. *Renwick's* Assize, as Sir *John Maxwell* of *Nether-pollock*, Sir *Robert Stuart* of *Allanbank*, Mr. *Robert*, since Sir *Robert Blackwood* Merchant in *Edinburgh*, Mr. *George*, after Sir *George Hume*, *Samuel*, since Sir *Samuel McClellan*, Merchants there, *George Mosman*, *John Armour* Merchant in *Glasgow*, and many others. None of these would be concerned in the Condemnation of this good Man. The Fifteen who were pitched upon out of the Forty five, were as follows:

*James Hume* of *Kimmergame*,  
*John Hume* of *Nine-wells*,  
*John Martin* Clerk to the Manufactory,  
*Alexander Martin* of *Kesslaw*,  
*Robert Haliburton* Merchant,  
*Thomas Lawrie* Merchant,  
*Archibald Johnston* Merchant,  
*Thomas Wylie* Merchant,

*James Hamilton* Vintner,  
*William Cockburn* Merchant,  
*James Hamilton* younger, Stationer,  
*Robert Currie* Stationer,  
*John Cunningham* Merchant in *Glasgow*,  
*William Somerwel* Chamberlain of *Douglas*,  
*Ninian Banantyne* of *Kaims*, Chancellor to the Assize.

Together with this Indictment and those Assizers, Mr. *Renwick* received the following List of Witnesses signed by the Purfevant.

*John* Archbishop of *Glasgow*,  
*George* Viscount of *Tarbat*,  
Lord *Livingstone*,  
*Colin* Earl of *Balcarras*,  
Earl of *Traquair*,  
General Major *Graham*,  
Sir *William Paterson*,  
Mr. *Colin Mackenzie* Clerk to the Council,

Sir *Thomas Moncreif* of that Ilk,  
Mr. *William More* Clerk to the Session,  
Master of *Balmerino*,  
*George Row*,  
*David Gourel*, } Merchants in *Edinburgh*.  
*Hugh Ross*, }  
*James Boyd* Prisoner in the Canongate.

Signed,

*James Guthrie* Purfevant.

When

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When Mr. Renwick had gotten this Indictment, by the Favour of the Keepers, his Mother Elizabeth Carson, a singularly religious Person, was permitted now and then to see him. With her he conversed in much Composure and Affection, and frequently declared his great Grief to leave his People who had been under his Ministry; but added, were it in his Choice, he could not think upon it without Terror, to continue much longer in his Con- flicts with a Body of Sin and Death he carried about with him; that he adhered to all he had preached. This was upon the Sabbath, February 5.

In his Letter, February 6, before referred to, after he hath given an Account of God's great Goodness to his Soul, and desired the Persons whose Names he decyphered, might be acquainted with what he had done, to save himself from Torture, he concludes, 'I desire none may be troubled on my behalf, but rather rejoyce with him, who with Hope and Joy is waiting for his Marriage and Coronation Hour.'

At another Time his Mother asking him how he was; he answered, *Well, but since my last Examination I cannot get praying.* His Mother looking on him with much Surprize and Concern, he added, *I can hardly get praying, being so much taken up in praising, and ravished with the Joy of the Lord.*

When his Mother, who was extremely affectionate, expressed to him her Fears of fainting, and running to Extremities, saying, *How shall I look to that Head and these Hands set up upon the Ports of Edinburgh? I have so much self, that I will never be able to endure it.* He smiling said, *She would never see them there, adding, I have willingly parted with my Life, and humbly sought of the Lord to bind them up from going any further; and I am much persuaded, they shall be permitted to go no further.* When at Liberty, he used to be much troubled with Fears about Torture, and mangling his Body, but now they were intirely removed.

Some Time after, others of his Friends found Means to get in to him; them he pressed to mind Salvation Work, and to get their Peace made with God, and to be stedfast in the way of Truth. When they regreted his being taken away from them, he said, They should rather rejoyce that he was to be taken away from the Reproaches and Calumnies he had lien under, which he hoped his Death would wipe away. He further told them at his first Appearance, he was once thinking to wave the Counsellors Interrogatories, and put them upon Probation; but he found his Soul filled with Darknes upon those Thoughts, and resolved to be plain and full in his Confession, as he had been in his Sermons, and in so doing he had Peace.

Feb. 8. he is be-  
fore the Justici-  
ary.

Upon Wednesday, February 8. Mr. Renwick was brought before the Justiciary. After his Indictment was read, the Advocate restricted it to his denying the King's Authority, his preaching the Unlawfulness of paying Cess, and that he had called his Followers to come with Arms to the Field-meetings. All I find in the Registers for Probation, is his own signed Confession, which I give from them. It is as follows.

His Confession.

'Mr. James Renwick being interrogated, if he owned King James VII. who now reigneth, to be his lawful King; declares, he cannot deny his being *de facto* in the Throne, but de- nies that *de jure* he ought to reign, or that he is lawful Sovereign; and that he cannot in Conscience obey him as his lawful King. Declares, he thinks it unlawful for Subjects to pay Cess to the King. Declares, he taught his People that came to his Field-meetings, that they should come in Arms, and oppose the King's Forces, and fight with them in case they came against them

James Renwick.

Thus his Case stands in the criminal Books. I shall now give a larger Account of it from the abovesaid Account of his Life, and other Papers before me.

What passed  
there.

When before the Justiciary, he adhered to his former Confessions with great Composure and Sedateness, and the Lenity of the Court was beyond what had been their Use and Manner formerly: He did not seek Lawiers to plead for him, but the Lords permitted him to speak what he had to say, without Threatnings and Interruptions, even though he gave none of them their Titles save the Nobility.

After the Indictment was read, the Justice-clerk asked him, if he adhered to all his former Confessions, and acknowledged all that was in the Libel. He replied, 'All except where it is said, *I have cast off all Fear of God*, for it is because I fear to offend God and violate his Law, I stand ready to be condemned here.' Then he was interrogated, Whether he owned Authority, and if he owned King James VII. to be his lawful Sovereign. He answered, 'I own all Authority which hath its Prescriptions and Limitations from the Word of God, but cannot own this Usurper as lawful King, seeing both by the Word of God such an one is incapable to bear Rule, and also by the ancient Laws of the Kingdom, which admit none to the Crown of Scotland until he swear to defend the Protestant Religion, which a Man of his Profession cannot do.'

He was urged by the Lords, *How could he deny him to be King? was he not the late King's Brother? had the late King any Children lawfully begotten? was he not declared Successor by Act of Parliament?* The Pannel answered, 'he was, no question, King *de facto*, but not *de jure*,



sure, that he was Brother to the other he knew nothing to the contrary. What Children the other had he did not know; but from the Word of God, which ought to be the Rule of all Laws, or from the ancient Laws of the Kingdom, it could not be shewn that he had, or ever could have any Right.

The next Question propounded to him was, *If he owned or had thought it to be unlawful to pay Taxes or Cess to his Majesty.* He answered, 'As to the present Cess, exacted to the present Usurper, I hold it unlawful to pay it, both in regard it is oppressive to the Subjects for the Maintenance of Tyranny, and because it is imposed for the Suppression of the Gospel. Would it have been thought lawful for the Jews in the Days of *Nebuchadnezzar* to have brought every one a Coal to augment the Flame of the Furnace, to devour the Three Children, if they had been required of the Tyrant? And how can it be lawful, either to oppress People for not bowing to the Idols the King sets up, or for their Brethren to contribute what may help forward their Oppression on that account?

Next he was interrogated, if he owned that he taught his Hearers to come armed to their Meetings, and in case of Opposition, to resist. He answered, 'It were inconsistent with Reason and Religion to teach otherwise; you yourselves in the like Circumstances would do it. I own I taught them to carry Arms to defend themselves, and to resist your Violences.

Further being asked if he owned the Note-books taken upon him, with the Sermons written therein, and that he had preached them; he answered, 'if you have added nothing, the Books being in your Custody, I will own them, and am ready to seal all the Truths contained there with my Blood.

All his Confessions being read over, and he required to sign them, he said, he could not do it, since he took this to be a partial owning of their Authority. Some Reasonings passed upon this Subject; at length he said, *I will sign the Paper as my Testimony, but I declare it is not in obedience unto you.*

The Assize were next called upon by Fives, and sworn. Mr. *Renwick* was asked, if he had any Thing to object against them. He objected nothing against any of them, but protested, that none might sit on his Assize who professed Protestant or Presbyterian Principles, or an Adherence to the covenanted Work of Reformation. The Assize unanimously brought him in guilty; and Sentence was given, that he should be executed at the Grass market on the Friday following. The Earl of *Linlithgow* Justice-general, asked him if he desired a longer Time. He said, it was all one to him; if it was protracted, it was welcome, if shortened, it was welcome, his Master's Time was the best Time. However, without his Knowledge, and after he had openly refused, when the Advocate urged him to desire it, he was delayed till the 17 of February.

During this Interval Mr. *Renwick* was visited by Bishop *Paterfon*, Doctor *Monro*, and others of that Kidney. Mean while, which was not usual after Sentence of Death, not one of his Friends for some Time were permitted to see him. The Bishop vexed him with his Solicitations to save his Life, and his Queries he proposed to him, 'Thought he none could be saved but those of his Principles? would he kill himself with his own Hand, since he might have his Life upon such easy Terms?' and others of that Nature. Mr. *Renwick* answered, 'He never said or thought none could be saved but such as were of his Principles; but he was of Opinion those were Truths upon which he was suffering, which he had not rashly concluded upon, but deliberately, and of a long Time had been confirmed in, as what were sufficient Grounds to suffer upon.' The Bishop said, he was sorry to see him so tenacious, and throwing away his Life, but wished him well, and took his Leave of him. Afterwards he commended him as a Youth of Parts, and in the Council pressed for another Reprieve for him, which would have been easily granted if he would have petitioned for it. Yea, such was the Bishop's professed Kindness and Concern in him, that he sent one to him the Night before he was executed, desiring to know, if there was any Thing lying in his Power to do for him, and he would do it. Mr. *Renwick* returned him his Thanks for his Civility, and desired the Messenger to acquaint the Bishop, that he knew nothing he could do for him, or that he himself could desire of him.

At another Time he was visited by one Mr. *Macknaught*, a Curate, in his Gown and monical Habit. At his coming in, Mr. *Renwick* told him he did not like his Coat, it was a bad Badge. The other said, he was not come to debate, but wished him well, and discussed a little upon the Toleration, enquiring at the Close, what he thought of it, and of Men who accepted of it. Mr. *Renwick* answered, 'He was against the Thing as not consistent to the Rule, but as for the Men who embraced it, he judged them godly Men.' The Curate, after parting with him, commended him for Gravity and Ingenuity.

The Advocate also made him a Visit, and very earnestly pressed Mr. *Renwick* to supplicate and to own the King's Authority, and heard him patiently as to his Reasons why he could not fall in with his Desire. The Advocate told him he was very sorry for his Death, and that it fell out in the short Time he had been in his Office, and gave, as the Reason of it, the Reports that had been industriously spread, that he was a Jesuit; and said, the Papists were enrag-



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enraged, that any, said to be of their Principles, should deny the King's Authority, and pushed his Execution ; and told him it was not in his Power to stop it, unless he would own the King's Authority.

Several Popish Priests came frequently to him while in Prison, and at their coming away were overheard saying, He was a most obstinate Heretick. The Keepers of the Prison used to tell how vexing they were to him, and that he frequently desired them to leave him, so that it became a Proverb among them at that Time, *Be gone, as Mr. Renwick uses to say to the Priests.*

All the Time he was in Prison after his Sentence, he was kept so close, that he could get nothing written. He began to write a Testimony, but Pen and Ink were taken from him. Yet he found means that Night before he suffered, to send out a short Paper, which I take to be that printed in the *Cloud of Witnesses.*

February 14. he was again brought before the Council, and they signified to him how much Kindness they had shewn him in giving him a Reprieve unsought, and plainly enough insinuated there was yet Room of lengthning it out ; but he was fully determined not to table any Petition to them.

At his Return he was very cheerful, and a Friend asking him how he was, he answered, *Very well, but he hoped to be much better in Three Days.* He told his Mother, who was sometimes admitted to him, that the last Execution he was Witness to, was that of Robert Gray above spoken of ; and it was then born in on his Spirit, that he would see no more of that kind, till he were executed himself.

Frequently he owned the Necessity of his suffering at that Juncture, and that he had firm Hopes, that his Death would not be without Fruit. Very often he praised God for his Goodness to him, in making his Death and the manner of it so very easy to him. When he was asked, what the Lord would do with the Remnant left behind him ; he answered, *It would be well with them, for God had said, he would not leave his Inheritance.*

That Morning before his Death, February 17. the Good-man (Jaylor) of the Tolbooth came to him in his Chamber, and told him he might have his Life, if he would sign the Petition he offered to him. Mr. Renwick answered him, *That Sufferers for the Truth might indeed require that their Persecutors should not take their Life, and remonstrate against them ; but he did not think it lawful to petition in his Circumstances, since it would be a receding from the Truth, and declining a Testimony for Christ.* Then the Keeper desired him not to mention the Cause of his Death at the Place of Execution, and to forbear Reflexions and irritating Expressions. He answered, *What God giveth me, I will speak, and nothing else, and nothing left ;* and begged the Favour of him, that his Mother and Sister might be permitted to come in to him, and stay a little with him. The Keeper objected, he would perhaps give them Papers to carry out. Mr. Renwick answered, *He might search them, and see, when they left him.*

They were suffered to come in to him, and he took some Meat with them very cheerfully. In his giving Thanks they minded these Expressions very distinctly. ' Lord, now thou hast brought me within Two Hours of Eternity, and this is no Matter of Terror to me, more than I were going to ly down in a Bed of Roses, through thy Grace. To thy Praise I can say, I never had the Fear of Death since I came within this Prison. O ! how can I contain under the Thoughts of this, to be within Two Hours of the Crown of Glory ! ' He exhorted them much to prepare for Death ; for, said he, *in itself it is the King of Terrors, tho' not to me now, as sometimes it was in my Hidings. But now let us rejoyce and be glad, for the Marriage of the Lamb is come, and his Wife hath made her self ready : Would ever I have thought that the Fear of suffering would ever have been so taken away from me ! But what shall I say ? it is the Doing of the Lord, and is marvellous in our Eyes. I have many Times counted the Cost of suffering for Christ, but never expected it would have been so easy ; who knows the Honour and Happiness of that ?* He that confesseth me before Men, him will I confess before my heavenly Father.

Perceiving his Mother weeping, he exhorted her to remember, ' that whoever loved any thing better than Christ, was not worthy of him. If you love me, added he, rejoyce that I am going to my Father, to obtain the Enjoyment of what Eye hath not seen, nor Ear heard, neither hath it entred into the Heart of Man to conceive.

Then he prayed with them, and therein he run out much in Praises, ' That now he was getting above all Conflicts with Sin and Sorrow, and where there should be no Quarrels, or Distance from God. He pleaded much in behalf of the suffering Remnant, and that the Lord would not leave Scotland, asserting with great Confidence of Hope, that he was strengthened in the Faith of it, that the Lord would be gracious to Scotland.

In a little Time he heard the Drum beating for the Guards to take him out to his Execution, and rejoyced exceedingly, saying, ' Yonder the welcome Warning to my Marriage ; the Bridegroom is coming, and I am ready, I am ready. ' Then he took his Leave of his Mother and Sister, intreating them not to be discouraged, for ere all were done, they would see Matter of Praise in that Day's Dispensation.

After



After the usual Manner he was taken to the laigh Council-house, where, after reading 1688. his Sentence, he was desired to say any Thing he had to say, there. He answered, I have nothing to say to you, but that which is written *Jer. xxvi. 14, 15. As for me, behold, I am in your Hand, &c.* Then he was told, he would not get Leave to be heard on the Scaffold, for ruffling of Drums, and was desired to pray there. This he refused, asking if the Drums would be ruffled, unless when they thought he spoke bitterly, and made Reflections. They answered, they would be ruffled all the Time, and urged him to pray, and put a Friend, whom they allowed to wait upon him to the Scaffold, to request him; but he still refused. Then they warned him to forbear Reflections. He told them, he would not be limited; he had premeditated nothing, but what the Lord gave him, that he would speak. They offered him any Minister he pleased to be with him; but he only desired the Friend they had already granted him.

Mr. *Renwick* went very cheerfully to the Place of Execution, where there was a vast Number of Spectators. Executions had not been frequent for some Time, and his Circumstances were singular. Very little of what he said was heard, for the Drums beat without Intermission, till he was put over the Ladder. Any Thing gleaned up here, is from the Person who waited upon him, with the Help of a few others, who had placed themselves near the Scaffold.

There was a Curate standing at the Side of the Scaffold, who addressed himself to Mr. *Renwick* when he came up, and said, Pray for the King, and we will all pray heartily for you. Mr. *Renwick* answered, he did not expect his Prayers, and was come hither to bear his Testimony against him, and such as he was. The other replied, Pray for the King, whatever you say against us. Mr. *Renwick* answered, I will discourse no more with you, I am shortly to appear before the King of Kings, and Lord of Lords, who will shortly pour Contempt on all the Kings of the Earth, who have not ruled for him.

He sang the 103 Psalm from the Beginning, and read *Revelation 19 Chapter*, and then prayed, commending his Soul to the Lord through the Redeemer, and his Cause to be vindicated by him in his own Time. He declared this was the most joyful Day he ever saw, and what he longed for, and blessed the Lord for the Honour of the Crown of Martyrdom, an Honour, added he, the Angels are not capable of. He regreted, he was disturbed in worshipping God, and said, But by and by, I shall be above those Clouds, and enjoy, and worship, and glorify thee without Interruption or Intermission for ever. This is all that is remembred.

Prayer being ended, he spake to the People, and what was remembred was to this effect.

' Spectators, or if there be any of you Auditors, I must tell you I am come here this Day, to lay down my Life for adhering to the Truths of *Christ*, for which I am neither afraid nor ashamed to suffer: Nay, I bless the Lord that ever counted me worthy, and enabled me to suffer any Thing for him; and I desire to praise his Grace, that he hath not only kept me free from the gross Pollutions of the Time, but also from many ordinary Pollutions of Children; and for such as I have been stained with, he hath washed and cleansed me from them in his own Blood.

' I am this Day to lay down my Life for these three Things. 1. For disowning the Usurpation and Tyranny of *James Duke of York*. 2dly. For preaching that it was unlawful to pay Cess. 3dly. For teaching that it was lawful for People to carry Arms, for defending themselves in their Meetings for receiving persecuted Gospel Ordinances. I think a Testimony for these is worth many Lives; and if I had Ten thousand, I think all little enough to lay down for the same.

' Dear Friends, Spectators, and if any of you be Auditors, I must tell you, I die a Presbyterian Protestant. I own the Word of God as the only Rule of Faith and Manners; I own the Confession of Faith, Larger and Shorter Catechisms, Sum of saving Knowledge, Directory for Family Worship, Covenants, National and Solemn League, the Acts of the General Assemblies, and all the faithful Contendings that have been for the covenanted Reformation.

' I leave my Testimony approving preaching in the Fields, and the defending the same by Arms. I adjoyn my Testimony to all those Truths, which have been sealed by Blood, in Scaffolds, Fields, and Seas, for the Cause of *Christ*.

' I leave my Testimony against Popery, Prelacy, *Erastianism*, against all Profanity, and every Thing contrary to sound Doctrine, particularly against all Usurpations and Encroachments made upon *Christ's* Rights, the Prince of the Kings of the Earth, who alone must bear the Glory of ruling his own Kingdom, the Church; and particularly against the absolute Power assumed by this Usurper, that belongs to no Mortal, but is the incommunicable Prerogative of *Jehovah*, and against this Toleration flowing from this absolute Power.

Here he was ordered to dispatch; and answered, I have near done.

Then added, ' Ye that are the People of God, do not weary in maintaining the Testimony of the Day, in your Stations and Places; and whatever you do, make sure an Interest in *Christ*, for there is a Storm coming, which will try your Foundations: Scotland must be

Y y y y y y

His Speech at his Execution, as far as could be minded.



1688. *rid of Scotland, before the Delivery come.* And you that are Strangers to God, break off your Sins by Repentance, else I will be a sad Witness against you in the Day of the Lord.' Here they caused him stop, and ordered him to go up the Ladder. There he prayed again, and this Expression was distinctly heard. 'Lord, I die in the Faith that thou wilt not leave Scotland, but that thou wilt make the Blood of thy Witnesses, to be the Seed of thy Church, and return again and be glorious in this Land. Now, Lord, I am ready, the Bride, the Lamb's Wife hath made her self ready.' When the Napkin was tying about his Head and Face, he said to his Friend who was permitted to be with him, 'Farewel, be diligent in Duty, make your Peace with God through Christ. There is a great Trial coming as to the Remnant-I leave. I have committed them to God; tell them from me, not to weary, nor be discouraged in maintaining the Testimony. Let them not quit or forgo one of those despised Truths. Keep your Ground, and the Lord will provide you Teachers and Ministers, and when he comes he will make all those despised Truths glorious upon the Earth.' When he was turned over the Ladder, he had those Words in his Mouth. 'Lord, into thy Hands I commit my Spirit, for thou hast redeemed me, O God of Truth.' He died in the 26 Year of his Age.

Thus I have given a pretty large Account of this zealous, serious, and pious Youth, especially of his Sufferings. The Writer of his Life adds a large Vindication of the Heads upon which he suffered, in which I observed nothing, but what the Reader will meet with in the *Hind let loose*, upon those Subjects. I have observed some Things intermixed in the History of Mr. *Renwick's* Life, wherein I am sure the worthy Writer hath been misinformed, and some other Passages that breathe a little of that Keeness one needs not be surprized at in this Time of bitter Persecution, and when probably the Author wrote, just when the Loss of Mr. *Renwick* was fresh upon his Spirit. Those and other Particulars I have omitted, and given as short and distinct an Abstract of Matter of Fact as I could.

### S E C T. III.

*Of some particular Instances of Presbyterian Ministers, and others their Sufferings, not unto Death, this Year 1688.*

Contents of  
this Section.

Infractions of  
the Liberty  
given to Pres-  
byterian Mini-  
sters.

Case of Mr.  
*Auchmoutie*

Mr. *Alexander*  
*Orrock*

**I** Come now forward to some few Instances of particular Persons Sufferings, during the former Part of this Year, with an Account of another Murder in the Fields, and a very singular Prosecution of the Reverend Mr. *Gordon* Minister at *Campvere*, which is one of the last Branches of Persecution I have met with.

Though a Liberty was granted to Presbyterians, yet in many Places all Methods were taken to hinder the Benefit of it. I have some Instances of this in the Town of *Dundee*, last Year and this, where *Claverhouse* was either Provost, or assumed to himself the chief Management of that Town; and I shall cast them all together, though they fell out at different Times.

In the End of the last Year, or Beginning of this, *Claverhouse* forcibly stopped Mr. *Alexander Auchmoutie*, and kept him from preaching Two different Sabbaths, upon pretext that his Name was not given up to the Magistrates, which nevertheless had been done by *William Watt*, *James Mutchel*, and *Robert Philip*. Next Lord's Day, when Mr. *Auchmoutie* was preaching, *Claverhouse* forced Five of the Townsmen, presently to give Bond, under the Penalty of Five thousand Merks, to produce Mr. *Auchmoutie* before the Privy Council; which they did, and were at no small Charges by Attendance there and otherwise. And after all, he was decerned to preach no more at *Dundee*, without any Reason given, and directly contrary to the Proclamation for Liberty.

This same Year 1688. Mr. *Alexander Orrock* having preached Two Days at *Dundee*, *Claverhouse* resolving to be rid of him, prevailed with Two Persons, *Robert Robertson* Dyler, and *Robert Hamilton* Book-binder, who, upon Oath before the Magistrate, declared, that Mr. *Orrock* had said the King was an Idolater. When the Depositions were laid before the Privy Council, by their Act he was discharged to preach any more at *Dundee*. Whereas, if his Auditory had been called, they would have with one Mouth declared, that Mr. *Orrock's* Words were misrepresented, and that his Expression was one Day in Prayer, he begged, That the Lord would purge the King from Heart Idols. And we may be assured, had it been otherwise, Mr. *Orrock* would have been discharged to preach any where, and processed too.

The



The reverend and pious Mr. *Thomas Cobham*, a Presbyterian Minister, born in *Dundee*, 1688. came thither in *May* this Year to see his Friends, and lodged at a Cousin's House in that Town. As was his Duty, he went about Family Worship in the Family: Upon this the Noise went through the Town, there had been a Conventicle in that House; whereupon Mr. *Cobham* and his Friend were brought before one of the Bailies, *James Alein*, about Eleven of the Clock at Night, and he was challenged for preaching. He acquainted the Bailie, he had, as still he used to do where he was permitted, gone about Family Worship, and this was all that had been in the Matter. Mr. *Cobham* was presently bailed, otherwise he must have gone straight to Prison.

Next Day, *May* 24. the Four Bailies met, and found the Information false, and his Bond was given up. And Mr. *Cobham* gave up his Name to the Magistrates, and preached next Sabbath. And being to preach on the Lord's Day following, on the *Saturday's* Night before, about Ten of the Clock, he was called before *Alexander Arbutnot*, *John* and *James Graham's* Bailies, and ordered to find Bail. Mr. *Cobham* asked them for what. They answered, before he preached any more. He answered, he had given up his Name in Terms of Law, and asked what they had to charge him with, and required Witnesses as to any Crime they had to stage him for, and he was willing to answer for it: But nothing would satisfy the Bailies; they resolved to hinder his preaching to morrow, and to Prison he must go.

His Friend Mr. *Smith* having come with him to the Magistrates, could not contain himself under this illegal Procedure; but took the Liberty to tell the Magistrates, 'That Mr. *Cobham* was already judged by them, and nothing could be found against him; and it was his Opinion, if a Minister had been among the *Turks*, he would not have been more severely dealt with.' For which Words *John Smith*, Mr. *Cobham's* Cousin, was sent to bear his Friend Company in Prison. Upon Sabbath they were so closely kept, that no Body almost was allowed to see them.

The Design of hindring Mr. *Cobham* to preach, however illegally, was thus gained, and Mr. *Smith* in a few Days was let out, but the Minister was kept in Prison some Time. *June* 19. Bail was offered for him under the Penalty of Six thousand Merks, but the Magistrates would not receive it, though they had nothing to charge him with. Upon the 2 of *July*, the Town Treasurer and Town Officers were sent with him to *Fife*, where *Claverhouse* had ordered Six Troopers to receive him, and they guarded him in to *Edinburgh*. There, after some Days Imprisonment, he was brought before the Council, and when nothing appeared against him, he was liberated. This excellent Person came and preached some Time in the West at the Revolution, and was afterwards settled in *Ireland*, and continued a good while an useful Minister of the Gospel there.

Many other Accounts might be given, from *Dundee* and other Places, of such who were averse from Presbyterian Ministers their Efforts against preaching and setting up of Meeting-houses; and the Pretenders to passive Obedience, and illimited Subjection to the King, when the Proclamation for Liberty displeased them, did not stick to act openly against the then Law.

When People hired their Barns or other Houses for Places of Worship, they were vexed or harassed upon some Pretext or other; and those who would not come to Church, were brought to no small Trouble. All possible Quarrels were picked with Presbyterians, and such who favoured the Liberty; and Freedom in Burghs, and other Favours were bestowed upon such who promised not to frequent the Meeting-houses. So we may easily conclude, and not the happy Revolution followed, this Liberty had been soon rendered useless to Presbyterians.

In short, all Occasions were sought against Presbyterians, both Ministers and others, if in the least they were alledged to fail as to the Limitations put upon the Liberty by the Council. Snares were laid for Ministers and Preachers, and some of them harassed without the least Reason, and their good Friends the Bishops made their Judges. 'Instances (says the Account written this Year, whence I take this) of the hard Usage of many for countenancing Presbyterians would fill some Volumes.'

Towards the Beginning of this Year, Mr. *David Williamson*, having returned to his old Charge of the *West kirk* Parish in *Edinburgh*, and having a numerous Congregation there, was apprehended by a verbal Warrant from the Chancellor, and kept a Fortnight in *Edinburgh* Tolbooth, without ever having a Cause given why he was imprisoned. A great Sum was offered to bail him, but *Perth* would hear of no Bail, still saying, he had Informations against him, which might amount to high Treason; and yet never any Thing in the least censurable was tabled against him. He was tossed up and down for Eight Days more, and vexed with their Interrogatories, and at length permitted to return to his Work.

To give this excellent Person's Trouble all together this Year; in *July* a malicious Person, Mr. *John Musket* Reader in the West Kirk, one of a lax Conversation, as was notourly known, accused Mr. *Williamson* before the Council, of Things he brought no Proof for, particularly offensive Doctrine, in a Sermon alledged to have been levelled against the pretended Prince



1688.

Sir Patrick Nisbet of Dean, fined in 300 Pounds Sterling.

of Wales, and for his not praying for the said supposed Prince; but nothing could be made of this.

At the same Time Mr. *Musbet* gave in an Information against Sir *Patrick Nisbet* of *Dean*, who countenanced Mr. *Williamson's* Ministry, alledging Sir *Patrick* should have said, he did not value some Acts of Parliament, and that the Presbyterians had as many Johnstouns as the Prelates had Jardins. This *Musbet* impudently gave in to the Council; and tho' Informer, yet contrary to Law and the ordinary Course of Justice, he was sustained a Witness, and the Episcopal Minister of the West Kirk, who indeed was another Party, if not Principal in the whole, was taken as the other Witness; and the Gentleman was fined in 300 Pounds Sterling payable in a few Weeks, and failing the precise Time of Payment, in 500 Pounds Sterling.

In March this Year, I find some Country People brought in Prisoners, and examined by Sir *George Mackenzie* Advocate, upon their owning the King's Authority. They do not own it, but with their Limitations; and Sir *George* is much more soft upon them than in former Years. June 2. I find one *Thomas Mackenzie* examined by the Council, and owns, that he thought himself obliged in Conscience to hear the Gospel purely preached in Houses, or in the Fields. The Chancellor threatned him with Hanging, but I do not find he was tried for his Life.

George Wood murdered in the Fields.

This same Month of June, I find that *John Reid* a Trooper, once of *Craigie's* Troop, meeting *George Wood* a Youth of Sixteen Years of Age, who was upon his hiding in the Fields under Cloud of Night, unloaded his Piece on him, and killed him outright, without asking one Question at him. *Reid*, when challenged for, answered, He knew him to be one of the Whigs, and they ought to be shot wherever they were found.

Mr. Charles Gordon's Sufferings for not owning the Legitimacy of the Prince of Wales.

Having run through those Instances, I shall shut up this Section with some Narrative of the Trouble the late Reverend Mr. *Charles Gordon*, Minister at this Time of *Campvere*, and since the Revolution Minister, first at *Dalmenie*, then at *Ash-kirk*, fell under, for his not owning the Legitimacy of the pretended Prince of Wales. It is a pretty singular Case, and I give it from the original Narrative, written, November this Year, by Mr. *Gordon*, communicated to me by his Relations, which consists of some Sheets of Paper; but I shall reduce it within as narrow a Compass as I can with any Measure of Distinctness and Clearness.

The Reverend Mr. *Gordon's* Character is so savoury yet in this Church, that none will question what he hath left under his Hand. Many yet alive know how remarkable and eminent he was for Piety and Learning; And the General Assembly of the Church was so much apprised of this, that he was very harmoniously voted to be Professor of Divinity at *Aberdeen*; but such was his own Extremity of Modesty, and Affection for his People, that he could never actively comply, and died some Years ago Minister of *Ash-kirk*, his Removal being indeed a general Stroke to this Church. His great Literature, Solidity, and Gravity made him universally regretted.

Mr. *Gordon*, Minister of the Scots Congregation at *Campvere*, had come over to see his Friends in the North, August this Year, and coming to *Edinburgh* upon some Business, in his Return to *Campvere* in September, the Noise of the Prince of Orange broke up, and the Council toward the Beginning of October emitted a Proclamation, discharging all Subjects, on the highest Peril, to leave the Kingdom, without a Licence from the Council, or one of their Number. It was necessary that Mr. *Gordon* should go back to his Charge as soon as possible, and therefore knowing nothing could be laid to his Charge, and being not in the least obnoxious to Suspicion, he applied by a Friend to the Lord Register, as a Counsellor, for a Pass; who said, the Pass being for *Holland*, it was necessary he should speak to the Chancellor anent it, and the other frankly consented he should do so. When the Chancellor was spoke to, he made an Objection against Mr. *Gordon's* Brother, a worthy Factor in *Holland*, some Years ago dead, who, he alledged, was none of the King's Friends, and desired the Register to take a Care how he gave Mr. *Gordon* a Pass. The Register was hearty and kind in the Matter, and acquainting Mr. *Gordon* of what passed, promised, within Three or Four Days, again to deal with my Lord *Perth*.

Incident 'twixt Mr. Gordon and the Archbishop of Glasgow.

Accordingly, October 12. being put in mind of his Promise, he undertook to speak to the Chancellor in the Forenoon at the Council, and ordered Mr. *Gordon* to wait on in the Parliament Closs, which he did; and when attending there met with an odd Incident, which deserves a Room here, as what may serve to give a *Vidimus* of the Temper of one of the present prime Managers. At the Rising of the Council, the Archbishop of *Glasgow* comes out in his Robes, whom Mr. *Gordon* had never seen before, and knew him not, save that he was a Bishop by his Garb. It seems, the Bishop noticed very narrowly all who did not give him a Cap. Mr. *Gordon* was walking at some considerable Distance, and took a Turn a little further off the Way the Bishop seemed to be going. It seems, the Bishop observed him at Distance, and saw good, after he was gone by Mr. *Gordon* almost at the Breadth of the Closs, to return and come straight to him, and accost him in a very odd Manner.

When



When he came up, he asked Mr. Gordon rudely, *What are you, Sir?* Mr. Gordon answered, *Why do you enquire?* Says the Bishop, *Why do you look with so thrawn a Countenance?* 1688. The other replied, *My Countenance is not thrawn, I look as I ordinarily use to do.* The Bishop said, *If your Countenance be ordinarily so, it is a very thrawn Countenance.* Says Mr. Gordon, *Sir, I wonder why you imagine so, for I have the same Countenance that God hath given me.* Adds the Bishop, *You should not look uncivilly upon Gentlemen.* The other replied, *You are mistaken; for I use not, as I think, to look uncivilly or unpleasantly upon any Man.* Upon this the Bishop went off as indiscreetly as he came up, to the great Surprize of Mr. Gordon and the Spectators. The Rencontre was odd, and I set it down at full length, as I find it in the abovementioned Narrative. When Mr. Gordon enquired, who it was that had thus accosted him, and had got his Character, he began to think it was rather his covered Head, than his thrawn Countenance brought about this strange Attack.

But to return, when the Register came out, he told he had quite forgot his Business; but should undoubtedly mind it at Three of the Clock, when he met with the Chancellor in the Treasury. Mr. Gordon began to fear there might be more Difficulty, than he apprehended, in his Business, and so went up to the Castle at Two, and got Access to the Duke of Gordon, who knew his Relations in the North, and laid his Case before him. The Duke was very civil, and promised to speak with the Chancellor at Three, in the Exchequer, and ordered him to put him in mind by a Macer. He waited on punctually at the Hour, and the Duke and the Register promised to speak presently to the Chancellor. In a little the Duke was pleased to come to the Door, and acquaint Mr. Gordon that he had spoken, and the Register seconded him, and the Chancellor was desirous to speak with him before he granted a Pass, and that it was fit he should name an Hour, asking him in a friendly Way, whether he were content with this. Mr. Gordon thanked his Grace for his Kindness, and said, he was satisfied to wait on the Chancellor when he pleased, and doubted not to satisfy his Lordship in any Thing he could reasonably demand. The Duke went in, and Mr. Gordon waited on to hear the Chancellor's Time for a private Communing, never once dreaming of a publick Examination. But very suddenly he was called in before the Lords of the Treasury, by one of the Macers. And the Chancellor interrogated him as follows; which, with his Answers, I set down as I find them in Mr. Gordon's Narrative.

Chancellor. Mr. Gordon, I am informed you are an ill Man, and a Person of bad Principles, and disaffected to the Government. Gordon. My Lord, if your Lordship has been so informed, I must beg Liberty to say, that the Information is wrong and unjust. Chancellor. I am informed, your Business and Design in coming to Scotland, is quite another Thing than you pretend and give out. Gordon. My Business is nothing else than that I pretend and profess; but if your Lordship suspect any Thing, I am willing to give all the Satisfaction I can. Chanc. Do you own the King's Authority? Gordon. Yes, my Lord. Chanc. Have you preached since you came to the Country? Gordon. Yes. Chanc. Did you pray for the King? Gordon. Yes, my Lord. Chanc. Do you pray for the Royal Family? Gordon. Yes. Chanc. Do you pray for the Prince of Wales? Gordon. No. Chanc. Why not for the Prince of Wales? Gordon. There is no particular Order for our praying for him, and I have not used to pray for all the particular Branches of the Royal Family by Form. Chanc. It is no Limiting of the Spirit, to pray for all the Branches of the Royal Family by Form. Gordon. My Lord, I have not been used to pray by Forms. Chanc. Whom do you mean when you pray for the Royal Family? Gordon. All the Princes and Princesses of the Family. Chanc. Do you not include and intend the Prince of Wales? Gordon. My Lord, I do not exclude him. Chanc. But do you not include him? Mr. Gordon said nothing, and the Chancellor went on: There is the Matter; Sir, I perceive I have not been mistaken nor misinformed concerning you, what for a Man you are. Gordon. I am sorry if your Lordship apprehend ill concerning me. Chanc. Do you not think that the King hath a Son, or that the Prince of Wales is Heir to the Crown? Mr. Gordon was silent. Chanc. Why do you not answer? do you doubt of such a Thing? Gordon. My Lord, I do not meddle in these Matters, nor am I a competent Judge of them. Chanc. Sir, if you were your Father's eldest Son, and he had Ten Chalders of Victual by Year to bestow upon you, and another should come and take you by the Throat, and say, Sir, you are a Rogue, you are not such a Man's Son, and you shall not enjoy his Estate, what would you say to that? Gordon. I hope your Lordship will not make Application of that Comparison to any Thing I have said. Chanc. Sir, you are the first that ever called the Thing in question, and you have said enough to hang an Hundred Men. But remove you, you shall have the Mind and Judgment of the rest of the Lords. And a Macer was called to take Mr. Gordon away, and keep him till further Order. In about a Quarter of an Hour he was called in again.

Then the Chancellor said, Mr. Gordon, here is a Paper you must subscribe. The Tenor of it was, 'I Mr. Charles Gordon, Minister of the Gospel at Campvere, do own and acknowledge the King's Son, Prince of Scotland and Wales, as apparent Heir of the Crown, and do promise to pray for him as such.'

Mr. Gordon's Examination by the Chancellor  
OF. 12.

Paper about the Prince of Wales, required to be signed by Mr. Gordon.



1688. When this Paper was read, Mr. Gordon answered, My Lord, I must beg Liberty to be excused, I cannot sign this Paper in the Terms in which it stands, I am willing to declare and subscribe that I do not deny, nor disown the Prince of Wales. *Chanc.* Why do you not then own and acknowledge him? You must subscribe it as it stands. *Gordon.* That I cannot do, my Lord. Then the Master was called to remove him. When going away, the Clerk spake to him aside, and desired him to consider, there was nothing in the Paper but a Declaration that the Prince was apparent Heir, and that imported no more than, for what we know and appears to us; and when the King, and Queen, and Court own him as such, then it appears to us. This staggered Mr. Gordon a little, till he took up the Paper and read it, and considered, that the Grammatical Sense of the Word was not meant, but the forensick and Law Sense was chiefly to be considered in this Case. Then he laid it down again on the Table, saying, he could not in Conscience sign it.

What? says the Chancellor, pretend you Conscience in refusing to own the King's Son as apparent Heir? *Gordon.* I cannot help my Weakness; Conscience cannot be constrained. *Chanc.* Whether or not, failing the Prince of Wales, would you acknowledge the Prince of Orange as apparent Heir to the Crown? *Gordon.* Yes, my Lord. *Chanc.* And why not the Prince of Wales now? Mr. Gordon said nothing. *Chanc.* There he is taken; for there is the Matter. Sir, doubt you, or how dare you question the one more than the other? Would you not own my eldest Son as my Heir? *Gordon.* Yes, my Lord, I know nothing to the contrary. *Chanc.* Why not then the King's Son? Would you not own the Duke of Gordon as Heir to Lewis Marquis of Huntly? *Gordon.* Yes.

Then the Duke said, Mr. Charles, why do you doubt the Prince of Wales to be Heir apparent more than the Princess of Orange? you were not Witness to the Birth of the one more than the other. *Gordon.* Truly, my Lord, for what I know I never saw her Highness. The Chancellor vehemently urged Mr. Gordon to give his Reasons of Doubt, and mixed many Threats. Mr. Gordon still declined, adding he did not dip into those Matters, that he was a plain, ignorant, simple Man, and begged his Lordship would not take Advantage against him, and took all the Lords Witness he did not deny or disown the Prince of Wales. The Chancellor said, Why then do you not own him? this is such a mortal Sin, a Crime, that it is enough to damn you. *Gordon.* I hope there is more Mercy with God than to damn me for Ignorance and Weakness. *Chanc.* It is enough to damn you and a Thousand with you, for by your calling this in question, you are guilty of their Sin and Damnation who follow your Example. *Gordon.* I hope the Lord will preserve me from being guilty of any Person's Damnation, for, according to my Measure, I have endeavoured to keep a Conscience void of Offence, either to God or Man. *Chanc.* Sir, you are a Person neither of good Principles nor Practice, and you deserve, &c. *Gordon.* My Lord, I am sorry that your Lordship hath received ill Impressions of me.

Sent Prisoner  
to the Castle.

Then he was removed, and in a little Time sent up under a Guard to the Castle. The Warrant was directed to the Duke of Gordon, or his Depute, and none of them being within, he was kept in the Guard, and a private Chamber of one of his Name, some Hours. While there, he had many peaceful and comfortable Reflexions upon the Course and Progress of this surprising Scene of suffering, which he sets down with much Solidity, and at such length, as I cannot give an Abstract of them. He regrets that he was called to suffer upon a Point that was so much of a civil Nature, and would have chosen rather to have his Sufferings stated upon a Matter of Faith, but is fully satisfied what was carved out to him, was a Matter of great Importance, even to Religion. He had some Fears of the Consequences of this Incident to his Brethren, Presbyterian Ministers: And one of the Counsellors said, if some People had gotten their Will of Mr. Gordon, in a few Days not a Presbyterian Minister durst have been seen in Scotland. But the Chancellor's Rashness in starting such Questions, was displeasing to all the wiser Set of Counsellors, who thought such Questions most unseasonable and impolitick at this Juncture.

When Mr. Gordon is in the Castle some Hours, a Friend came up to him from the Duke of Gordon and Register, desiring him to send down a Petition for Liberation to the Chancellor, and they would use their Interest to get him liberate. When Mr. Gordon is in a Strait what to do, another Friend comes up from the Advocate upon the same Errand, with a Warrant to discourse Mr. Gordon in private. The Advocate by him signified he was entirely a Stranger to Mr. Gordon, but was much concerned at what had passed, and had used Freedom with the Chancellor for his Imprudence in insisting upon such Heads with Mr. Gordon, and had Ground to assure him, that if he petitioned he should be liberate. In short, the Gentleman assured him, that several of the Lords had reasoned the Matter so plainly with the Chancellor, as he was now repenting what he had done. Mr. Gordon returned his Thanks for this great Kindness, but told, he did not know how to petition, since he could not confess Guilt, whereof he was not conscious. He was told, that was not expected, and he needed not touch at any Thing that passed, but only seek his Liberty, and if any Thing had passed that had offended the Chancellor, declare he was sorry for it.

This



This appearing safe to Mr. Gordon, he wrote the following Letter: *Edinburgh Castle, 1688.*  
*October 12.* My Lord Chancellor, I am here Prisoner by your Lordship's Order, where  
 (saving God's good Pleasure) I am loth to stay, detained from my Charge; therefore I  
 humbly beg your Lordship will set me at Liberty, and give me a Pass to return to *Campvere.*  
 If in any Thing I be mistaken by, or have offended your Lordship, I am sorry for it; for I  
 desire to give no Offence to Jew nor Gentile, nor to the Church of God. I am,

My Lord,

Your Lordship's most humble Servant,

Charles Gordon.

This was sent down to the Advocate, who said he liked it well enough, but was afraid the Sting in the Tail of it might offend. But being told, by one present, it was a Scripture Expression, and ought not to offend, it was sent forward; and the Chancellor sent up a Warrant for Mr. Gordon's Liberation; which, as far as he can remember, was to this purpose. That whereas it is for his Majesty's Service that Mr. Charles Gordon, Prisoner in the Castle, be set at Liberty for Reasons whereof I shall satisfy the Council at their first Meeting, therefore, &c. in common Form. Mr. Gordon remarks that if it was for his Majesty's Interest to liberate him, it had been more for his Interest, according to those Reasons which, he was of Opinion, swayed most with the Chancellor, that he had not been imprisoned.

Liberate that same Night.

When the Duke of Gordon came home about Twelve at Night, the Orders and Liberation were presented to him. He called Mr. Gordon, and spake to him his alone, and signified his Sorrow for his Trouble, and blamed him for signifying his Contentment to speak with the Chancellor. Mr. Gordon answered, he was conscious of his Innocency, and never dreamed the Chancellor would have publickly examined him, or fallen upon such a Subject; and he imagined he was the first that had been examined upon such a Subject. The Duke said, but your fault was that ye owned the Princess of Orange; if you had not owned the one more than the other, you had done well. Mr. Gordon begged Liberty to say, that was strange, and he could not but think it unjust, and also imprudent and unwise in the Chancellor to set up an Inquisition to torture and rack Mens Minds and Hearts for what is only secret and latent there. The Duke said, Well, Mr. Charles, it is true, &c. And after Expressions of Regard to his Friends, told him he was at Liberty. And they parted in good Terms.

In a Day or Two, Mr. Gordon went to the Register, to see if now he might have a Pass. His Lordship told him, he could not now have it, without tabling the Matter before the Council, which his Friends could not advise him to. And so he got off the best way he could, and came safe to his Charge. This original Account I thought worth the Reader's while, and from it we may guess what our Circumstances would have been, had not the glorious Revolution intervened; which brings me to end this Work with

## S E C T. IV.

Of some other Things which pass this Year, with the Council's Procedure, and other Remarkables more immediately preceeding the glorious and never to be forgotten Revolution, November 1688.

I Am here to conclude this Work, by noticing a few more Particulars which escaped me in the former Sections, and yet some way relate to this History; and I shall conclude it with some Account of the State of Things, and the Procedure of the Managers, before the Arrival of the Prince of Orange, from the publick Papers come to my Hand, which will conclude the Scene of their Management since the Restauration.

Last Year and this, Popish Schools were very carefully set up at the Abbey of Holy-rood-house, and this I cannot but reckon a great Hardship upon all good Protestants in Scotland, and an evident Part of the Plot for reintroducing Popery. The Erection of those was not only an Infractioun upon the Privileges of Universities, and Protestant Schools authorized by Law, but flatly contrary to any Acts of Parliament, not penal and sanguinary in their Nature, in favours of our holy Religion. Their setting up in the Metropolis of the Kingdom, in where there was a College and other Schools, where the greatest Confluence of Nobility and Gentry, and the supreme Courts of Judicatory were, and the Youth of the greatest Consequence to the Nation frequented, was certainly an open Insult upon the Reformation. The

Popish Schools set up at Holy-rood-house.



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Rules for them.  
App. No. 142.

The Nature and Design of those Schools, will best appear from the Rules printed and published this Year, which I have insert *App. No. 142.* They are very cunningly formed. The Reader will perceive from them, that no less a Title is given to this Popish Seminary, than the Royal College. And according to the Methods of the Papists, who spare no Charges to gain Profelytes, all are to be taught *gratis*. And, in the Jesuitical Manner, Assurances are given, that no Difference in Religion shall be noticed, nor any Danger follow, if Protestants send their Children to those Places of Temptation. In short, the Teachers in them were the most cunning and subtil Jesuits and Papists; and nothing is spared to decoy the Youth into them. Every Thing that was taking was taught, and great Pains taken to corrupt the Youth.

Mr. Shiels  
preaches in  
the Fields.

After Mr. *Renwick's* Death, Mr. *Alexander Shiels* preached now and then in the Fields this Year. In *April* he had a very numerous Field-meeting upon *Distinkcorn-hill*, in the Parish of *Galsfoun*, in the Shire of *Air*. What Mr. *Shiels* delivered there, is printed. After this, pretty severe Searches were made by the Soldiers up and down the Country, for People who had been present at it; and severals were brought to Trouble, but nothing so great as in the preceeding Years.

Seven Bishops  
of England tri-  
ed June 29.

Upon the 29 and 30 of *June*, the famous Trial of the Seven Bishops, put in the Tower of *London* for a free and honest Petition they presented to the King, commenced at *Westminster-hall*. The Pannels were the Archbishop of *Canterbury*, the Bishops of *St. Asaph*, *Chichester*, *Ely*, *Bath* and *Wells*, *Peterborough*, and *Bristol*. It was a throng Court, and the Eyes of all the Protestants in *England* were upon it. The Council for the Bishops were mightily superior in their Reasonings to the other Side; and the Jury brought them in not guilty, to the vast Satisfaction of the best Part of the Kingdom. I must refer the Reader to the *English* Historians for full Accounts of it.

In *June* or *July*, there was a most violent Search in the Town of *Edinburgh*, chiefly managed by *Claverhouse* and Colonel *Douglas*. Every private Sentinel had Liberty granted them, to examine upon Oath all the suspected, in their Search. And all who would not renounce the Covenants, were forced to Prison. I don't hear of many seized at this Time.

Collection  
made by the  
Society for  
the Relief of  
some of their  
Friends sold  
for Slaves in  
the Plantations.

*August* this Year, I find by their Records, that the Society People made a large Collection of Money for the Relief of several of their Number, who in the former Years had been transported and sold for Slaves. *James Baxter* and another came home to sollicite the Ransom of the rest; and, after their Application to a former Meeting, the Matter was taken to the Consideration of the general Meeting, *August* 1. this Year. And the Account of what they came to, was given to the Two Commissioners in a Letter, which will best speak for it self, and I give it from the Original.

It is thought necessary to acquaint you, that your Friends have done their Endeavour for your Redemption from your present Bondage, and for that end have given in Four thousand three hundred Merks *Scots*, which, in *Barbadoes*, is to be answered by a Man of Credit and Reputation. According as every one can be agreed for with his Master, so you are desired to do your utmost in this Affair, and for the better and speedier doing, it is thought fit you keep it close, and desire the rest to do it, from the Masters, till the Bargain be made; lest upon their hearing of the Money's being come, they heighten the Price. This is all we can advance, and some have stretched themselves very far. We expect the Person who advances the Money, will give you his Advice and Assistance, what and how to do in this Affair.

The Persons to be relieved are, you Two, *James Douglas*, *Thomas Brown*, *John Buchanan*, *Alexander Baily*, *George Paton*, *John White*, *Gilbert McCulloch*, *Robert Mitchel*, *John White*, *George White*, and *Agnès Keir*. As for *John Atkin*, and *William Hanna*, their Relations have taken another Course for their Relief. If the Money does any more than purchase your Relief, you and the rest may dispose upon it, for the relieving your Necessity while there, and in coming Home; but you are desired to keep an Account how you spend it. By another Paper before me, I find that the Sum of Two hundred and forty Pounds *Sterling*, was remitted to *Barbadoes*, and the abovenamed Persons actually liberate.

I shall not take upon me to say any Thing almost of that adorable and never to be forgotten Step of divine Providence, the glorious Revolution brought about *November* this Year, which gave an effectual Check to such slavish Principles and Practices, and absolute and arbitrary Government, and brought an End to the Hardships and Persecutions of Presbyterians, whereof I have attempted the History. The printed Accounts of this Year and the next, give pretty large Views of it; yet I cannot help wishing to see a better Account of this comfortable and great Turn of Affairs in *Scotland*, than I have yet met with.

Here only I shall give some Hints of the last Steps of our Managers in *Scotland*, immediately preceeding this singular Turn of Affairs, from the publick Papers come to my Hand, and add a few Papers, with which it may not be improper to conclude this History.

Proclamation  
of the Meet-  
ing of the  
Heritors,  
13.  
App. No. 143.

When the Alarm of the Prince of *Orange's* Design began to turn warm, the Council emit a Proclamation *September* 18. for rendezvousing of the Militia in several Shires, calling out the Heritors, and setting up Beacons. It is added *App. No. 143.* and specifies the Times and



and Places where the Militia Regiments in *Berwick, Merse, Lothian, Stirling, Perth, and Angus Shires*, should meet, and Beacons to be set up, as soon as any considerable Number of Ships appear upon the Coast, upon *North-berwick-law, Arthurs-seat, the Bass, Saint-abbs-head*, and other Places; and upon setting up of those, requiring all fencible Men to rendezvous. And this to be intimated from all Pulpits by the Clergy.

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Mean while in *England*, September 21. the King publishes a Declaration, that it is his Pleasure a Parliament shall meet in *November*, where an universal Liberty of Conscience is to be established, a Confirmation of the several Acts of Uniformity given, bating some Clauses inflicting Penalties; and that for the strengthening the Protestant Religion, he is willing *Roman* Catholicks remain incapable of being Members of the House of Commons, with several other fair Promises; but now Matters were too far ripened for the Revolution, to be altered upon Paper Declarations.

King's Declaration for the Meeting of a Parliament in *England*.

At that same Time the King's general Pardon is published, indemnifying all Offences and Malversations, with the ordinary Exceptions of Rapes, Counterfeiting the Coin, &c. and all Treasons done beyond Seas. Several *English* Gentlemen and others are excepted from this Indemnity, and particularly Colonel *Rumsey, Titus Oates, Andrew Fletcher, Robert Fergusson, Gilbert Burnet*, and Sir *Robert Pyton*. This Indemnity relating to *England* I do not insert in the *Appendix*.

An Indemnity published.

September 28. the King emits a Proclamation upon the designed Invasion, which I need not either insert. He says, he hath undoubted Advice of a great and sudden Invasion from *Holland*, alledges it is for the Conquest of those Lands; that he had declined foreign Succours, and had made good Provision against the Attempt, and was firmly resolved to live and die in Defence of the Nation against its Enemies; recalls the Writs for a new Parliament, calls all to defend themselves, and discharges all Aid, or Correspondence with the Invaders, on Pain of Treason.

Proclamation Sept 28. upon the Invasion from *Holland*.

Upon the 3 of *October*, a good many of the *English* Bishops made a Representation to the King, which hath been many Times published: If he had fallen in with it, it would no doubt have gone far to have settled his tottering Crown. But, *quos Jupiter*, &c. He was indeed hardened to his Ruin. The Heads of it were these; that the King should restore all Things to the State in which he found them at his Accession, by committing all Places of Trust to Protestants, and redress such Grievances as were generally complained of; that the Ecclesiastical Commission should be dissolved, and his royal Promise given never to erect such Courts for the future; that not only an effectual Stop be made to all Dispensations, but that he would call in, and cancel all obtained already from him; that he would restore the Universities to their legal State, Statutes and Customs, particularly the Master of *Magdalene* College in *Cambridge* and the President and Fellows in *Magdalene* College in *Oxford*, and permit none to enjoy Preferments in either University, but such as are qualified by the Statutes of the Universities, particular Foundations and Laws of the Land; that he would suppress the Schools of the Jesuits, opened in the City and elsewhere, and grant no more Licences, for such Schools are against Law and his own Interest; that he would send Inhibitions against the Four *Romish* Bishops, who, under the Title of *Apostolick Vicars*, do exercise within this Kingdom such Jurisdictions, as by Law are invested in the Bishops of the Church of *England*; that no more *quo warrantos* be issued out against Corporations, but that he would restore such as have been disturbed in their Charters, Privileges, Grants, and Immunities, and condemn all the late illegal Regulations; that he would fill up the vacant Bishopricks in *England* and *Ireland*, with Persons qualified by Law, especially the See of *York*; that he act no more by a dispensing Power, nor insist upon it, but permit that Affair at the first Session of Parliament, to be fairly stated, debated and settled by Act of Parliament; that upon Restoration of Boroughs and Corporations to their Rights, Writs be issued out for a new Parliament, and that he may suffer it to redress Grievances, settle Matters in Church and State, and establish a due Liberty of Conscience. Lastly, and above all, that his Majesty would permit some of his Bishops to lay such Motives and Arguments before him, as, through the Blessing of God, may bring back his Majesty unto the Communion of our holy Church of *England*, into whose Catholick Faith he was baptized, in which he was educated, and to which it was their daily and earnest Prayers to almighty God that his Majesty might be reunited.

Representation of the *English* Bishops to the King, *Octob 3*.

The Treatment this friendly and seasonable Representation met with we may easily guess, and the *English* Hutorians are full of it. Had not the Revolution intervened, it might perhaps have been the Subject of an Impeachment, and the last Clause was enough to choke this bigotted Prince, which was indeed most honest and seasonable now, but it had been Duty and Kindness to have proposed it at his Accession to the Throne.

Our *Scott* Council, *October 3*. send up an Offer of their Lives and Fortunes to the King, and seek Directions as to their Management at this Juncture. The King's Answer, *October 6*. was printed by their Order, and it is insert *App. N<sup>o</sup>. 144*. In short, he thanks them for their Offer, allows them to secure suspect Persons, to levy what Forces they see good, and give Commissions to the Militia Regiments.

Address of our *Scott* Council. King's Answer to it. *App. N<sup>o</sup>. 144*.



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Proclamation  
calling out Her-  
itors.App. N<sup>o</sup>. 145.  
Act of Council  
about Runa-  
ways, and pro-  
viding Horses.  
App. N<sup>o</sup>. 145.Heads of the  
Prince of Or-  
ange's Decla-  
ration.

That same Day the Council emit a Proclamation, calling out all Heritors, to convene with their best Horses and Men, at the Places and Days mentioned in the Proclamation, which is added App. N<sup>o</sup>. 145. The Reader will find there some Commanders not very agreeable to the Court Measures, such as the Duke of Hamilton, Earl of Cassils, Earl of Dundonald, and others. Upon the 9 of October an Act of Council is published anent the Militia Runaways, and providing of Horses, which follows App. N<sup>o</sup>. 145. They regulate several Circumstances about the Militia Arms, threatening Runaways and Deserters, establish the quota of Horses to be furnished, and discharge the seizing of them without a Warrant from a Counsellor.

About the Middle of October, the Heads of the Prince of Orange's Declaration and Manifesto began to be spread. That excellent Paper is now in every Body's Hand, and the Substance of it is in short: William Prince of Orange, Protector of the Protestant Religion, and Defender of the Liberties of England, declares, 'That he and the Princess lay no Claim to the Crown at present; that the Design of this Expedition is, that the late King's Murderers be brought to Trial in Parliament, that the Impostor be sent back to his natural Parents, that the Succession to the Crown be secured by the Administration of Six Peers under the King, whereof the Lord Halifax is to be one, that the dispensing Power be left to the Judgement of the Parliament, that the Ecclesiastical Commission be examined and tried in free Parliament, that the Church of England, as by Law established, be confirmed, and restored to her Freedom, that all Offenders be brought to their Trial, and punished, that Liberty of Conscience be given to all Dissenters but Papists, that there be a free Parliament, that Papists be excluded from all publick Trust, Offices, and Employments. And the Prince requires that the Charge of the present Expedition be paid by the King.'

When every Body began to be taken with those Proposals so worthy of the Prince to make, the King, October 17. to allay, if possible, the Clamours against his Administration, issues a Declaration restoring Corporations to their ancient Charters, Liberties, Rights, and Franchises, which hath been more than once printed, and I shall only say it was a Justice done the Nation too late, and every Body saw it was what Fear brought the King to, and not his own Inclinations.

Address of Scots  
Bishops, Nov. 3.  
App. N<sup>o</sup>. 147.

Upon the 3 of November, all our Scots Bishops, except Two, the Bishops of Argyle and Cathness, drew and sent up a most flattering Letter to the King, which I have insert App. N<sup>o</sup>. 147. The reading of it is enough to expose it to all true Protestants; how much does it differ from the seasonable Representation given to the King by the English Bishops, October 3! The Reason is plain, the last were, generally speaking, heartily against Popery, and most Part of the former were Time-servers, Court-flatterers, and ready, for any Thing I can observe in their Actings, to fall in with Popery it self, to please the King, and keep their Benefices. This Letter indeed breathes forth the true Spirit and Temper of our Scots Prelates since the Reformation, save only they want Occasion to discover their persecuting Spirit, and here run into the other Evil of vile Flattery and Adulation, and in some Things border upon Blasphemy.

What less can one think of their Expressions, that the King was miraculously prospered with Glory and Victory, that the King, a bigotted Papist, was the Darling of Heaven, that the Line of his Ancestors is the greatest Glory of this his ancient Kingdom. I shall not spend Time on the Pedantry of some of the Expressions, their Satisfaction with his Protection to their Church, their Thanks for his pretended Son, their Virulence at the Revolution, and Hopes of its being effectually crushed.

This same violent Attachment to King James while alive, and a Popish Pretender since his Death, the Spirit of Enmity against the Protestant Succession, and Virulence against the Revolution, and all who are upon that Bottom, does to this Day make up the Character of the Scots Episcopal Meeting-house Party, and in a special Manner their Clergy.

King's Answer.  
App. N<sup>o</sup>. 148.

November 15. the King makes his Bishops a Return to their Letter, which I have added App. N<sup>o</sup>. 148. The English Bishops had no such complaisant Treatment after their Representation, tho' they discover a quite other Taste of Liberty and Property, and Concern for the Reformation than the Scots Prelates do. I cannot but a little question those repeated Assurances the King tells our Prelates he had from all the Bishops of England, of their not inviting over the Prince of Orange. The Prince says otherwise, and I believe their Invitation is yet to be seen.

Prince of  
Orange  
in England, Nov.  
4.

That glorious Deliverer of those Lands from Popery and Slavery, and qualified Instrument in the Hand of Providence in the great Work now on the Wheel for those Three Kingdoms, and all the Protestant Interest, arrived safe in England November 4. Had our Scots Bishops known what was to be to Morrow, perhaps less would have served them in their Letter to the King. Bishop Burnet, in his Preface printed before his Essay for a new Book of Homilies, gives the best Account of the Share which Providence, special Providence had in this Voyage, and that ought to affect us most. He observes, that if the Wind had not changed Five or Six different Times, and at the very Nick of Time it did alter, this Expedition had well-nigh been ruined. It was indeed every way the Doing of the Lord.

Proclamation  
against spreading  
false News.  
App. N<sup>o</sup>. 149.

Upon this the King writes a Letter to our Scots Council, November 5. who publish a Proclamation November 10. against spreading of false News, &c. which I have insert App. N<sup>o</sup>. 149. The Design of it was to stop the spreading of the Prince's and States Declarations; but little Notice was taken of it, and People were but the more fond to see those excellent Papers.



I should much wrong the Reader, if I did not upon this Occasion give the Prince of Orange's Declaration for Scotland, which as it is a good Voucher for many Things in this History, so it contains a Summary of the Hardships and most illegal Procedure in the former Years, and so I insert it here. 1688.

*The Declaration of his Highness William Henry, by the Grace of God, Prince of Orange, &c.*

*Of the Reasons inducing him to appear in Arms for preserving of the Protestant Religion, and for restoring the Laws and the Liberties of the ancient Kingdom of Scotland.*

IT is both certain and evident to all Men, that the publick Peace and Happiness of any State or Kingdom cannot be preserved, where the Laws, Liberties, and Customs established by the lawful Authority in it, are openly transgressed and annulled, more especially where the Alteration of Religion is endeavoured, and that a Religion which is contrary to Law is endeavoured to be introduced; upon which those who are most immediately concerned in it, are indispensably bound to endeavour to preserve and maintain the established Laws, Liberties, and Customs, and above all, the Religion and Worship of God, that is established among them; and to take such an effectual Care, that the Inhabitants of the said State or Kingdom, may neither be deprived of their Religion, nor of their civil Rights; which is so much the more necessary, because the Greatness and Security, both of Kings royal Families, and of all such as are in Authority, as well as the Happiness of their Subjects and People, depend in a most special Manner upon the exact Observation and Maintenance of those their Laws, Liberties, and Customs.

Upon these Grounds it is, that we cannot any longer forbear to declare, that to our great Regret we see, that those Counsellors, who have now the chief Credit with the King, have overturned the Religion, Laws, and Liberties of those Realms, and subjected them in all Things relating to their Consciences, Liberties, and Properties, to arbitrary Government, and that not only by secret and indirect Ways, but in an open and undisguised Manner.

And indeed the lamentable Effects of an arbitrary Power, and of evil Counsels, are so manifest in the deplorable State of the Kingdom of Scotland, that both our Reason and Conscience do prompt us to an Abhorrence of them: For when we consider the sad Condition that Nation, though always affectionate to the Royal Family, and governed for many Ages by Laws made by the Authority of their Kings, and of the Estates of Parliament, and by common Customs is reduced to, by Endeavours that have been used to change the Constitution of the Monarchy regulated by Laws, into a despotick or arbitrary Power, which doth evidently appear, not only by the Actings of evil Counsellors in Power, but by the deliberate and express publick Declarations, bearing that the King is an absolute Monarch, to whom Obedience ought to be given in all Things without Reserve, thereby to make Way to introduce what Religion they please, without so much as the Necessity of the Consent of the Nation by their Estates in Parliament. Whilst we consider and ponder these Things, as we cannot but be touched with a tender Sense of those Miseries, so the giving such a Remedy to them as may be proper, and may answer the Expectation of all good Men and true Protestants, is the great Thing we propose to our selves in this Undertaking; the Equity whereof will be justified to the World, if what hath been acted at the Intigation of those evil Counsellors be further impartially weighed.

It is well known, that the Laws, Privileges, and Rights of the Kingdom, have been overturned to the great Prejudice of King and People, whilst thus all Foundation of Trust and Confidence is removed: And it is no less known what have been the arbitrary Procedures of an encroaching Privy Council; for altho' by the Laws enacted by the Authority of King and Parliament, it is expressly prohibited, that the Popish Religion should be professed, or seminary Priests suffered within the Kingdom, or that the Children of any Noblemen or Gentlemen should be sent abroad to be educated in Popish Colleges; yet have these evil Counsellors ordered, or suffered young Noblemen to be taken from their Relations, and to be sent abroad to be instructed in Jesuits Colleges, and have likewise caused Schools to be erected under the Conduct of Popish Priests, and that in the capital City of the Kingdom.

In an open Contempt also of the known Laws of the Kingdom, Papists are put into Places of highest Trust, both Civil and Military, and entrusted with all the Forts and Magazines. The Rights and Privileges of the Royal Burrows, the Third Estate of Parliament, having as many Deputies in it as all the Shires of the Kingdom, are taken away, and they hindered in the free Election of their Magistrates and Town Councils, to the manifest Violation of their



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their Charters established by Law and immemorial Possession. And all this is done by mere arbitrary Power, without any Citation, Trial, or Sentence.

And whereas no Nation whatsoever can subsist without the Administration of good and impartial Justice, upon which Mens Lives and Liberties, their Honours and Estate depend, yet those evil Counsellors have subjected these to an arbitrary and despotick Power, having turned out Judges, who by Law ought to continue during their Life or their good Behaviour, because they would not conform themselves to their Intentions, and put others in their Places, who, they believe, would be more compliant, and that without any Regard to their Abilities: By which it evidently appears, that those evil Counsellors design to render themselves the absolute Masters of the Lives, Honours, and Estates of the Subjects, without being restrained by any Rule or Law.

By the Influence of the same evil Counsellors, hath a most exorbitant Power been exercised, in imposing Bonds and Oaths on whole Shires, without any Law or Act of Parliament, in permitting free Quarters to the Soldiers, altho' they had a sufficient Establishment for their Pay, whereby the Kingdom was doubly burdened without any Redress, in imprisoning Gentle-men without any, so much as alledged Reason, forcing many to accuse and witness against themselves, imposing arbitrary Fines, frightening and harassing many Parts of the Country with intercommoning and Justice-airs, making some incur Forfeiture of Life and Fortune, for the most general and harmless Converse, even with their nearest Relations outlawed: And thus bringing a Consternation upon a great Part of the Kingdom, which, when Out-lawries and Intercommunings went out against Multitudes, upon the slenderest Pretences, was involved so universally in that Danger, that those Counsellors themselves were so obnoxious, as to find it necessary to have Pardons and Indemnities, whilst the poor People were left to Mercy; empowering Officers and Soldiers to act, upon the Subjects living in quiet and full Peace, the greatest Barbarities, in destroying them by hanging, shooting, and drowning them without any Form of Law, or Respect to Age or Sex, not giving some of them Time to pray to God for Mercy; and this for no other Reason, but because they would not answer, or satisfy them in such Questions as they proposed to them, without any Warrant of Law, and against the common Interest of Mankind, which frees all Men from being obliged to discover their secret Thoughts; besides a great many other Violences and Oppressions, to which that poor Nation hath been exposed without any Hope of having an End put to them, or to have Relief from them.

And that the arbitrary and illegal Proceedings of those evil Counsellors might be justified and supported, such a Declaration hath been procured by them, as strikes at the Root of the Government, and overturns the most sacred Rights of it, in making all Parliaments unnecessary, and taking away all Defences of Religion, Liberty, and Property, by an assumed and asserted absolute Power, to which Obedience is required without Reserve; which every good Christian is perswaded to be due to God Almighty alone, all whose Commandments are always just and good.

These evil Counsellors have used their utmost Endeavours to abolish penal Laws, excluding all who are not Protestants from publick Trust, which give too great a Check to their Designs. For the accomplishing of this, a Liberty hath been granted to Dissenters, but such a one, as that the Continuance thereof is plainly insinuated to depend upon their hearty Concurrence for abolishing the above mentioned penal Laws, the only legal Defence of their Religion; altho' the Dissenters have just Cause of Distrust, when they call to Mind how some Hundreds of their Ministers were driven out of their Churches, without either Accusation or Citation: The filling of many of whose Places with ignorant and scandalous Persons, hath been one great Occasion of all those Miseries which that Country for a long Time hath groined under. And Dissenters have but small Ground to rest on any present Ease, founded upon a Proclamation which may be recalled every Hour, and which in the first and second Editions of it gave no Relief to them, especially considering that not many Months before, the greatest of the forementioned Severities and Barbarities had been exercised upon them.

But to crown all, there are great and violent Presumptions inducing us to believe, that those evil Counsellors, in order to the carrying on of their ill Designs, and to the gaining to themselves the more Time for the effecting of them, for the encouraging of their Accomplices, and for the discouraging of all good Subjects, have published that the Queen hath brought forth a Son; tho' there have appeared, both during the Queen's pretended Bigness, and in the Manner in which the Birth was managed, so many just and visible Grounds of Suspicion, that not only we our selves, but all the good Subjects of those Kingdoms, do vehemently suspect, that the pretended Prince of Wales was not born by the Queen. And it is notoriously known to all the World, that many both doubted of the Queen's Bigness, and of the Birth of the Child, and yet there was not one Thing done to satisfy them, or put an End to their Doubts.

And since our dearest and most intirely beloved Consort, the Princess, and likewise we our selves have so great an Interest in this Matter, and such a Right, as all the World knows, to the Succession of these Kingdoms, which those Men have attempted to violate, for pre-

vent-



venting of all Redress of Miseries, by the lawful Successors of the Crown, educated, by the good Providence of God, in the true Profession of the Protestant Religion, we cannot excuse our selves from espousing the true Interest of these Nations in Matters of such high Consequence, and from contributing all that lies in us, for the Defence of the Laws and Liberties thereof, the maintaining of the Protestant Religion in them, and the securing of the People in the Enjoyment of all their just Rights.

But that our Intentions may be so manifest, that no Person may doubt or pretend to doubt thereof, to excuse themselves from concurring with us in this just Design, for the universal Good of the Nation, we do declare, that the freeing of that Kingdom from all Hazard of Popery and arbitrary Power for the future, and the delivering it from what at the present doth expose it to both, the settling of it by Parliament, upon such a solid Basis as to its religious and civil Concerns, as may most effectually redress all the abovementioned Grievances, are the true Reasons of our present Undertakings as to that Nation.

And therefore we persuade our selves, that our Endeavours to give the best Assistance we can, for the Relief of so distressed a Kingdom, shall not only not be misconstrued, but shall also be accompanied with a cheerful and universal Concurrence of the whole Nation, that even those who have been Instruments for the enslaving of it, will now shew their Dislike of what they have done, by their timeous and reasonable Diligence for its Rescue; and that if any shall not give us that Assistance which their Conscience to God, and their Respect to their Country oblige them to, they shall be justly charged with all the Evils that may be the Effects of such a Want of their Duty.

And as we our selves desire to trust to the almighty God alone for the Success of our Arms, so we expect of all good Men, that they will apply themselves most earnestly to him for his Blessing upon our Endeavours, that so they may tend to the Glory of his great Name, to the Establishment of the reformed Churches, and to the Peace and Happiness of that Kingdom.

Given under our Hand and Seal, at our Court in the *Hague*, the 10 of *October*, in the Year of our Lord 1688.

WILLIAM HENRY Prince of Orange.

By his Highness's special Command,

C. Huygens.

This Declaration had a very great Influence on the most Part of the Nobility, Gentry, and Commons in *Scotland*, who very soon discovered themselves heartily for the Prince, and joyfully accepted of the Freedom he offered them from their horrid Oppressions in their civil and religious Interests.

After this, very little offers as to the Procedure of our *Scots* Managers: Their Correspondence with the Court was much stopped, whence they had all their Courage; the Body of the Nation hated them, and their Consciences, awakned by this surprizing Providence of the Prince's Arrival, smote them, and they began to consider how to provide best for their own Safety; and the hearty Protestants through the Kingdom began to take Heart.

In several Places the Prince of *Orange's* Declaration was publicly proclaimed, as at *Glasgow*, *Irwin*, *Air*, and most other Burghs. Upon the last Day of *November*, the Earl of *Lowdon*, and several young Gentlemen, at that Time Students in the University of *Glasgow*, burnt the Pope's Effigies, and the Archbishops of *St. Andrews* and *Glasgow*, without any Opposition; and the (since) famous Mr. *Tolland*, at this Time a Student there, assisted at that Solemnity.

But upon the 10 of *December* there was an Appearance against Popery, which met with some Opposition, and made much Noise at *Edinburgh*, and that was the Attempt made upon the *Abbey* of *Holy-rood-house*, where the Popish Chapel was, and the Jesuits Schools were kept. And I shall give as distinct an Account of it as I can, from a Narrative sent me by a reverend Minister since the Revolution, then a Student at *Edinburgh*, who was engaged in the Attack and wounded very sore, and some Letters writ at this Time.

The Attack upon the *Abbey* of *Holy-rood-house*, *December* 10.

Some time before this there had been some Tumults in *Edinburgh*, particularly one at the dismissing of a Popish Meeting in the *Canongate* upon the Lord's Day, where some Apprentices and others put some Affronts upon them. Information being given, upon *Munday* some Soldiers were ordered to apprehend those informed against; and Two Servants of the *Baxters*, with a Woman, were taken up, who were mercilessly scourged from the Tolbooth to the *Abbey*, being guarded with near Three hundred Men, and then returned to Prison, and banished.

At this Scuffle fell in an Incident which drew deeper, and is a flagrant Instance of what the Managers would have done, had they not soon been prevented. When the Soldiers were apprehending the last named, there was a Struggle made by the rest of the Apprentices: At the Noise, one *Alexander Keith* a fencing Master, and no way concerned in the Mob, came out of a House where he was at his Morning-drink, and seeing the Soldiers raging with their Swords and Bayonets among the unarmed Lads, cried out, *Lads, have ye no Swords*. This passed at the Time, and he went off. But the following Night he was apprehended while in Bed; and those, or Words to that purpose, being proven on him, in Eight or Ten Days he was hanged at the Cross.

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This



1688.

This Step and other Things sowed Peoples Spirits, and Guards were kept in Twenty or Thirty Places of the Town, to prevent Risings. But when the regular Forces were called up to *England*, and none left but an independent Company under Captain *Wallace*, at the *Abbey*, the Reports of Massacres and the like were spread, and People extremely alarmed, and Letters were talked of to some People in Town, to remove with their Families; otherwise they would have Cause to repent it.

Many Circumstances concurred to inflame Peoples Minds formerly enraged. Upon Sabbath, *December 9.* some idle People walking in the Park and *St. Anthony's Yards*, seeking to come through the *Abbey* as their nearest Road, found all the Gates shut, and Cannons placed at every Gate, and were discharged by the Sentinels to come near. This, with the Addition that the Court was full of armed Men, when reported in the Town, heightened the Jealousies of the Populace, and the Fears of more thinking Persons, that Evil was designed. And in the Evening a few young Lads accidentally got together, after some Conversation upon the present Danger, began to huzza, and there was soon a vast Gathering of Students at the College, and Apprentices. The Magistrates caused shut all the Ports, and the Keys were brought to the Provost, *Magnus Prince*, his House at the Foot of *Liberton's Wynd*, and the rest of the Magistrates absconded. The Youths gathered about his Lodgings which were inaccessible, calling for the Keys, and upon his Refusal, threatened to burn his House, but did no Hurt. From thence they came to the Cross, and having forced up the Door with Fore-hammers, they proclaimed an Offer of Four hundred Pounds *Sterling* to any who should bring *Perth* or *Melford* dead or alive. No more happened this Night.

Next Day in the Forenoon, the Town Council met, and emitted a Proclamation *discharging Tumults, and ordering Parents and Masters to keep their Servants and Children within Doors.* This Proclamation was torn as soon as it was read, and the Officers and Drummer stopped when going through the Town. This Day the Chancellor and his Family saw good to retire from the *Abbey*, and go out of Town. Matters continued quiet till Twilight, and then a Multitude began to gather at the Head of the *Cowgate*, and after they had provided themselves in Staves and Torches, they came up the Bow, where they knew of Two Drums, and seized them; one of them soon broke, and with the other, their Numbers still increasing, they went down the Town to the Nether-bow. In the *Canongate* they stopped a little, seeing the Guard drawing out, and upon sending to enquire what the Matter was, they found the Captain friendly, and that he only drew out his Men to put Respect upon them. They desired he should call them in; which was presently done, and they went forward.

At the *Canongate* Cross they took down the Earl of *Perth's* Picture, and carried it with them to the *Abbey*. There Captain *Wallace* was advanced with some Soldiers beyond the Strand. Whereupon they stopped, and sent to demand Access to the Court; which he refusing, they beat their Drum, and with a Cry run in upon him. He ordered his Men to fire, which did abundance of Hurt; severals were killed upon the Spot, and many wounded, to the Number of 36 or 38. whereof not a few died afterward. After the Fire, the Apprentices and Youths fell in upon the Captain with great Fury, forced him and his Men off the Street, and killed Two of them outright before they could enter the *Abbey* Gates; that being presently shut, they could get no further in the Pursuit.

Upon this they retired a little, and ordered some of their Number to carry off the Dead, and to help up the Wounded to the Town, and require Assistance; and then lodged themselves in Houses and Closets the best way they could. Mean while Captain *Wallace* and his Men continued, from this Time about Nine at Night till Eleven, firing up the Street.

Those who went up to the Town, carried up with them some of the Arms and Hands of the dead and maimed, and hearing of a Number of Gentlemen and others in a Vintner's, went to them, and shewed how they had been treated. The Gentlemen applied to the Town Council, then sitting, for Assistance; which they refused, and the Commissioners from the Apprentices and others threatened to burn the Town. The Gentlemen went and got a *Quorum* of the Privy Council, who ordered the Magistrates to raise the trained Bands, and sent down Two Heralds with them in their Coats displayed, before them, to require Captain *Wallace* to surrender; and the trained Bands were ordered to force him, if he did not.

When the Heralds came down, they summoned Captain *Wallace* to surrender the *Abbey* in the Council's Name; this he refused. Then the Town-guards, and trained Bands, commanded by Captains *M'gill* and *Graham*, came up, and some Firing was on both Sides, without any great Hurt, but some slight Wounds. The Captain would have defended the *Abbey* against them all, having a vast Advantage of the Ground: But Captain *Graham* with a Part of his Men broke in by a back Entry not so well guarded, which the Party in the *Abbey* observing, fled, and about Thirty six were taken Prisoners, but *Wallace* and a good many escaped.

The Youths observing this, broke into the Court, and killed all the Soldiers they met with. It was said, about Fourteen Soldiers were killed. Whether they got Liberty, as some of my Accounts say, from the Town Captains, I know not, but they fell presently to rife the Chapel and Schools, and brought the Timber Work, and Library, with every Thing that came in their Way, to the Clofs, and burnt them. It was some Time before they could fall upon the Images, to destroy which was their End in making the Attack. At length they found them in an Oven, with  
an



an old Press set before it to cover its Mouth. Those they took out, and carried them up to the Town in Proceſſion through the Streets, and back again to the *Abbey Cloſs*, and there burnt them. They entered the Church, rased the new Work there, and turned up the marble Pavement, and rifled the Chancellor's Lodgings, and some others in the *Abbey*; but none of the Youths and Apprentices laid their Hand on any Thing to carry it off, but all was burnt. 1688.

Next Day they gathered again, there being no Power to restrain them, and went through the Houses of all Papists they could hear of in the *Canongate* and Town, and required their Books, Beads, Crosses, and Images, which they burnt solemnly in the Street. Where the People were civil, they took what they gave upon their Word, and if rude, they effectually searched their House. Some took Occasion to mix in for Pillage, but the Youths took all to the Flames. *James Clerk's* Lodging in the *Wrights-houses*, and the Laird of *Niddry's* House, and *Blair Drummond's* House, with many others, were attacked. No Persons were touched, but some Papists in a Fright leaping out of Windows, were hurt.

Upon the Day following, a Rabble of common Thieves got up, and pillaged several Houses merely for Plunder; but that was soon over, and all Things turned easy and quiet. December 14. the Council met, and published their Act anent Papists, which is added App. N<sup>o</sup>. 150. The Reader will observe a vast Change now. King *James* had withdrawn about this Time, and the Administration was just a putting in King *William's* Hands, and now the Stile of the Council alters. They order Papists Houses to be searched regularly for Arms and Ammunition, and recommend it to all Magistrates to protect the Houses and Persons of Papists from Tumults and Insults; which was highly just and reasonable.

Council's Act  
anent Papists.  
App. N<sup>o</sup>. 150.

The last Act of this Council I have met with, is December 24. wherein they require all Protestant Subjects to put themselves in Defence, for securing their Religion, Lives, Liberties and Properties, for their own Security, against the Attempts of Papists; and Heritors are called to meet, well provided, at the head Burgh of the Shire, under the Command of the Persons nominate in the Proclamation, which is annexed App. N<sup>o</sup>. 151. Thus our Scots Council come in at length to what they had been harassing and persecuting the Country for these Twenty eight Years, and call them to Self-defence, and appearing against Popery, and for Liberty, Property, and the Protestant Religion.

Last Act of  
Council Dec.  
24. for arming  
the Country  
against Papists.

App. N<sup>o</sup>. 151.

How Matters went at *London* in this Juncture, is not my Province to enter upon. Full and large Accounts of them are to be had in Print already. December 11. the King retired the first Time, and his persecuting Chancellor, the bloody *Jeffreys*, stepped aside, but was soon seized and put in the Tower. And the Prince of *Orange* was applied to by a Number of the Nobility, to procure them a free Parliament. And December 25. he is addressed to take the Administration, civil and military, in his Hand; which he did. January 8. King *James* retired for good and all. And the Parliament met, and February 13. 1688. they offered the Crown to the Prince and Princess of *Orange*, and they were that Day proclaimed King and Queen.

As to our Scots Affairs at this Juncture, I wish we had a more distinct Account of them; I shall not much enter upon them. Upon the 7 of January, the Prince called all the Scots Noblemen and Gentlemen at *London*, to meet him at St. *James's*, and asked their Advice what was proper to be done for securing the Protestant Interest in *Scotland*. They met upon the 8. and concluded upon their Advice to his Highness, and agreed upon an Address to him, that he would take upon him the civil and military Administration, and call a Meeting of Estates at *Edinburgh*, March 14. next. This Address, signed by about Thirty Noblemen, and Eighty Gentlemen, January 10. was presented, and on the 14 the Prince called them again, and told them, he would fall in with it.

Accordingly, the Estates of the Kingdom met, and their Acts and Constitutions are in Print, and I shall not enter upon them. Upon the 11 of April, they make their Declaration containing the Claim of Right, and they offer the Crown to King *William* and Queen *Mary*, which they send up with Commissioners to *London*, and the King accepts of it, and at their own Desire turns them to a Parliament. And they, June 5. meet, and begin, after they had recognized their Majesty's royal Authority, with abolishing Prelacy, and rescinding the Earl of *Argyle's* Forfeiture. And the Posture of publick Affairs not permitting, they did not meet till April 1690. when they went on in pulling down what had been built during those Years I have been describing, and set up our scriptural, and Reformation Presbyterian Church Government.

I know not how to conclude this History better, than with a kind of Abstract of what they did, in the Appendix, and with pointing the Reader there to the chief Things done after the glorious Revolution, for setting Matters right after those Two Reigns of Blood and Oppression.

The Sum and Compend of this large Work the Reader hath in a Representation of Grievances, and Petition of many Thousands of Presbyterians to the Prince of *Orange*; which I have added App. N<sup>o</sup>. 152. The Copy I have is the first Draught of it, with marginal Corrections. Whether this Address was ever written out, signed and sent to the Prince, I cannot say, but 'tis a distinct and particular Account of the Grievances of Presbyterians during this Period I have been describing, drawn up by Ministers and Gentlemen who had suffered, when the Sense of them was fresh, and every Body knew them, and Thousands were ready to sign it; and it is a good Voucher for many Things narrated above.

Representation  
of Grievan-  
ces.  
App. N<sup>o</sup>. 152



I 688.

Presbyterian  
Ministers Ad-  
dress to the  
Prince of O-  
range.  
App. N<sup>o</sup>. 153.

I am of Opinion, that this Paper was not got finished before the Prince's Arrival in *England*, and so was not sent. But as soon as possible, the general Meeting of Presbyterian Ministers convened at *Edinburgh*, and in *January*, I think, agreed to, and transmitted an Address to his Highness the Prince of *Orange*, which I have added *App. N<sup>o</sup>. 153.* from a Copy under the Clerk to that Meeting his Hand; and the rather, that a maimed and false Copy hath been published of it in some Prelatick Pamphlets, with Reflections, which the preceeding Part of this History will sufficiently refute.

From what hath been already observed, we may be fully perswaded of King *William's* good Inclinations for the Church of *Scotland*, and how fully he would have gone in to all that Presbyterians could have sought: But it was our Unhappiness, he had a Prelatick Church likewise to manage, and our Prelatists, tho' hearty Jacobites, wanted not Friends in our neighbour Kingdoms; and yet under this Weight, he did a great deal, and restored our Reformation Rights, and did publick Justice to a great many of the Sufferers; and would have done more, had it not been for the Influence of some in *England*, and our own State Divisions among our selves.

I am only to point the Reader in the *Appendix*, to some of the principal Things done upon the Revolution, to help what had been put wrong under the Two Brothers Reigns, as we have heard. The Claim of Right was the Foundation of what followed, and as a great Voucher to some of the Facts set down above, and a great Advancement after such a Turn, I insert it

Claim of Right.

App. N<sup>o</sup>. 154.

Act abolishing  
Prelacy.  
App. N<sup>o</sup>. 155.

*App. N<sup>o</sup>. 154.* As soon as the Convention were turned to a Parliament, by their 3 Act, *July 22. 1689.* they abolish Prelacy, as the Reader will see *App. N<sup>o</sup>. 155.* and by their 4 Act do Justice to the noble Family of *Argyle*, and declare what was done to the Earl, to have been a Scandal and Reproach to the Nation, and rescind his Forfeiture. At this Session they had but very little Time, and did not fully understand one another, otherwise more might have been done in the Time they had. It was a Pity in the Eyes of many, that an Act was not passed, which was read *June 26.* a first Time, and thereafter, I think, *July 2.* a second Time, and, as some Accounts before me bear, agreed to in Parliament, concerning the Exclusion of People who had a Share in the Oppression I have been describing, and the evil Counsels given, from Places of publick Trust and Power. I have however annexed the Draught of it *App. N<sup>o</sup>. 156.*

Draught of an  
Act excluding  
Persons from  
publick Trust,  
who had been  
active in the  
Evils of the  
former Period.  
App. N<sup>o</sup>. 156.

Act restoring  
Presbyterian  
Ministers.  
App. N<sup>o</sup>. 157.  
Act ratifying  
the Confession  
of Faith.  
App. N<sup>o</sup>. 158.

When they had more Time next Session, they fell more closely to Work, and by their first Act rescind *Act 1. Parl. 2. Char. II.* Act asserting his Majesty's Supremacy, &c. as inconsistent with Presbyterian Government, and what ought to be abrogated; and by the 2 Act *April 25.* added *App. N<sup>o</sup>. 157.* restore Presbyterian Ministers thrust from their Charges since 1661. and by their 5 Act *June 7.* they ratify the Confession of Faith, and settle Presbyterian Government, which is added *App. N<sup>o</sup>. 158.* In this second Session they do Justice to several Persons wronged in the former Years, in Acts which need not be inserted; to *Caldwel, Kersland*, and Mr. *Veitch* by their 31 Act, to the Laird of *Salton* by their 16 Act. By their 19 Act they dissolve the Lands annexed to the Crown in the former Reigns. By their 23 Act they abolish Patronages; and by their 27. rescind the Laws for Conformity; and by their 28. rescind several other iniquitous Acts of Parliament in the former Period since the Restoration.

Reasons for  
rescinding the  
Forfeitures.  
App. N<sup>o</sup>. 159.  
Act rescissory  
of Forfeitures  
and Fines.  
App. N<sup>o</sup>. 160.

And to do all the Justice that might now be, to the worthy Persons concerned, they rescind all the Forfeitures and Fines since the 1665. in a long Act containing a very large List of Persons forfeited and fined; and appoint a Court to hear the Claims they had to give in for Repetition, but I don't find that any of them almost reached any Thing valuable from their Persecutors. The Reasons for passing this Act were printed at this Time, and deserve a Room in the *Appendix N<sup>o</sup>. 159.* And the Act rescissory of Fines and Forfeitures shall shut up the *Appendix, N<sup>o</sup>. 160.*

Conclusion.

Thus I have laid before the World a true and impartial, but very imperfect Account of the heavy Persecution of the Church of *Scotland*, from the Restoration to the Revolution, with a short Sketch of the Justice done this Church upon the back of that great Turn of Affairs.

I wish it may be useful to fill the present and rising Generations with a just Detestation of the antichristian Spirit of Persecution, so contrary to our holy Christian Religion; may it tend to revive the decayed Sense of the Greatness of the Mercy of the Revolution, and help to confirm and perpetuate our present Feeling of the vast Mercy of our second, and some way greater Revolution, by our only lawful Sovereign King *George*, his seasonable and peaceable Accession to the Throne of *Britain* and *Ireland*, and tend to quicken and stir up all good Protestants in those Kingdoms, to a faithful and prudent Contending for the Faith handed down to us through so much Blood and Suffering, and fix us in the deepest Abhorrence of all wicked Attempts in favour of Popery, and all Attacks upon our holy Reformation, and valuable civil Liberties.

F I N I S.



A N

# I N D E X

O F

The principal Matters in the Second Volume of *The History of the Sufferings of the Church of Scotland.*

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## F I N I S.





1815







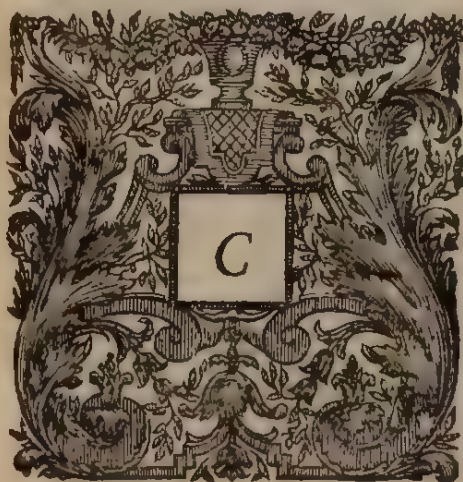




# A P P E N D I X.

## B O O K T H I R D.

PROCLAMATION, offering a Reward for apprehending Mr. *John Welsh* Traitor, and others. February 6, 1679. N<sup>o</sup>. I.



*HARLES*, by the Grace of GOD, King of Great Britain, France and Ireland, Defender of the Faith, To Our Lovits

Macers of Our Council, Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting. Forasmuch as, by Sentence of Our Justice-court, Mr. *John Welsh*, Mr. *Gabriel Semple*, and Mr. *Samuel Arnot* are declared Traitors, for being in open Rebellion against Us, in the Year 1666. And they having, for divers Years past, made it their Work to pervert and abuse Our People from their Duty and Allegiance, at their Field-meetings, these *Rendezvouzes* of Rebellion; and by their Example and Impunity, several others intercommuned and vagrant Preachers having also followed that same Method and Way, whereby Our People, by not frequenting the publick Ordinances, and being exposed to hear *Jesuits* or any other irregular Persons, who dare take upon them the sacred Office of the Ministry, are debauched to Atheism and Popery: We therefore, with Advice of Our Privy Council, have thought fit, for the Encouragement of Our good Subjects, in apprehending and discovering these Persons, hereby to declare and give Assurance to any Person or Persons, who shall apprehend and secure Mr. *John Welsh* (or so discover him, as he may be apprehended) shall have instantly paid to him or them, upon Delivery of his Person, to any of Our Privy Council, or Commitment of him to Prison, Nine Thousand Merks Scots Money, out of the first and readiest of Our Cash, as a Reward; and to any Person who shall apprehend and secure the said Mr. *Gabriel Semple*, and Mr. *Samuel Arnot*, also declared Traitors, or to discover them, as they may be apprehended, Three Thousand Merks for each of them; and to any Person or Persons, who shall apprehend and secure any of these Field Preachers, who are declared Fugitives, or are intercommuned, for each of them, Two Thousand Merks; and for each one of these vagrant Preachers in the Fields, that shall be apprehended, the Sum of Nine Hundred Merks. And which Rewards, We declare shall be instantly paid to the Person or Persons, who shall perform the said Service, without any Manner of Delay or Defalcation. And further, We declare, That if in Pursuit of the said Persons, they or any of their Complices shall make Resistance, and that thereupon they or any of them shall be hurt, mutilate, or slain, the said Persons Apprehenders of them or any assisting them, shall never be called in question for the same, criminally nor civilly in all Time coming, but shall be reputed and esteemed Persons, who have done Us and their Country good and acceptable Service. OUR WILL is heretofore, and We charge you strictly, and command, that, incontinent these Our Letters seen, ye pass to the Mercat-cross of *Edinburgh*, and other Places needful, and thereat, in Our Name and Authority, by open Proclamation, make Publication of the Premises, that all Our good Subjects may have notice thereof; and ordain these Presents to be printed. Given under Our Signet at *Edinburgh*, the sixth Day of February, 1679. and of Our Reign the one and Thirtieth Year.

*Tho. Hay* Cl. Secr. Concilii.

GOD save the KING.



*Council's Act, Feb. 13, 1679. about the Forces. N<sup>o</sup>. II.*

**T**HE Lords of his Majesty's Privy Council do ordain his Majesty's standing Forces; Horse, Foot, and Dragoons, to be distributed and quartered in Manner following, viz. Three Companies of Foot in *Canongate* and *Leith*, one Company at *Calder*, one Company at *Stirling*, one Company at *Culrofs* and *Clackmannan*, one Company at *Cowpar* and *Falkland*, four Companies at *Glasgow*, two Companies in the Shire of *Air*, one Company in the Shire of *Renfrew*, one Company in *Lanerk*, one Company in *Galloway*, and one Company at *Kelso*, and leaves the Eighteenth Company to the Major General's Disposal; one Squadron of his Majesty's Troop of Guards at *Edinburgh*, another Squadre of them at *Stirling*, another in *Fife*, and the Fourth in *Borrowstounness*, one Troop at *Glasgow*, one Troop in *Merse* and *Teviotdale*, and one Troop in *Galloway*, one Company of Dragoons in *Galloway*, one Company at *Air*, Twenty five at *Calder*, Twenty five at *Culrofs*, and Fifty at *Lanerk*, and refers to the Major General, in what Place in ilk Shire, he shall appoint their respective Quarters. It is always hereby ordered, that those mentioned for *Calder* and *Borrowstounness* shall oversee all the Bounds betwixt *Cramond-bridge* and *Stirling-bridge*; that these at *Culrofs* and *Stirling* oversee betwixt *Stirling-bridge*, *Kinrofs* and *Burntisland*; that these appointed for *Fife* oversee what lies betwixt *Kinrofs* and *Fifehead*; that these in *Glasgow*, *Lanerk* and *Renfrew*, oversee *Clydsdale* and *Renfrew*; these in *Air* that Sheriffdom, and these in *Galloway* the Sheriffdom of *Wigtoun*, and Stewartry of *Kirkcudbright*, and Jurisdictions within the Bounds of the said Shires, to the effect they may assist the Execution of the Laws in all these respective Bounds, or any other Shires of the Kingdom, according to the Orders that shall be given them by the Major General. And further, the Council do ordain the Commissioners, nominate in the several Shires, to take care, that the Troops and Companies of Dragoons be furnished and provided with Hay and Straw by the Towns and Villages where they are quartered; and in case they cannot be conveniently provided by these Towns and Villages, that the Commissioners cause the Hay and Straw to be furnished and carried to them by the Inhabitants in the Country not exceeding Six Miles from their Quarters, at the Prices already appointed by the Council, in respect those Prices were appointed at first, with so great Consideration to the Carriage.

*Speech, Sir Francis Winnington to the House of Commons. N<sup>o</sup>. III.*

**T**HE King cannot pardon Treason against the Government, for then the Government cannot be safe from evil Ministers: Could Kings have done it, would not *Bell*, *Hemp*, *Worfillon*, and the *Spencers* have been pardoned? Kings should be the Sanctuary of the People from the Oppression of evil Ministers, but not the Refuge of the Enemies of the Government, of such arch Transgressors as *Danby*. If *Danby* may be pardoned, then the Papist Lords in the Tower may be so too, and all the Jesuits now in *Newgate* may be pardoned. Is this the Way to secure the Laws and Protestant Religion? The King is limited in Power, or it cannot be a legal Power as ours is; the Limitation is to the Good and Behoof of the People; but in cherishing of an open and notorious Traitor, the Minister of common Mischief, and common Center in which all the Lines of Confusion and Mischief meet, is this for the Good and Behoof of the People? A Prerogative is to abate the Rigour of Justice, and not to elude and destroy Justice. If Ministers may be pardoned, at the Prince's Pleasure, for all the Wrongs they do to the People, whilst the Prince is sworn to protect the People from these Wrongs, and is therefore both intrusted and paid, there is no Security, and our pretended free and legal Government is a mere Cheat, and we are all arrant Cheats. Besides this is Treason impeached in Parliament, and therefore not pardonable out of Parliament? This is a national and catholic Treason, the Life and Root of the Government is invaded, and a Pardon here is so unreasonable a Thing, that it ought to be placed to his Account, who dares plead it, and ranked amongst the rest of such evil Counsels. The Bill preparing in the House of Lords is not his Punishment, but his Pardon a Salvation by Act of Parliament. Who will be deterred from Treason? who can make such a Precedent as this, to escape with Impunity, to carry away Honours and Wealth as the Reward of Treason, and the poor People's Spoils, and that at such a Time as this, and be tardie to himself? If this must be, it must be good and meritorious to invade Property, betray the Kingdom, sell the People, encourage Popery, suborn Witnesses, strangle and smother the Discovery of the Plot. Remember how ye use him, you make him an Example for the rest; if he must live, let him not survive his Glory, at least degrade himself, sequester him, that is, to reduce him of as Sir *Thomas Osburn*, and as poor and indigent, and leave him Nothing he has got by his monstrous Acts. He hath got what the Kingdom, I am bold to say, these Lords that agree not with this, speak one Word for him, and two for themselves; they will do the same Thing to end with the same Security. It is a Licence to cheat the King and Kingdom for five Years. If this must be, I pray let there be a Clause in the Bill, to pardon all Villanies and Treasons whatsoever, against the Government, as well for the poor as rich. Let not the great Rogues escape and go rewarded: Was *Pein*, *Berry*, and *Hill* hanged for murdering *Godfrey*? Must he escape that so bitterly discouraged and menaced him? Or what Reason was there that *Groves* and *Ireland* should die for being on the Plot, whilst he is rewarded that did conceal it, and would have turned it upon others? To conclude, if after this Discovery made by GOD, and progressed by us as Instruments, this Point be delivered up, they shall not escape unpunished, and GOD shall bring Deliverance some other Way.



*Speech of the Earl of Shaftsbury to the House of Lords, March 24, 1679. N<sup>o</sup>. IV.**My Lords,*

**Y**OU are appointing the Consideration of the State of *England*, to be taken up in a Committee of the whole House, some Day the next Week. I do not know how well what I have to say may be received, for I never study either to make my Court well, or to be popular. I always speak what I am commanded by the Dictates of the Spirit within me. There are some other Considerations which concern *England* so nearly, that without them, you will come far short of the Safety or Quiet at home. *We have a little Sister, and she hath no Breasts, what shall we do for our Sister in the Day when she shall be spoken for? If she be a Wall, we must build upon her a Palace of Silver, and if she be a Door, we will inclose her with Boards of Cedar.* We have several little Sisters without Breasts, the *French* Protestant Churches, the Two Kingdoms of *Scotland* and *Ireland*. The foreign Protestants are a Wall of Defence to *England*, upon which she may build a Palace of Silver, a glorious Palace. The Protection of the Protestants abroad, is the Check to the growing Greatness of *France*. *Scotland* and *Ireland* are Two Doors that let in Good or Mischiefs upon us. They are much weakened by the Artifices of our cunning Enemies, and we ought to inclose them with Boards of Cedar. Popery and Slavery, like Two Sisters, go Hand in Hand. In *England*, Popery was to bring in Slavery, in *Scotland*, Slavery was to go before, and Popery was to follow. I do not think that your Lordships, or the Parliament have Jurisdiction there. It is a noble and ancient Kingdom; they have an illustrious Nobility, a gallant Gentry, a learned Clergy, and an understanding worthy People. But yet we cannot think on *England*, as we ought, without reflecting on the Condition they are in; they are under the same Prince, and the Influence of the same Favourite and Counsels, and they are hardly dealt with. Can we that are the richer expect better Usage? for it is certain, that in all absolute Governments, the poorest Countries are most favourably dealt withal, when the ancient Nobility and Gentry cannot enjoy their Royalties, Freedoms and Stewartries, which they and their Ancestors have possessed for several hundred Years; but they are now enjoyed by the Lords of the Council, to make Deputations of their Authorities to such as are their known Enemies. Can we expect to enjoy our *magaa charta* long, under the same Persons and Administration of Affairs? If the Council-table there can imprison any Nobleman or Gentleman for several Years, without bringing him to a Trial, or giving the least Reason for what they do; can we expect the same will ever preserve the Liberties of the Subjects here? I will acknowledge I am not versed in the particular Laws of *Scotland*; but this I know that all northern Countries, have, by their Laws, an undoubted inviolable Right to their Liberties and Properties; yet *Scotland* hath outdone all the eastern and southern Countries, in having their Lives, Liberties and Estates subjected to the arbitrary Will and Pleasure of those that govern. They have lately plundered and harassed the richest and best Countries of that Kingdom, by having brought down the barbarous Highlanders to devour them, and all this without any colourable Pretence, nor can there be found out a Reason of State for what they have done, but that these wicked Ministers designed to procure a Rebellion at any Rate, which, as they managed it, was only prevented by the miraculous Hand of GOD: For otherwise, all the Papists in *England* would have been armed, and the fairest Opportunity given in that Time, for the Execution of that bloody and wicked Design the Papists had, as it is not possible for any Man that duly considers it, to think otherwise, but those Ministers who acted it, were as guilty of the Plot as any of the Lords that are in question for it. My Lords, I am forced to speak this the plainer, because, till the Pressure be fully and clearly taken off from *Scotland*, it is not possible for me, or any thinking Man, to believe that Good is meant us here. We must still be on our Guards, apprehending the Principle is not changed at Court, and that these Men who are still in Place and Authority, have that Influence on the Mind of our excellent Prince, that he is not, nor cannot be to us, what his own Nature and Goodness would incline him to. I know your Lordships can order Nothing in this, but there are that hear me who can put a present Cure to it, and till that be done, the *Scots Wierd* is, *mors in olla, Death in the Pot*. But there is something that most immediately concerns us, the Act for 22000 Men to invade us on all Occasions; this I hear the Lords of the Council have treated (as they do all other Laws) and expounded it to a standing Army of 6000 Men. I am sure we have Reason and Right to beseech the King, that that Act be better considered in the next Parliament there. I shall say no more of that Kingdom at this Time, for I am afraid your Lordships may think I have said too much, having no Concerns there; but if a *French* Nobleman come to dwell in my House, and my Family, I should think it concerned me to ask what he did in *France*, for if he were there a Villain, a Rogue, or a Plunderer, I should desire him to live elsewhere, and I hope your Lordships will think fit to do the same Thing for this Nation, if ye find the same Cause. My Lords, give me leave to speak Two or Three Words concerning our other Sister *Ireland*; thither, I hear, is sent *Douglas* his Regiment to secure us against the *French*, besides, I am credibly informed, the Papists have their Arms restored, and the Protestants are not many of them recovered from being the suspected Party. The Sea Towns, as well as the inland, are full of Papists; that Kingdom cannot long continue in *English* Hands, if some better Care be not taken of it; this is in your Power, and there is Nothing there but what is under your Laws. And therefore, I beg at least, that this Kingdom may be taken into Consideration together with the State of *England*, for I am sure there can be no Safety here, if these Doors be not shut up and made safe.

*Reasons against a Popish Succession. N<sup>o</sup>. V.*

**I**T is conceived, and that very candidly, without Prejudice to others Judgments, or troubling our selves with that so often baffled a Cause, called Popery, that a Papist, or one Popishly affected ought not to inherit, or succeed in the Management of the Crown.



*Reason I.* In Strictness of Law, because one so qualified hath wilfully disabled or rendred himself incapable of that Benefit, which the common Law (after the usual Course of Descent) doth positively require; for it is presumable, that he who succeeds in the Office of the Crown, should be legally adopted to execute so great a Trust; and therefore, if *minus idoneus*, be not sufficiently ballasted with the Notion and Intrigues of State, others are to govern in Aid of him, as in case of Idiocy, Lunacy, or the like, and the Parliament is bound (as intrusted to redress Grievances, and secure the Nation) to place it where Religion and Property shall be adjudged most safe.

There are several Precedents of this Nature.

1<sup>mo</sup>. *Edgar Atheling* (as Stories agree) was the undoubted Heir, yet *William the Norman*, commonly called the Conqueror, was called in to oppose *Harold*, and invested with the Crown, and *Atheling* for ever an Exile, and disinherited.

2<sup>do</sup>. After him succeeded his Second Son *William Rufus*, and not *Robert* the eldest.

3<sup>tio</sup>. King *John* not only laid aside after, *Plantagenet* his eldest Brother's Son, but likewise put him to Death.

4<sup>to</sup>. In *Sicily*, there was lately a great Contest between the Two Sons of *Charles II. Mortelus* and *Robert*, and I find the Crown awarded to *Robert* the younger, as *magis dignus ad regnandum*.

5<sup>to</sup>. *Alexander* was demanded, to whom he would bequeath his Sceptre; he said, the worthiest, and to him whose Sword had the sharpest Point, meaning, whose Virtue was most luculent, and of the brightest Integrity, after the Disposition of *Jacob* passing by *Manasses*, and conferring the Blessing upon *Ephraim* the younger, as more deserving and acceptable to GOD.

6<sup>to</sup>. The State of *France* rejected the King of *Navarr*, and appointed another to reign over them, because of his Religion, and when afterward the said King of *Navarr* came to be *Henry IV. of France*, it was by his forsaking GOD, and complying with the Church of *Rome*, by means of which he thought to settle the Crown upon his Head; but was so much mistaken therein, that he thereby left both Crown and Life together.

*Reason II.* Can it be thought, but he that succeeds in the Crown, should not succeed *concurrentibus his qui in jure requirunt*, as the civil Law expresses it, *that is*, in all the Concernments thereof, which are the Laws, principally those that relate to Religion, and not for one Man, led away with a blind Perverseness, renouncing the Religion, he knows not why (and so wilfully attainting himself) to intrude the Nation in Superstition and Tyranny, for regularly, in all Parts where Popish Lords are in the Church, there Tyranny (of course) rages in the State.

*Reason III.* It is a Maxim amongst Lawiers, that *lex facit regem*, and Maxims must not be denied. If so then, to speak out after the true Intendment of Law, he that comes not to the Crown *satiatus*, as the Laws notify and prescribe, 'tis no lawful Succession, but downright Usurpation; and, without Scruple, it is the Endeavour of every good Christian, to withstand an Usurper, it being undoubtedly more pleasing to God, to put one Man by, who thus wilfully disables himself, and withal most shamefully usurps, than expose Millions of Souls to Damnation, and the Streets to flow with Blood, by suffering that Religion to creep in, whose Reformation (at the mildest Rate) will certainly prove Fire and Faggot. For this very Cause *Maackab* was removed from being Queen by her Son King *Asa*, for making an Idol in a Grove, incited thereunto by the Prophet *Azariah*.

*Reason IV.* The Succession of the Crown, and a common Descent much differ; for if an Heir that is a Subject, prove loose and debauched, it little damnifies the Publick; more deserving Persons may happily perchance step into his House, and be more serviceable to the Publick, the Damage is still but private to his own Family; but in case of the Crown, there is none so senseless but must needs conceive the Damage most fatal, because universal. The whole Nation must inevitably suffer, Religion be subverted, and Property destroyed, and the whole People in Danger of their Lives. 'Tis well known in a private Case, the Heir is usually thrown off and disinherited; if an Entail, it may be destroyed: And if Law justifies it, the like in the Publick; and therefore the grand Inquisitor of State, and Conservator of the Liberties of *England*, the Parliament, may, for weighty Causes, refuse the Heir presumptive, and, for the Safety of the Nation, settle it, where they in Honour and Prudence shall conceive most proper.

*Reason V.* We read in Scripture (which is the golden Rule that we must walk by) That *Libnah* revolted from *Jehoram*, because he had forsaken the God of his Fathers; so we had better forsake Man and adhere to GOD, in keeping our Religion, than trust to Man and lose GOD, to be unavoidably destroyed here and hereafter, irrecoverably damned in serving *Baal*, and parting with the Divinity now established.

*Reason VI.* When *Rebeboam* had prepared a great Army to reduce the *Israelites*, he was forbidden by the Prophet. Thus saith the L. O. E. D., *shall not go up, nor fight against your Brethren, for this Thing is from me.* Mark, he calls them Brethren, not Rebels.

Passive Obedience therefore is simple, and fit for such that know no better. Now God has discovered the Snare and the Pit of Ruin, that the Pope and the Devil has prepared for us; if we do not timely countermin it by cautionary Laws, to suppress those that digged it, we may in a short Space be thrown into it headlong, and none pity us.

But the right Line, with some shallow-pated Talkers, is a *noli me tangere*, so sacred (forsooth) that we must rather venture Body and Soul, in subjecting our selves to all the Curses imaginable, that Hell it self can inflict upon us, than in the least alter or controul it; a vain frivolous Caveat, and not to be heeded by us; for human Examples (as I shewed before) have been noted against it, and the Scripture warrants it. *Samuel* foretold in the Case of *Sau'*, that he would be rejected for his Disobedience, tho' not his Person degraded or deposed, yet that the Kingdom should be removed both from his Line and Tribe, which was done accordingly, and transferred on *David*. This proves very fully, that the Heirs or next in Succession are



are not so immoveably placed, but that they may lawfully, and on just Causes, be displaced, if not legally qualified, and others put up for God's Glory in their Rooms. God raised *Jehu*, to purge Idolatry, against the House of *Ahab*. All the Sons of *Ahab* were beheaded, and in a Manner his whole Line cut off. For his good Service he had a Promise of a special Blessing for his Issue, to continue the Throne to the Fourth Generation. Several other Instances I could give, but this may suffice. In brief, there is no reformed Church from the first *Waldenses* of *Lyons* and *Languedoc*, to this very Day, but have held it lawtul.

*Reason VII.* It is conceived by half-witted Statesmen, that restrictive Laws may prevent all Mischiefs, and secure the Protestants, a very vain Opinion, and most fallacious; for Laws will never bind, but more enrage: Shackle him as you will, and load him with never so many Laws, when King, he and his Party will be restless till they have set themselves at Liberty, to have the Protestants under; for when King, he is not impeachable, and the *potestas regni* will be at his Disposal. When the Wolf is Shepherd the Flock is very safe indeed, and like to be well lookt after, all may devour that will; for if his Party commit such Outrages, that no Age can parallel, what will they do then? Now no Man is safe in his Bed, then none safe at all, they will adventure to murder People in their very Houses, for they hold it no more Sin than to kill a Dog.

*Reason VIII.* In fine, be sure he and his Party (which will increase daily, and the Protestants decline) will soon get an Opportunity either by Stratagem, or open Force, to avoid all Laws, tho' they are never so strong and wary, and therefore it will be impossible to be safe without a Protestant Successor.

*Proclamation, March 12. about Major Johnstoun. N<sup>o</sup>. VI.*

**C**HARLES, by the Grace of GOD, King of Great Britain, France and Iveland, Defender of the Faith: To our Lovits, Macers, or Messengers at Arms, Our Sheriffs in that Part conjunctly and severally, specially constitute, Greeting. Forasmuch as, notwithstanding of Our Tenderness and Clemency to all Our Subjects, which hath extended even to those who have not cared to conform themselves to Our Laws; yet severals pretending to be of the Protestant Profession, have not only disgraced, and endeavoured to ruine the true reformed Religion, established in this Our Kingdom, and overturned the Principles of all Society and Government by a bloody and distracted false Zeal, which hath prompted them to open Rebellion, to the printing of Jesuitical murdering Tenets, and the deforcing and invading such as are clothed with Our Authority; but also have proceeded to such extravagant and inhumane Practices, as tend to the Destruction of Mankind it self. Amongst many Instances whereof, some villanous Murderers did lately lay a Design to kill and assassinate the Town-major of *Edinburgh*, for whom they having sent, upon Pretext to dissipate a Conventicle, they did discharge many Shots at him and other Soldiers who assisted him, and thereafter wounded him and them mortally in several Places of their Bodies, threatening to kill him if he would not swear never to put Our Laws in Execution. Which Affront being done publicly to Our Authority, in the capital City of Our Kingdom, the very Day of the Meeting of Our Council, and being a Practice laid down to terrify all such as serve Us, and to involve all in a Confusion, which they most earnestly wish: Therefore We, with Advice of Our Privy Council, do hereby invite all such as can make any Discovery of that designed horrid Villany and Assassination, and assure all such as can make any Discovery, even such as have had Accession thereto, of Our full Indemnity, and of the Sum of one Thousand Merks, to him who shall be the Discoverer of any in Accession thereto, so as they may be apprehended, but especially of Mr. *John Kae*, Son to the deceased Mr. *Adam Kae*, late Minister at *Borg*, (who is proved to have been the Ringleader of these Miscreants, and who was formerly apprehended in the like fanatick Tumult, and outrageously cried to stab the Town-major) as also *Turnbul*, Tenant to *Broomhall*, and *Turnbul*, his Two Sons, *Michael Cameron* Son to *Alan Cameron*, and *Crawford* Sitter to Captain *James Crawford*, who lodged these Assassimates, and is fled with them.

OUR WILL is herefore, and We charge you straitly, that, incontinent thir Our Letters seen, ye pass to the Mercat-crofs of *Edinburgh*, and other Places needful, and thereat, in Our Name and Authority, make Publication of the Premises: And ordain these Presents to be printed. Given under Our Signet at *Edinburgh*, the Twelfth Day of *March*, 1679. and of Our Reign the Thirtieth one Year.

*Per actum Dominorum Secreti Concilii.*  
Tho. Hay Cl.

GOD save the King.

*Act of Council, March 12. 1679. N<sup>o</sup>. VII.*

**T**HE Lords of his Majesty's Privy Council have thought fit, upon several weighty Considerations, hereby to require and command the Magistrates of *Edinburgh*, presently to take up a List of the Men and Women betwixt Sixty and Sixteen, and to deliver the same in to the Council, or their Committee (which



( which Lists they are to take up by Constables, or such other Persons as they shall think fit to imploy. ) And further, the Bailies of the said Burgh are hereby strictly and peremptorily required and commanded to cause their Constables, or any other for whom they will be answerable, to take up Lists of the Names and Designations of the haill Persons, that are, or shall be lodged in the City of *Edinburgh*, each Night : And that the said Constables, or others imployed, deliver the same each Night to the Bailie of the respective Quarters of the Town, and the Bailie to deliver them to the Captain of the Guard before Ten a Clock at Night, who is to deliver them nightly to the Major-general, or commanding Officer, in his Absence, under the Penalty of an Hundred Merks for each Person's Name who shall not be delivered up, to be paid by the Bailie of the Quarter, reserving the Bailie his Relief off the Constables, and the Constables off the Landlords, and others concerned. And further, the said Lords do hereby require and command the Magistrates of the said Burgh of *Edinburgh*, to turn out the Wives and Families of all outed Ministers, fugitive and vagrant Preachers, and intercommuned Persons, forth of the City of *Edinburgh*, and Suburbs thereof, betwixt the 21 of *March* instant next ensuing, under the Penalty of an hundred Pounds *Sterling*, for each Family of such Person or Persons, as shall be found within the Town or Suburbs thereof, after the said Day.

Extracted by me

*Tho. Hay.*

*Commission to Committee at Lanerk, Edinburgh, April 4. 1679. N<sup>o</sup>. VIII.*

**C**HARLES, by the Grace of GOD, King of Great Britain, France and Ireland, Defender of the Faith : To all and sundry Our Lieges and Subjects whom it esteirs, Greeting. Forasmuch as, We, with Advice of Our Privy Council, have, in Prosecution of Our Laws and Acts of Parliament made against Field-conventicles, these Rendevouzes of Rebellion, issued forth several Acts and Orders to Our Sheriffs, and other Magistrates, and the Officers of Our standing Forces, and particularly for dissipating any Numbers of People convened at these Field-conventicles ; and in case of Resistance, to pursue them by Force of Arms. And whereas, upon the Thirtieth Day of *March* last, some of Our Forces quartered in the Shire of *Lanerk*, being informed of a numerous Field-conventicle kept at *Cumberhead* in the Parish of *Lesmahago*, and a Party of them having gone to the Place, and required them in Our Name to dissipate that unlawful Meeting, the said Persons being formed in Companies and Troops, and armed in a warlike Manner, did not only most villanously and traiterously refuse to dissolve, and expresse themselves most treasonably against Us and Our Authority ; but invaded and assaulted the said Party, fired upon them, and wounded and took several of them Prisoners, which they kept and detained during their Pleasure ; and We being fully resolved, that the Persons guilty of such a treasonable Attempt and Rebellion, shall be proceeded against with all Severity according to Our Laws, as also, with all those that have been aiding, abetting, or assisting to that treasonable Attempt, and that a Search shall be made after, and Trial taken thereanent, in the best and expedite Manner and Method ; and considering, that the same may be done most conveniently upon the Places, and that the Extraordinariness of the Exigent, and Our most special Concern therein does require that the same be gone about with all the Respect and Observation necessary : We therefore, with Advice of the Lords of Our Privy Council, do hereby nominate and appoint Our right trully and welbeloved Cousins and Counsellors, *Charles Earl of Mar*, *Earl of Glencairn*, *George Earl of Linlithgow* Our Major-general and Commander in chief of Our Forces, *George Lord Ross*, *Charles Maitland of Halkoun* Our Treasurer-depute, *Sir George Mackenzie of Rosehaugh* Our Advocate, and *Richard Maitland of Duddop*, to be Our Commissioners to the Effect underwritten, with Power to them, or any Three of them, to meet at the Burgh of *Lanerk*, the Twenty third Day of *April* instant, for the first Diet, and thereafter to appoint their own Diets, and Places of meeting, with Power to choose all Members of Court needful, issue forth Letters or Precepts, for citing of Parties or Witnesses before them ; and particularly to call before them the Sheriff-deputes of the Shire of *Lanerk* ( whom Our Council has formerly instructed to examine all Persons dwelling or residing within the Parishes of new and old *Monklands*, Town and Parish of *Lesmahago*, Town and Parish of *Lanerk*, the Parishes of *Carmichael*, *Pittinane*, *Carluke*, *Dalserf* and *Douglas*, and adjacent Parishes, anent their Guilt of, or Accession to a late treasonable Attempt and Combination, and upon the other Points contained in their Instructions ) to give an Account to them of their Diligence, and the Depositions of the Persons compearing, and the Lists of the Absents, with Power to Our said Commissioners, thereupon to cite before them any Heritors or Commons they shall think fit, either for their own Guilt, or Heritors to exhibit their Tenants living upon their Ground, who appear not, and to be answerable for them, and to proceed against them both, or either of them, either by fining, confining or Imprisonment, conform to the Laws and Acts of Parliament of this Kingdom, and particularly the 6 Act, *Parl. 3. K. James V.* and 144 Act, *Parl. 12. James VI.* As also, with full Power to them to call before them the Sheriffs principal, other Magistrates, or their Deputes within the said Shire, or other Shires adjacent, who are to receive and obey such Orders as Our said Commissioners shall think fit to direct : And likewise, to call to their Assistance, such of the standing Forces or Militia, as they shall think fit, and to give such Orders to Our Major-general, as they shall judge necessary for Our Service, and to do every other Thing requisite for prosecuting of this Our Commission, as if Our Council, or a Quorum of them, were present, and might do themselves ; promitten. to hold firm and stable, &c. And since We are resolved to punish this Attempt in a most exemplary Manner, We have thought fit, with Advice foresaid, hereby to make and constitute the said Earls of *Mar*, *Glencairn*, *Linlithgow*, the Lord *Ross*, Treasurer-depute, and *Richard Maitland*, Our Commissioners of Justiciary, to the Effect following, with Power to them, or any Three of them, to meet at *Lanerk*, or any other Place they shall think fit, and to affix and hold Justice-courts, issue forth Precepts for citing Assizes and Witnesses, and to call and convene before them any Persons guilty of, or accessory to the said treasonable Attempt and Combination, guilty of rising in Arms, or contributing



of Money to maintain Men as Soldiers in Opposition to Our Authority, and to put them to the Trial and Knowledge of an Assize, and, according as they shall be found innocent or guilty, that they cause Justice be done upon them conform to the Laws of Our Kingdom; with Power to them to create Clerks, and other Members of Court needful, and to do every other Thing in the Premises, as if a *Quorum* of Our Commissioners of the Justiciary, who ordinarily meet at *Edinburgh*, were personally present; and ordain Our said Commissioners to report an Account of their Diligence and Procedure in the Premises, to Our Council, betwixt and the first Day of *June* next, or sooner, if they find Cause, for their Approbation.

Given under Our Signet, at *Edinburgh* the Fourth Day of *April*, 1679. and of Our Reign the Thirtieth and first Year.

*Report of the Committee at Lanerk, April ult. 1679. N<sup>o</sup>. IX.*

THE Report underwritten, of the Commissioners of Council met at *Lanerk*, by virtue of the Commission dated the Fourth Day of *April* instant, being read in Council, was approved, and appointed to be recorded, whereof the Tenor follows.

*Lanerk, 25 April, 1679.*

Y Our Lordships of the Council, having, for facilitating that Business, appointed Mr. *William Cochran*, and Mr. *William Nimmo*, Two Sheriff-deputes of the Sheriffdom of *Lanerk*, to cause cite the haill Tenants in the said Parish of *Lesmahago* before them, as also in these adjacent Parishes, viz. the old and new *Monklands*, Town and Parish of *Lanerk*, Parishes of *Carmichael*, *Pittinane*, *Carluke*, *Dallers* and *Douglas*, and to examine them upon their Guilt and Accession to the said Violence, and to have their Report in Readiness, to be considered by us at our first Meeting.

Several Days before our Meeting, we caused issue forth Summons under the Council's Signet against the whole Heritors within these Parishes, to appear before us upon the 23, 24 and 25 instant.

At our first Meeting, we called before us the said Sheriff deputes, for an Account of their Procedure and Diligence, who, by their Report subscribed with their Hands, gave us an Account, that they had caused cite the haill Tenants of these Parishes to appear before them at *Hamilton* and *Lanerk*, upon the 16 and 18 Days of this Instant, whereby we find that very few appeared, and these who have appeared, have treed themselves by their Oath, so that thereby no Discovery did arise, but do find, that the said Sheriff-deputes have done all that was possible for them in so short a Time.

We are informed that the Feuars of the Parish of *Strevan*, who belonged to the Duke of *Hamilton*, were Persons most guilty, who were not insert in the first Letters, but there being a great Multitude of them, it was not possible, in so short a Time, to cite them before us, and proceed against them in the Commission; and therefore did remit it to the Sheriff-deputes to proceed against them.

In the Tolbooth of *Lanerk*, these following Persons being Prisoners, viz. *William Weir* Servant to the Goodwife of *Bowhouse*, *James Bailie* of *Glentwin*, *Joseph Thomson* Chapman, *Christopher Dick* Weaver, and Tenant to *Corhouse*, *William Cassils* in *Douglas*, *John Park* in *Lanerk*, *Francis Hastie* there, *William Laidlaw* in *Pittinane*, *John Williamson* in *Lesmahago*, *William Inglis* in *Douglas*, and *Robert Graham* there, which *Robert* was apprehended at a Conventicle in Womens Clothes; and we being informed, that the said *William Weir* was at the Conventicle at *Cumberhead*, and was one of those that did invade and wound Lieutenant *Dalziel*, we were resolved to have processd him for his Life, and to have hanged him for a publick Example, and to have founded the Dittay upon the 4 Act, Parl. 16. James VI. anent invading the King's Officers; upon which Consideration we fenced a Justice-court, and called him before us, and having examined him judicially, as also Two of the Dragoons as Witnesses against him, it could not be made appear that he was either in Arms, or did invade or strike the Lieutenant; but it was clear that he did take hold of the Lieutenant's Horse, and hindred him to get off, and gave him ill Language, so that we could not be able to reach him upon the said Act as to his Life: Wherefore we have thought fit to send him in Prisoner, to be disposed upon as your Lordships shall think fit. The said *William Cassils* being taken at the said Conventicle in Arms, and so falling under the Compass of Law for his Life; but in regard, both by Lieutenant *Dalziel*'s own Declaration, and otherwise, it was made appear to us, that he was the Person that saved the said Lieutenant's Life, we thought it not fit to process him, but ordered him instantly to be dismissed, that the whole Country might know the King and Council's Inclination for Mercy and Favour, to all such as give any Countenance or Assistance to Authority, and assist any of his Majesty's Forces when they are in Danger.

The rest of the Persons Prisoners being mean and inconsiderable, and not guilty of any extraordinary Thing, we did remit to the Sheriff-deputes to proceed against, and fine them according to Law. The said *James Bailie* having confessed himself to be at a Field-conventicle, and to have entertained Strangers at his House, being a private House, without enquiring what they were, in regard he promised to live orderly hereafter, and not to go to Conventicles, we ordered him to be set at Liberty, upon Caution to that effect, under the Pain of Five hundred Merks *toties quoties*.

The Heritors in the several Parishes, being called upon the 23, 24, and 25 of *April* instant, the far greater Part of them were absent, against whom the Certification of the Letter was granted, ordaining them to be denounced for their Contempt, conform to the Rolls and Executions: And as to these who did appear, his Majesty's Advocate declared, that he restricted the Libel to that Part thereof, that they themselves were guilty,



accessory, Art and Part in the Violence committed upon his Majesty's Forces, and instead of all further Probation, referred the Verity thereof to their Oaths; who being all of them solemnly sworn thereupon, did clearly purge themselves by their Oaths; and it being intimate to them, that by the Law, and particularly the 6 *Act, Parl. 3. James VI.* in case of their Tenants guilty, they are obliged to exhibit them to Justice, or to be liable for their Fine, or to put them off their Ground, and in case they returned, to apprehend and present them; they all of them acknowledged the same, and undertook so to do. In regard that the Lord *Carmichael* who appeared, who is a Person of great Interest in the Shire, he was required and ordered *apud acta*, to attend your Lordships upon *Wednesday* next, to receive your Commands, and to be heard upon any Proposal he could offer for settling the Peace of the Country; upon that same Consideration, we did write a Letter to the Duke of *Hamilton* requiring him to attend your Lordships the said Day.

Having received frequent Informations from divers Places, of murdering some, wounding and robbing of others of his Majesty's Forces that were sent to bring in his Majesty's Cess and Excise, and particularly in the Parishes of *Monkland* and *Strevan* in *Lanerk-shire*, where the Soldiers were robbed and beaten, their Arms taken from them, and kept Prisoners, as appears by their Depositions herewith produced, and in the Parish of *Newmills* in the Shire of *Air*, Two of the Soldiers killed, and others wounded, as appears by Letters from the commanding Officers there, and of a Tumult and Insurrection made within the Town of *Renfrew*, upon the Sheriff-depute's taking of one *Walter Scot*, a late Magistrate, a noted Ringleader of Conventicles, and of such like Disorders, and of the beating and wounding of the Laird of *Beltrees* Sheriff-depute, to the Hazard of his Life, and deforcing them, and rescuing the Prisoner, as appears by the Depositions of the other Sheriff-depute, and Two other Persons.

For further Discovery of that Murder of the Soldiers at *Newmills*, we thought fit to require the Earl of *Lowdon*, who has the most considerable Interest in that Place, and on whose Ground it was done, by a Letter, to attend your Lordships upon *Wednesday* next, to give a full Representation and Discovery of that Matter upon his Allegiance.

By full and frequent Informations we find, that in the Shire of *Lanerk*, and other Shires adjacent, those Rebels who keep Field-conventicles, have formed a Design of keeping strong and armed Conventicles in many distant Places, of design to necessitate your Lordships to keep his Majesty's Forces together in considerable Numbers, that so they may, in all other Places, debauch the People at their Pleasure in the rest of the Kingdom; and are resolved to hinder the Inbringing of his Majesty's Cess, in the accustomed Manner by Parties, thinking that your Lordships cannot conveniently quarter great Parties upon Deficients, and if small ones be employed, to murder them, as they have actually done, intending thereby to obstruct the Payment of his Majesty's Forces, whereby we conceiving that these rebellious Courses are now come to that Height, we thought it our Duty to advertise my Lord Chancellor and remanent Lords of the Council, to meet upon *Wednesday* next, being the last of *April*, to deliberate and consult what is fit to be done in this juncture, for obstructing the Growth and Increase of these Disorders, now come to so great a Height, and for securing the publick Peace in Time coming. We have thought it also our Duty, in the mean Time, by a Letter to the Duke of *Lawderdale* his Grace, to give him a particular Account of the dangerous State of Affairs here, as we have now represented the same to your Lordships, and have sent him Copies of the Depositions and other Papers, for evincing the Truth and Verity of these Informations.

*Narrative of the Murder of the Archbishop, published by Authority. N<sup>o</sup>. X.*

ON the Third of May, a Day remarkable in the Church Kalendar for the Invention of the holy Cross, this excellent Prelate found his, and I hope obtained his Crown, ( in which Month also, *Henry IV. of France*, and Cardinal *Beaton*, one of his Predecessors, were assassinated ) about Nine of the Clock in the Morning he took his Coach in *Kennoway*, a Village Ten Miles distant from *St. Andrews*, where he lay the Night before, accompanied only with Four of his Servants, and his eldest Daughter in the Coach with him. About Half an Hour before he was attacked, his great Soul, it seems, presaging what came to pass, he fell on a most pious and serious Discourse to his Daughter, giving her such pious Instructions and Directions, as he would have done, if upon his Death-bed, whereunto she gave such becoming and satisfactory Answers, that he embraced, and formally blessed her: Afterward coming near to a Farmer's House, called *Magnus*, he says, There lives an ill-natured Man, God preserve us, my Child. Within a very little Time after, the Coachman perceiving some Horsemen on the Spur after them, calls to the Postilion to drive on, for those Men had no Good in their Minds. My Lord finding the Coach run so hard, looked out to see what the Matter was, and then perceiving armed Men pursuing, he turning to his Daughter, said, Lord have Mercy upon me, my poor Child, for I am gone: Upon which, presently Three or Four of the Russians fired at the Coach, but touched neither of them in the Coach; the Coachman put faster on, and outrun the most Part of the Rogues ( my Lord's own Servants, of which the best armed was wounded in the Head by a Sword, being mounted on weak Hackney Horses, had fallen behind before this, and were disarmed at the first coming up ) while at last, one of the best mounted overhighed the Postilion, and by wounding him on the Face, shooting the Coach-horse which he led, in the Back, and cutting him in the Hams, turned the Coach out of the Way, and gave the rest the Advantage to come up. Then they fired again; one of them had his Pistol so near my Lord, that the burning Calving was left on his Gown, and was rubbed off by his Daughter, which wounded him Two or Three Inches below the right Clavicle, in betwixt the Second and Third Rib, and then another of them on the other Side of the Coach run him upon the Region of the Kidneys with a small Sword; thereafter they called, Come out, cruel and bloody Traitor, but not any offered to lay Hands upon,



or drag him out of his Coach, as is falsly reported in the Relation, the Assassins being all yet one Horseback; whereupon, most composedly he opened the Door of the Coach himself, and slept out, and then said, Gentlemen, you will spare my Life, and whatever else you please to do, you shall never be questioned for it. They told him, there was no Mercy for a *Judas*, an Enemy and Traitor to the Cause of Christ. Well then, said he, I shall expect none from you, but promise to me to spare my poor Child, directing his Speech to one, whom it is suspected, by his looking him broad in the Face, he knew, and reaching forth his Hand to him, the bloody Villain starts back from my Lord, and, by a mighty Blow, cut him more than half through the Wrist: Then said my Lord, I hope ye will give me some Time to pour out my Soul to God, and I shall also pray for you; and presently falling on his Knees, he said, Lord, forgive them, for I do: *Lord, receive my Spirit.* While thus praying on his Knees (one of the Traitors standing some Paces off, called to the rest, *Spare those gray Hairs*) and his Hands lifted up, they struck furiously at him, and wounding him therein in Three Places, which nevertheless he kept up bleeding to Heaven, while one of them cut him to the very Bone, a little above the left Eye, whereupon my Lord said, Now you have done the Turn; then falling forward, he stretcht himself out, and laid his Head on his Arm, as if he had been to compose himself for Sleep, when some of the Villains from their Horses, and others a foot (having alighted) gave him about Fifteen or Sixteen Wounds in the Head, and in effect, the whole occipital Part was but one Wound; after which they rifled his Pockets, and took some Papers out of them; and so mad was their Spite and Rage, that even after he was dead, and the Murderers gone some Way from the Body, one of the furious and bloody Assassins returned, and thrust twice or thrice at him with a Sword. They robbed his Daughter of some Gold, and other Things she had in a little Box (they had wounded her, thrusting at her Father, betwixt whom and them she had interposed herself, by a Stab in her Thigh, and one of her Thumbs) then they took away my Lord's Night-bag, Bible, Girdle, and some Papers of Moment: They also robbed his Servants, and took their Arms from them, and then went away as they came, and encountered one of my Lords Gentlemen he had sent off some Time before, to salute the Earl of *Crawford* in his Name, having passed near to his House: One of them called to kill him, for he was one of *Judas's* Servants; others came and took his Papers in his Fore-pockets, and Arms, and bid him be gone, for his Master was gone home before him. The Place where this horrid Murder was committed, is called *Magus-muir*, within Two Miles, and in Sight of the Town of *St. Andrews*.

Thus fell that excellent Prelate (whose Character and worthy Acts deserve, and, no doubt, will find some excellent Pen) by the Hands of Nine fanatick Ruffians: That they were so, is not to be doubted, their Names being all now known, and all of them denounced or intercommuned, for frequenting Field-conventicles, and the known Champions of that Party in the Shire of *Fife*; besides their holy sanctified Discourse at the Time of their bloody Actings, shews what Temper of Spirit they were of. I have done with my Relation (attested to me before famous Witnesses by my Lord's Daughter, and those of his Servants that were so unfortunate to be Spectators of this execrable Villany) when I have observed how ridiculous the Author of the pretended true one is, where he endeavours to discover the Occasion of the Murder of the Archbishop of *St. Andrews*; for what need was there of any Thing more to provoke them, than his being an Archbishop, and the Primate of *Scotland*, and the most active, as well as the most reverend Father of this Church? Was it not for this Reason, that he was, on the Streets of *Edinburgh*, shot at by Mr. *James Mitchel*, while in his own Coach? Was not this the Reason that these fanatick Books from *Holland*, both some Time ago and of late, marked out his *sacrum caput*, as they termed it, and devoted him to a cruel Death, and gave out Predictions that he should die so? which they easily might, being so active in stimulating and prompting Instruments to fulfil their own Prophecies.

O Lord, how unsearchable are thy Judgments, and thy Ways past finding out!

### Proclamation, May 4. for Discovery of the Murderers of the Archbishop of *St. Andrews*. N<sup>o</sup>. XI.

**C**HARLES, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith &c.  
To Our Lyon King at Arms, and his Brethren, Heralds, Macers, or Messengers at Arms, Our Sheriffs in that Part conjunctly and severally, specially constitute, Greeting. We being fully, and by legal Proofs, assured of the late horrid and bloody Murder committed upon *Saturday* last, being the Third of *May* instant, by Ten or Eleven fanatick Assassins, upon the Person of the most reverend Father in God, *James* late Archbishop of *St. Andrews*, Primate of all *Scotland*, which barbarous and inhumane Assassination and Parricide will (we doubt not) spread Horror and Amazement in all the Hearts of such as believe that there is a God, or a Christian Religion, a Cruelty exceeding the Barbarity of Pagans and Heathens, amongst whom the Officers and Ministers of Religion are reputed to be sacred, and are by the Respect born to the Deity which they adore, secured against all such bloody and execrable Attempts, a Cruelty exceeding the Belief of all true Protestants, whose Churches have justly stigmatized, with the Marks of Impiety, all such as defile with Blood those Hands which they ought to hold up to Heaven, and a Cruelty equal to any with which we can reproach the Enemies of this true and reformed Church: By which also, not only the Principles of human Society, but Our Authority and Government (the said Archbishop being one of Our Privy Council) is highly violated, and Example and Encouragement given for murdering all such as serve Us faithfully according to the Precept of Our Laws and Royal Commands, daily Instances whereof we are to expect, whilst Field-conventicles, those Rendezvous of Rebellion, and Forges of all bloody and Jesuitical Principles, are so frequented, and followed, to the Scandal of all Government, and the Contempt of Our Laws: And which Murder is,



as for as is possible, rendred yet more detestable, by the unmasked Boldness of such, as durst openly with bare Faces, in the Midst of Our Kingdom, at Mid-day, assemble themselves together, to kill in Our Highway the Primate of Our Kingdom, and one of Our Privy Council, by so many Strokes and Shots, as left his Body, as it were, but one Wound, and many of which being given after they knew he was dead, were remarkable Proofs they were acted by a Spirit of hellish and insatiable Cruelty. We have therefore, with Advice of Our Privy Council, thought fit, hereby to command and charge all Sheriffs, Stewarts, Bailies of Regalities, and Bailiaries, and their Deputes, Magistrates of Burghs, and Officers of Our standing Forces, to search, seek, take and apprehend the Persons guilty of the said horrid Murder, or any suspected by them, and to imprison them until they be brought to Justice, and all Our good and faithful Subjects to concur in the taking and securing, as far as is in their Power, these Assassins: And in respect there is a Company of vagrant and skulking Ruffians, who, to the great Contempt of all Government, do ride through this Our Kingdom, killing Our Soldiers, detorcing such as put Our Laws in execution, and committing such horrible Murders, who might be easily discovered, if all such amongst whom they converse, did, according to their Duty, endeavour to apprehend them, or give notice where they haunt or resort. We have therefore thought fit, conform to the 144 *Act, Parl. 12. K. James VI.* to command and charge all Our Subjects, that whensoever any unknown Men or Vagabonds shall repair amongst them, that they, with all possible Speed, certify any of Our Privy Council, Officers of Our Forces, or any having Trust under Us thereof; with Certification to them, that if they omit the same, they shall be punished with all Rigour conform to the said Act. And since several of the said Assassins are known to have been Tenants in the Shire of *Fife*, whose Faces will be known to such of the Witnesses as were present, We hereby require and command all the Heritors and Masters of the said Shire of *Fife* and *Kinross* to bring their Tenants, Cottars, and Servants, and others dwelling on their Lands, to the respective Towns at the Diets aftermentioned, *viz.* those within the Presbytery of *St. Andrews*, to the Town of *St. Andrews*, upon the Thirteenth Day of *May* instant; those within the Presbytery of *Cowpar*, to the Town of *Cowpar*, upon the Sixteenth Day of the said Month; those within the Presbytery of *Kirkaldy*, to the Town of *Kirkaldy*, upon the Twentieth Day of the said Month; and those within the Presbytery of *Dumfermling*, to the Town of *Dumfermling*, upon the Twenty third Day of the said Month, at Ten a Clock in the Forenoon, upon each one of the said Days, there to continue and abide till they be examined by the Sheriff-deputes of the said Shire, who are hereby commisionate to that effect, and to be seen by the said Witnesses; with Certification to such of the said Tenants, Cottars, Servants, and others foresaid, as shall be absent, they shall be reputed as accessory to the said Crime; and the Masters, if they produce them not, or if hereafter they harbour any that shall not compare, they shall be reputed Favourers of the said Assassination. And whereas there are some Persons under Caption or Intercommuning in the said Shire for several Causes, and lest Persons who are innocent of that horrid Crime, may be thereby debarred from appearing, and vindicating themselves, We have thought fit, hereby to sist and supersede all Execution upon any Letters of Caption or Intercommuning, or any other Warrant for securing of any Persons for any Cause, for the Space of Forty eight Hours before and after the said Diets of Appearance, that they may safely come and go without any Trouble or Impediment whatsoever. And to the end the said cruel Murder may be more easily discovered, We do hereby offer, and give full Assurance of Our Indemnity, to any one of the said Assassins who shall discover his Complices, and such as hounded them out, and of present Payment of the Sum of Ten Thousand Merks to any who shall inform who were the said Assassins, if upon his Information they or either of them can be apprehended, that they may be brought to condign Punishment. And ordain these Presents to be printed, and published at the Market-cross of *Edinburgh*, and at the Market-crosses of all the Royal Burghs in the Shires of *Fife* and *Kinross*, and to be read at all the Parish Kirks of the said Shires, and Jurisdictions within the same, upon *Sunday* next, being the Eleventh of this Instant, immediately after the ordinary Time of Divine Service in the Forenoon, that the same may come to the Knowledge of all Persons concerned. Given under Our Signet at *Edinburgh*, the Fourth Day of *May*, 1679. and of Our Reign the Thirty first Year.

Alex. Gibson Cl. Secr. Concilii.

GOD save the KING.

*Proclamation, May 8. 1679. against Arms. N<sup>o</sup>. XII.*

**C**HARLES, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith:  
To Our Lyon King at Arms, and his Brethren, Heralds, Macers of Our Privy Council, Pursevants, or Messengers at Arms, Our Sheriffs in that Part conjunctly and severally, specially constitute, Greeting. Forasmuch as, the bearing of, and shooting with Fire-arms, such as Hagbuts, Culverings, and Pistols, without Licence from Us, is prohibited and discharged by several Acts of Parliament, under divers great Pains and Penalties, especially by the Eighteenth Act of the First Parliament, Eighty seventh Act of the Sixth Parliament, and the Sixth Act of the Sixteenth Parliament of King *James VI.* And We taking to Our Consideration, what atrocious Facts are committed by rebellious and disorderly Persons, who go in Arms to Field-conventicles, these Rendezvous of Rebellion, and presume to make Resistance to Our Forces when they offer to dissipate them: Therefore We, with Advice of the Lords of Our Privy Council, do prohibit and discharge all Our Subjects of this Kingdom, except the Officers and Soldiers of Our standing Forces, and of the Militia, to travel with any Fire-arms, as Muskets, Hagbuts, Culverings and Pistols, unless they have a Licence from one of Our Privy Council, or the Sheriff of the Shire where they dwell, under the Pains and Penalties contained in the said Acts of Parliament: Likeas, We, with Advice foresaid, do hereby authorize and require all Sheriffs,



Sheriffs, Stewarts, Bailies, Magistrates of Burghs, Justices of Peace, and Officers of Our Forces, that they take notice of all Persons whom they find travelling, not only carrying the said Fire-arms, but also carrying Swords, Durks, Whingers, Halbards, Poll-axes, or any other Weapons invasive, that they seize upon the said Fire-arms, and secure the Persons carrying the same, not having Licence from one of Our Privy Council, or from a Sheriff, or Stewart, granted to these within their Jurisdiction, until they give Bond and Caution to compare before competent Judges, and answer for their Transgression of the said Acts of Parliament; and in case the said Travellers be found to carry any of the said Arms, they not being Noblemen, landed Gentlemen, or their Children, or Servants travelling with them or their Children, and not having Passes, expressing whence they came, and whither they go, under the Hand of one of Our Privy Council, Lords of Session, Sheriffs, Stewarts, Bailies of Royalities or Regalities, Magistrates of Burghs, Justices of Peace, or Commissioners of Excise, granted in favours of these within their Bounds, that the said Persons be examined by Our said Judges and Officers in whose Bounds they shall be found; and in case they cannot give a sufficient Account of themselves, that they are none of these vagrant Persons, Disturbers of the Peace, and Committers of the said Insolencies, We do command Our said Judges and Officers to seize upon their Arms, and secure their Persons in the next Prison, and with all Diligence to send an Account of their Names and Examination to Our Sheriff-deputes specially commisionate for punishing of Conventicles, and other Disorders of that Kind, that without delay they may proceed to the Trial of the said Persons, according to their Commissions and Instructions. And We ordain these Presents to continue and endure until the first of November next. OUR WILL is herefore, and We charge you straitly and command, that incontinent, these Our Letters seen, ye pass to the Market-crofs of *Edinburgh*, and other Places needful, and there make Publication of the Premises, that none may pretend Ignorance. And ordain these Presents to be printed. Given under Our Signet, at *Edinburgh* the Eighth Day of May, 1679. and of Our Reign the Thirty first Year.

*Alex. Gibson* Cl. Secr. Concilii.

GOD save the King.

*Instructions to the Sheriff-deputes of Fife, anent the Trial of the Murderers of the late Archbishop of St. Andrews. N<sup>o</sup>. XIII.*

THAT all Males from Sixteen Years of Age and upwards in each Presbytery, meet on the Days appointed, that all the Ministers be there, and bring with them the Communion Rolls.

That they mark all of them who come not to Church on the Account of fanatick or Popish Principles, and that these be set aside.

That all such as are of that Tribe, be examined, and obliged to give Account where they were all the Third of May, and specially betwixt Ten in the Morning and Three in the Afternoon, and that they prove what they say by sufficient Witnesses, or that they give up the Names of the Witnesses that they may be examined thereanent.

That such as cannot prove a good Account of themselves, in Manner foresaid, be secured, and their Goods seized and secured, till the Issue of their Trial.

That such as shall be absent the said Day, be holden as probably guilty of the horrid Act, and their Goods secured in Manner foresaid, and their Master be obliged to keep the said Goods on the Ground, or to deliver them presently.

That ( if it can be conveniently ) Search be made, in the Time of the said Rendezvous, in such Places as those in the Place shall judge most convenient.

That the Names of the Absents be published at all the Parish Churches, and at the Market-crofs the next Market-day, and a Proclamation of the Council containing all their Names, prohibiting Refect, Shelter, or Harbour to them; and also ordering all Sheriffs, Bailies, Magistrates, &c. to pursue, apprehend, or kill them in case they resist, or do not submit themselves, and a severe Fine on any who refuse or delay to concur in the said Duties through the whole Kingdom.

That the Sheriff-deputes do intimate to the Heritors of the said Shire, that it is the Council's express Pleasure, that they give all possible Concurrence to them in this Examination and Trial, under all highest Pains.

*Proclamation, May, against Arms at Conventicles, 1679. N<sup>o</sup>. XIV.*

CHARLES, by the Grace of GOD, King of Great Britain, France and Ireland, Defender of the Faith:  
To Macers, or Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting. Forasmuch as, albeit by the fundamental Laws of all Monarchies, the Power of Arms is lodged in the King, and the Rising in Arms be punishable as Treason, and that the Estates of Parliament of this Kingdom, re-  
C 2 flecting



flecting with Horror upon the great Confusions and Distempers, and the execrable Rebellion of the last Age, occasioned by the unwarrantable Rising in Arms against Our Royal Father of blessed Memory, whereby, not only the Royal Government was endeavoured to be overturned, but the Properties and Liberties of the Subjects destroyed under the specious, but false Pretext of Religion and Conscience, did, by the First Act of Our First Parliament, declare, that it should be high Treason to the Subjects of this Kingdom, or any Number of them, more or less, upon any Ground or Pretext whatsoever, to rise or continue in Arms, without Our special Warrant and Authority first interposed thereto; and by the Second Act of the Second Session of that same Parliament, they likewise declared, that if any Person or Persons should levy War, or take up any Arms against Us, or any commissioned by Us, they should be declared and adjudged Traitors, and should suffer Forfeiture of Life, Honour, Lands and Goods, as in Cases of high Treason: Yet We being always most desirous to essay all Means of Clemency, for correcting such of Our Subjects as could be any Ways reclaimable, have not hitherto put those Acts into such Execution, as the Disorders and Irregularities of some of Our Subjects did require, hoping their going to Field-meetings, those Rendevouzes of Rebellion, with Arms, might have proceeded merely from Custom, or Mistake: But now finding by the frequent Opposition made in Arms to Our Forces acting in Our Name, the invading of Our Officers, and the exciting others to go to such Meetings in Arms, upon design to oppose Our Forces, that such as frequent these Meetings, do go there in Arms upon a criminal and treacherous Design, which grows to that same Proportion that We use Clemency; and We being desirous that none of Our Subjects should be led in a Snare by Our former Lenity, and to the end their condign Punishment according to these Laws, may be the more justly chargeable upon the Obduredness and Obstinacy of the Offenders, have therefore, with Advice of the Lords of Our Privy Council, after mature Deliberation, thought fit to declare, that We will hereafter order the Judges of Our respective Judicatures, and the Officers of all Our Forces, to proceed against all such who go with any Arms to those Field-meetings, as Traitors. And lest that any of Our Subjects may pretend, by the just Rigour We will use against such as do go to Conventicles in Arms, that We resolve to slacken Our Prosecution of other Field-conventicles, We have therefore thought fit, to require all Our Judges and Officers to put Our Laws and former Commands in vigorous Execution, even against those who frequent these Field-meetings without Arms, We being fully convinced both by Reason and Experience, that those Meetings do certainly tend to the Ruin and Reproach of the Christian Religion and Discipline, to the Introduction of Popery and Heresy, the Subversion of Monarchy, and the Contempt of all Laws and Government. OUR WILL is herefore, and We charge you straitly, and command, that incontinent, these Our Letters seen, ye pass to the Market-cross of *Edinburgh*, and other head Burghs of the several Shires of this Kingdom, and thereat, in Our Name and Authority, by open Proclamation, make Publication of the Premises, that none pretend Ignorance. Given under Our Signet at *Edinburgh*, the Thirtieth Day of *May*, 1679. and of Our Reign the Thirty first Year.

*Per actum Dominorum Secreti Concilii.*  
*Alex. Gibson Cl. Secr. Concilii.*

God save the King.

*Proclamation against Rebels in Arms in the West. June 3. 1679. N<sup>o</sup>. XV.*

**C**HARLES, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith: To all and sundry Our good Subjects, Greeting. Whereas by the clear and express Laws and Acts of Parliament of this Kingdom, it is declared to be high Treason, for the Subjects of the same, or any Number of them, more or less, upon any Ground or Pretext whatsoever, to rise, or continue in Arms, without Our special Authority and Approbation: Yet nevertheless, a Party of disloyal Persons, disaffected to Our Government and Laws, who have formerly tasted of Our Royal Bounty and Clemency, whereunto they owe their Lives and Fortunes, having forfeited the same by their former rebellious Practices, under the Cloak of Religion, the ordinary Colour and Pretext of Rebellion, have risen in Arms, in great Numbers, and upon the Twenty ninth of *May*, came to the Town of *Rutherglen*, head Burgh of the Shire, where they proclaimed their rebellious Covenant, and burnt Our Acts of Parliament, and at *Lowdon-hill*, upon the First of *June* instant, they did actually oppose, and fight Our standing Forces, and thereafter did pursue them to, and assault them within the City of *Glasgow*, and have seized upon the Persons of divers of Our good Subjects, plundered and robbed them of their Horses, Arms, and other Goods, and have done and committed many other Outrages, and treasonable Deeds and Attempts, against Our Authority, and against, and upon Our loyal Subjects: And We, out of Our Royal Tendernefs, for the Peace and Quietnefs of this Our ancient Kingdom, being careful to repress the said Rebellion, and that simple and unwary People be not ensnared by the said Rebels, and their Emissaries, and involved in their Rebellion, and to take off all Pretence of Ignorance, or Excuse, do therefore, with Advice of the Lords of Our Privy Council, declare the said Insurrection to be an open, manifest, and horrid Rebellion, and high Treason, and that the Authors and Actors in the same, and their Adherents, are, and ought to be pursued, as professed and declared Traitors to Us; and do hereby command and charge all Persons who are in Arms, against, or without Our Warrant and Authority, to desist from their Rebellion, and to lay down their Arms, and to render and present their Persons to the Earl of *Linlithgow* Our Major-general, and Commander in chief of Our Forces, or some other of Our Officers, or Magistrates, within Twenty four Hours, after Publication hereof, with Certification



to them, if they continue in Rebellion after the said Time, they shall be holden, and proceeded against as incorrigible and desperate Traitors, and that they shall be incapable of Mercy and Pardon: And We do hereby prohibit and discharge any Person or Persons to aid, abet, assist, harbour, refer, or any ways supply the said Rebels, or any of them, under the Pain of Treason; and that they do not keep Correspondence, or commune with them, without Warrant of Our said Major-general, under the Pain foresaid. And We do expect in this Juncture, and do require and command all Our Subjects to be assisting to Our Major-general, and Our Forces under him; and being required by him, or others having Authority, to that effect, to rise in Arms with all their Power, and to joyn and concur with them, for suppressing the said Rebellion, under the Pain of Treason, if they refuse or disobey. And further, We do strictly enjoin, and command all Masters of Families, Heritors, and other Landlords, that they be careful and vigilant, that their Children, Servants, Domesticks, and their Tenants, and others under their Power, do not break out, and in that behalf, they shall be looked upon, and severely punished, as disaffected Persons, and favouring and complying with Rebels. And hereby We give Warrant and Command to Our Lyon King at Arms, and his Brethren, Herald, Macers, Pursuivants, or Messengers at Arms, to pass to the Market-crofs of *Edinburgh*, and other Places needful, and make Publication hereof; and that these Presents be printed, that none pretend Ignorance. Given under Our Signet at *Edinburgh*, the Third Day of *June* 1679. and of Our Reign the Thirty first Year.

God save the King.

Tho. Hay Cl. Secr. Concilii.

*Proclamation, June 5. 1679. for the Militia's being in Readiness. N<sup>o</sup>. XVI.*

*C H A R L E S*, by the Grace of *G O D*, King of Great Britain, France and Ireland, Defender of the Faith & To  
of Our Privy Council, or Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting. Forasmuch as, there have lately appeared in Arms, and are now risen in manifest Rebellion, in some western Shires, great Numbers of Persons, who have had the Boldness to fight and oppose Our standing Forces: For pursuing and dissipating of which Rebels, We, with Advice of Our Privy Council, having issued forth several Orders to the Earl of *Linlithgow* Major-general, and Commander in chief of Our Forces, and to the Militia Forces, Horse and Foot, in divers Shires, to concur and joyn with Our Forces, as they shall be ordered. And whereas by the Second Act of the First Session of Our Second Parliament, and the First Act of the Third Session of that same Parliament, We, and Our Estates, have, for the greater Security of the publick Peace, settled a Militia in the several Shires, appointed Days of Rendezvous, and determined the Penalties of absent Officers and Soldiers, in Time of Peace and War; and particularly the Outriekers of Horse and Foot, are liable in Six Pounds *Scots* for the Absence of ilk Horseman, and Two Pounds *Scots* for ilk Footman, each Day of the Rendezvous in Time of Peace, and the Double thereof in Time of War; and the Officers of the Militia, to be liable to, and forfeit the Fines following, *viz.* A Major, and a Captain of Foot, and a Lieutenant, and Colonel of Horse, Fifty Pounds, and the other inferior Officers, Twenty four Pounds, for ilk Day's Absence, in Time of War, and the Half thereof in Time of Peace. And albeit We doubt not, but that the whole Officers and Soldiers of Our Militia will, upon this Occasion, when such a rebellious Rabble do presume to appear in Arms, attack, kill and invade Our Forces, cheerfully witness their Zeal for Our Service and their own Security, and come forth and joyn in Opposition to these Rebels, as they shall receive Orders: Yet We have thought fit hereby, in pursuance of Our said Laws and Acts of Parliament, to intimate and make known to the whole Officers and Soldiers of the Militia, that if they, or any of them shall refuse to come out, and keep their several Days of Rendezvous, and joyn and act with Our Forces, as they shall be required by Our Privy Council or Commander in chief, that they shall not only be fined in the particular Penalties above exprest, without Favour or Defalcation; but if they shall be negligent in their Duty herein, they shall be looked upon as disaffected Persons, and Favourers and Compilers with Rebels, and pursued and punished accordingly. And We ordain these Presents to be printed, and published at the Market-crofs of *Edinburgh*, and other Places needful. Given under Our Signet at *Edinburgh*, the Fifth Day of *June* 1679. and of Our Reign the Thirty first Year.

Tho. Hay Cl. Secr. Concilii.

God save the King.

*Proclamation, calling out Heritors to attend the King's Host. June 7. 1679. N<sup>o</sup>. XVII.*

*F*ORasmuch as the Infurrection in the western Shires is grown to an open Rebellion, and that the Number of these desperate Rebels do increase so, that all his Majesty's loyal Subjects in their several Shires, ought timeously to look to their own Security, and put themselves in a Posture to defend the King's Authority, and to oppose all Attempts of desperate and wicked Rebels: And albeit his Majesty's Privy Council have



have already issued forth their Orders for drawing forth the Militia Forces, Horse and Foot, in several Shires, and appointed particular Days of Rendezvous, and upon such Occasions may require all fencible Persons, betwixt Sixty and Sixteen, to rise for suppressing of these Rebels; yet at this Time, they have thought fit only to call out and require the Regiments of the Foot Militia, in the Shires aftermentioned; and all Heritors and Freeholders, who are fencible Persons, and their Servants and Followers, to come out upon Horseback; and for this Cause, to forbear to require the Militia Troops, in these Shires underwritten, at this Time, notwithstanding of the Orders already issued forth, in so far as concerns the Horse Militia alienarly; and do hereby require and command all Heritors and Freeholders, who are fencible Persons, with so many of their Servants and Followers as they can bring on Horseback with Arms, within the Shires of Edinburgh, Linlithgow, and Peebles, Haddingtoun, Stirling and Clackmannan, Berwick, Roxburgh and Selkirk, Fife, Perth, Forfar, Kincardin and Marshal's Part of Aberdeen, Banff and Errol's Part of Aberdeen, Ross, Elgin, Forres, Nairn, and this Side Ness, to convene at the Places and Times aftermentioned, and to receive their Orders, and to be under the Command of the Persons underwritten, viz. Edinburgh to meet at the Links of Leith upon the Eleventh Day of June instant, and to be under the Command of the Lord Collingtoun; Linlithgow and Peebles to meet at the Links of Leith the Eleventh Day of June instant, and to be under the Command of General Dalziel; the Shire of Haddingtoun to meet at Beinston-muir the Eleventh Day of June instant, and to be under the Command of the Viscount of Kingstoun; Stirling and Clackmannan to meet at the Town of Stirling, and from thence to march to the Links of Leith upon the Eleventh Day of June instant, and to be under the Command of the Lord Elphinstoun; Berwick to meet at Fogo-muir upon the Eleventh Day of June instant, and to be under the Command of the Earl of Hume, and in his Absence, his Brother Charles Hume; Roxburgh and Selkirk to meet at Ancrum-bridge upon the Sixteenth Day of June instant, and to be under the Command of the Lord Elibank, and the Laird of Stobs, who are to command according to the Division of the Militia Troops; Fife to meet at Cowpar the Twelfth Day of June instant, and to be under the Command of the Lord Newark; Perth to meet at Perth the Thirteenth Day of June instant, and to be under the Command of the Marquis of Montrose, and such Persons under him as he shall appoint; Forfar to meet at Forfar upon the Thirteenth Day of June instant, and to be under the Command of the Earl of Southesk; Kincardin and Marshal's Part of Aberdeen to meet at Aberdeen Links upon the Nineteenth Day of June instant, and to be under the Command of the Earl of Aboyne; Banff and Errol's Part of Aberdeen to meet at Turreff upon the Nineteenth Day of June instant, and to be under the Command of the Earl of Kintore; Elgin, Forres, Nairn, and this Side Ness, to meet at Forres upon the Twentieth Day of June instant, and to be under the Command of the Earl of Murray, and in his Absence the Lord Duffus; Ross to meet at Chanry the Twenty third Day of June instant, and to be under the Command of the Earl of Seaforth; and ordain all the Heritors and Free-holders of the Shires benorth Forth, to march immediately after the Rendezvous to the Bridge of Stirling, and all the Heritors and Free-holders of the Shires on the south Side of Forth, to march after the Rendezvous to the Links of Leith, there to continue till further Order: With full Power to them to seize upon all disaffected Persons, and in case of Resistance, to use them as Enemies, within their respective Bounds, or such as shall be suspected to be going out of the Shire to the Rebels: With Power likewise to the said Commanders, to appoint Officers under them, to command in the several Divisions of the Shires above-mentioned; ordaining hereby the respective Commanders aforesaid, to cause publick Proclamation and Intimation to be made hereof to the respective Shires under their Command, at the several Places already appointed for the First Day's Rendezvous of the Militia, that the said Meetings may be punctually kept; certifying hereby all such Heritors, and others foresaid, as shall not come out upon Horseback themselves with their best Horses and Arms, with so many of their Servants and Followers as they can bring out upon Horseback, they shall be liable to the Pains and Penalties provided by the Acts of Parliament against such as do not attend the King's Host, or desert the same, and looked upon as disaffected Persons, and Favourers and Complices with Rebels, and pursued and punished accordingly. And ordain these Presents to be printed, and published at the Market-crofs of Edinburgh, and other Places foresaid, that none pretend Ignorance.

Tho. Hay Cl. Secr. Concilii.

God save the King.

*Letter, June 7. 1679. Advice to a Gentleman going to the Army. N<sup>o</sup>. XVIII.*

Opportunity is the Life of Action, without which the deepest and most subtilly devised Counsels prove abortive. Statesmen know, that for all Designs, which otherwise might be startled at, there is no Opportunity comparable to that of sudden Emergents, whether happy or unhappy, if they appear of any great Concern: For Mens Spirits, by those being set aloft, and so rendred unwary and inadvertent, fair Pretexes are then likely to take, if ever; because at such Times, Men have not, or take not Leisure to search to the Bottom of Things, or to consider them on all Sides, and according to all their present and future Importance. A recent Instance of this, are several Grants of the Parliaments, both of Scotland and England, to his present Majesty, upon the happy and amazing Surprisal of his Restauration, which neither he, nor King Charles I. nor yet King James his Fifty Years peaceable Reign, tho' all assisted with very wise and politic Counsellors and profound Devices, could ever be able to work out, till that opportune Juncture had made way for them. Of which I shall only say, that I wish they may prove as effectually beneficial for the true and lasting Interest of his Majesty and his Kingdoms, as I am bound in Charity to suppose they were affectionately meant for the Good of both.

To



To apply this to our present Commotions: Tho' I cannot positively charge those who are at the Helm, of any underhand Contrivance, or certainly conclude the same from the outward Appearance of their Actings, it being possible that such important Suddencies, as have now fallen out, may prompt them to over-reach themselves in their Commands, as well as us in our, may be more zealous and forward, than well advised and really dutiful Obedience: But, as long ago it was told me, by a Witness, of a certain great Man's Behaviour at the Engagement, *Anno* 1648. that he would not say, for all the World, that he had betrayed them, yet he could justly say, that if he had got a Houseful of Gold to betray them, he could have done no more; so I will not assert, with the Church or State Fanaticks of this Time, that our Counsellors are really designing to introduce upon us, Popery and arbitrary Government, and are catching the Advantage of the present Confusions in prosecution thereof; but in reason I may say, that had they the most real and forward Intention of so doing, they could hardly have fallen upon more likely and favourable Courses, for that end, than some of those they are taking.

There is much talking of a Popish Plot, and if there be such a Design of arbitrary Power, it being also a Work of Darknes, that dares not assault us with open Face, and meet to go in Hands with the other, I may call it another Plot, which must work underboard until Hell be prepared to defend it. And these Two Proclamations, the one for Voluntiers, whereby all the Papists in the Kingdom are armed, and called out to the Fields; and the other charging, under highest Pains, the whole Nobility, Gentry and Heritors to attend the Army, under the Command of Officers appointed by the Council, are like Two Mines sprung upon the chief Bastions of our Liberties and Religion, and we, like Fools, hear the Noise, and gaze upon the Smoke, but discern not, nor consider what it hath carried away with it.

For my own Part, to give you my Judgment freely, as you have desired it; amongst all the Grievances which we have been complaining so much of, these Years by past, there are but few, that either better deserve the Name, or are indeed of greater Weight than this; neither know I any one Step, whereby Popery and arbitrary Power have had Occasion of making swifter Progress towards their Settlement amongst us, or whereby they have gained more Ground of us, than by these Two Acts, however lightly regarded.

By the Constitution of our Government, we are not only ruled by Laws, but also by Customs, the Obligation whereof is many Times equivalent to that of our most positive Laws: Must it then be a Custom, and consequently a Law amongst us, that, to satisfy the Humour or Interest of a Court Favourite, we may be liable to most heavy Burdens, and Taxes upon our Estates, to furnish him with Power to oppress and crush all that will dare to oppose him? And notwithstanding that we bestow such large Parts of our Fortunes for the Maintenance of Soldiers for that end; yet, when by the long Continuance and Extremity of those Oppressions, which were enough to make even the soberest and wisest Men mad, he hath forced Wars and Disorders of the highest Nature and Consequence, it may be, designedly too, for ought that is seen, and as by no small Politicians is reasonably alledged, we nevertheless must be obliged also to come out in Person, with our Lives in our Hands, and serve as Soldiers under such Commanders, as the Council, being mostly his Creatures, think fit to appoint: Wherein these Things are noticeable, which Gentlemen would do well in Time seriously to consider, if they be indeed content that they go into a Law, lest afterward they repent too late.

That when we have granted never so large Taxations for paying of Soldiers, the Council, without a Parliament, or our own Consents, may nevertheless command us to serve as Soldiers our selves, tho' it were but to uphold some particular Interests amongst us, which, thus circumstantiate, will be found to be somewhat more than what either our old Custom of waiting upon the King and his Host with Forty Days Provision, or yet the late Offer of our Parliament of all betwixt Sixty and Sixteen, do import.

That they may impose Commanders upon us, without or contrary to our Choice or Consent, whom if we offer to reclaim, we may be obliged upon our Allegiance, to obey; as I hear they have done in the Case of the Gentlemen of *East-lothian*.

That they may so oblige us to serve under Popish Commanders, as they have done with *Fast-lothian*, *Kincardin* and *Marshall's* Part of *Aberdeen*, even tho' there are so many standing Acts of Parliament against them, and albeit by a late Proclamation they are all prohibited the wearing of Arms.

That those Commanders thus forced upon us, shall have the Power of nominating their own Officers.

And that, to all this Slavery we may be subjected, without any foreign Invasion, for the Destruction of our Fathers, Children, Brethren and Kinsmen, perhaps for no other Crime, than their standing to the just Defence of their and our Liberties, against the Incroachments of some Court Parasites, or whatever else it be, that yet his Majesty's Will being pretended, or at whatsoever Rate procured, it must be Presumption in us, or somewhat worse to inquire further into the Cause.

And after all this, what is ours? and what Privilege is there that we can lay claim to? If we will not think upon these Things, when represented to us, nor lay to heart our great Concernment in them, it may be said, without wronging us, that we deserve no less than all the Slavery and Misery, that by such Preparatives are designed for us. Are all the Nobility and Gentry of *Scotland* content to settle this Yoke upon us and our Posterity? Must we be the degenerate Succession of so noble and worthy Progenitors, by yielding, without a Testimony, those Liberties, which, with such Pains and Care, they retained through a Tract of so many Ages, and transmitted intire into our Hands? Were we born to be the Betrayers or Sellers of our own and our Successors Birth-rights? and so to be marked as the perpetual Shame and Opprobry of the History of our Nation, unto the End of the World?

As our Readiness to serve our Kings, to obey their just Laws, and to defend their Persons with our Lives and Fortunes, hath long Time been no small Part of the Glory of our Nation; so hath no less been the native Courage, and resolute Boldness of our Ancestors in resisting, and opposing to their Face, such Flatterers, as, preying upon the Goodness of their Prince, have at any Time, by Misrepresentations of Persons and Affairs, endeavoured to abuse his Authority, by forcing or insinuating upon his faithful Subjects, Customs different from, or contrary to their settled Laws, or derogatory to the Honour, and opposite to the true Interest of King and Kingdom.

The Cabal, who, it seems, knew well enough that their Counsels would never be Proof either of Law or Reason, and so believed only to be propagated by Authority and Force, had good Reason to obtrude upon the late Parliament of *England*, that *Test*, whereby they were to declare upon Oath, that it was unlawful



to resist with Arms, any Person acting by the King's Authority, which they, seeing the Project, and foreseeing the Event, found no less reasonable, for the Good both of King and Country, unanimously to reject. For to say, that no Man acting by the King's Authority ought to be resisted, is all one as to say, that it is impossible that Kings can be abused; and all one as to say, that if a wicked Minister design the Ruin both of King and Kingdom, under Colour and Pretext of Authority, it is unlawful to hinder him, tho' it were in our Power. If *Haman's* Plot had taken Effect before *Esther's* Access to the King, who will judge it to have been a Crime, tho' the *Jews* had stood to their own Defence, until such Time, as his Treachery, their Innocence, and the King's Damage had been represented? tho' God in his Mercy and Justice provided a better Outgate for them, and a worse End for him; a dreadful Example, and which ought to strike with Horror all Abusers of their King's Favour and Authority.

He deserveth that a Tyrant should reign over him, and is not worthy of the Protection of a lawful Prince, that will not cheerfully hazard his Life and Fortune for the Defence of his Person, Honour, and just Laws. But what if the King's Name be made use of, to Acts manifestly contrary to his Interest in all these, and which, it may be, every reasonable Man, and loyal Subject is bound in duty to believe, his Majesty would abhor, if impartially consulted in them?

If this be not impossible, I hope our next Parliament will see to it, and consider what the former hath done; and till then, before you engage your self too deep in the Cause, you have good Reason to examine, both what are the true Causes of these poor People's appearing in Arms, and what they would be at; and if they be oppressed contrary to Justice, or demand not unreasonable Things, you would think, what may become of you and us all when they are broken.

They say, the Devil should have his Due; and to deal no worse with the Presbyterians, tho' they were as bad as he, I must confess, that never a People on Earth were dealt more hardly, or more unreasonably with than they. They stand upon a Scruple of Conscience, that they must have no meddling with the Bishops, and that both by Scripture, and their solemn Oath to God, which they think no Man can dispense with, together with an Opinion of more sensible Benefit to their Souls, they are bound to hear none other than those of their own Way; which being granted them, as it was once the utmost of their Aim, so, no doubt, would have as absolutely secured them to Peace, and Obedience to Magistrates, as any other Subjects whatsoever: But this not being allowed them, they, for avoiding publick Offence and the Reach of the Law, assembled themselves privately in Houses for hearing their Preachers; which, albeit the same be done openly, and without either Challenge or Punishment, in *England* and *Ireland*, yet here was looked upon, as so notorious a Crime, that strict and most severe Acts were immediately issued forth, and the poor People hunted from House to House, apprehended, imprisoned, some in close Prisons, some tortured for procuring Confessions from them, some weak or sickly Persons blocked up, till they died in Prison, others fined in great Sums of Money, some whereof paid again and again, to the great diminishing of their Fortunes, and Detriment of their Posterity, others not paying were kept still in Prison, some whereof have been Prisoners many Years bypast, and are yet so, who never saw a Field-conventicle.

Thus they were constrained to betake themselves to the Hills and Deserts in the Fields, for shunning of these Severities, for which they were more cried out upon than ever, as Persons not only disobedient to the King's Laws, but designing a Rebellion against his Person and Authority by these Field-meetings. They, like so many *Roman* Vindicators of their Liberties and Rights, knew that desperate Diseases required desperate Remedies, and therefore thought no Hazard too great for them to undergo, for preventing the Bondage threatened against them and their Posterity; while we, like so many *Astes*, crouch under the Burden: He must see to his Freedom, he to his Life, he to his Fortune: And tho' our Endeavours in those Methods befool us never so often, yet we'll sit still and see the publick Interest sink, rather than think of another Way. If our Wounds will not cure without Pain, we'll let them rot upon us. But behold the End of this sure Dealing, of this thin-skinned and effeminate Tendernefs. Fy upon it! it looks as if this Generation were made for no other End but to be trampled upon, then destroyed, and well to deserve both.

Upon this Head, the then armless Multitude was pursued from Hill to Hill, as so many Traitors; armed Men sent against them, by whom many of them were apprehended, some wounded, some killed, some imprisoned in close Prisons, some tormented, some sold as Slaves to foreign Plantations, tho', by the Providence of God, delivered in a strange Way, to the Shame of their Enemies. Some of their Women, both old and young, most barbarously used, being stript naked by the rude Soldiers, their Clothes carried away, and they left in that destitute Condition in the open Fields. And as if all this their patient Suffering, had served for no other End, but to incense their Adversaries Fury and implacable Malice the more against them, as a more eminent Proof of their Despise at them, they raised a great Army, with a sumptuous Train of Ammunition and Artillery, to fight against the very Wind of the west Country, as carrying alongst with it an infectious Presbyterian Air, whereby other Places might be endangered; for the poor People in the mean while were all sitting peaceably in their Houses.

This their Host mainly consisted of barbarous Highlanders, by whom, like as many Savages, Cruelties, Oppressions, Plunders, and other horrid Abuses were exercised upon them, too great, villanous and shameful to be named, by any Man who owns himself a Country Man of those who committed them, or of those State Ministers by whom they were authorized.

In the mean Time, by an Act of Non-addresses, and another of Intercommuning, whereby it is unlawful for the Son to give a Bit of Bread, or to speak to his Father, or the Wife to her Husband, tho' lying starving at their Doors, all Access by Supplication, or otherwise, either by themselves or their Friends, being cut off from them, either to his Majesty or his Council; and whatever Acts of Grace his Majesty was pleased to send in their Favours, the same being either so minced and clogged, or wholly suppressed by the Means and Power of the Bishops in the Council, that they were altogether deprived of the Benefit thereof, as was done with a late Order from his Majesty, for Liberty to them to preach in Houses: And after all this, a Proclamation being emitted, whereby it is declared Treason for them to be found at those Meetings with any Arms, and the standing Forces having received Orders of Fire and Sword against all that should withstand them; which being put in Execution by Captain *Graham* of *Claverhouse*, to the Effusion of much Blood, and the same Measure being declaredly appointed for the whole Remainder of that Party; let any sober and disinterested Man judge, if, with that wise and honourable Counsellor the Earl of *Shaftsbury*, it may not rather be



be thought a miraculous Work of God, that these People, having the Hearts of Men in them, should have sitten and suffered so much and so long; than be thought strange, that now at length they appear in Arms flow in to them at such a Nick of Time, when both those of our own Nobility and Gentry, who have so much endeavoured to represent to, and convince his Majesty of our Grievances, have, by the Forgeries and misregardingly treated, as Persons opposite to his Majesty's Interest and Designs: And also by proroguing them, and the Succession of the Crown, as well here as there, is so likely to be devolved upon a known and avowed Papist.

Are you willing then to bestow your Assistance, for completing the Sum of all these Oppressions? Or do you think that your Loyalty engageth you so to do? Yet before you go, I would have you answer me seriously these Two or Three Questions.

Are you sure that your Loyalty would fortify you to suffer patiently all those Things, if the Burden were on your own Shoulders?

Have all these Arguments, that you are so well furnished with, against implicate Faith to Churchmen in Church-affairs, no proportionate Weight at all against implicate Faith to Statemen in State-affairs? Or can you not say that the Streams are muddy, unless you conclude the Fountain to be so also?

Who had greater Respect to the King's Honour, Interest and Laws, those, that without the Conditions required by the Law, in obedience to the Act of Council, found caution of Lawborrows for his Majesty's Safety? or they, who in obedience to Law, Reason, Conscience, and their Allegiance to their Prince, did altogether refuse it, both as a Thing wherein the Law could not be answered, and which they found exceeding derogatory to his Majesty's Honour, Dignity and sovereign Authority, which our Allegiance obligeth us, with our Lives and Fortunes, to the uttermost of our Power, constantly and faithfully to maintain, defend and advance against all and whatsoever Persons, Power or Estates, who shall presume in any ways to prejudice, hurt or impair the same? *James VI. Parl. 18. cap. 1.*

In which, by the way, it is worth the noticing how miserably those Patrons of Supremacy, those Champions of the arbitrary Letter Law over-reached and saltred themselves, by this their notable legal Invention for supplying the Room, and saving the Credit of their illegal Bond, in that, while they are contending so much to exalt the King above the Law, they, in the mean while, not only make him a Supplicant and Demeaner of himself to the Law, but subject him to so mean and humble a Degree of Necessity of supplicating, a Degree so far unsuitable to a supreme Governor over all Persons, and in all Causes, that not only he is the First of all Kings, that ever was made, by his own Counsellors, to stoop so low, and like to be the last; but, even amongst his own Subjects, there are many Thousands, that would think it very far below them to Lawborrows of such as his Majesty, at least his Council declareth him ready to take by that Act, yea, who have so much Honour to maintain, as would make them disdain the very Thought of such a Practice. We may judge then what a Shift our Council hath been put to for a Colour of Law to their Actings, when they behoved to make this their Choice.

Now this was a Proclamation and Act of Council, yet how contradictory, both to the true Honour and Interest of the King's Majesty, and to those fundamental standing Laws, whereby our whole Representatives have unanimously bound themselves and us, and their and our Successors to the perpetual and unalterable Maintenance of both, is evident to all that will not wilfully shut their Eyes.

Is it for us then, to take upon trust our King's Mind, Honour or Interest from such Lawgivers? Or if we do, may we not afterward be found as culpable in obeying, as they in commanding?

If this prevail not, consider but these Heads of the Oath of Coronation, wherewith, and whereupon our Kings receive the Crown of this Kingdom, that they shall rule the People committed to their Charge, according to the honourable Laws and Constitutions received in this Realm; that they shall procure to the uttermost of their Power, to the Kirk of God, and haill Christian People, true and perfect Peace in all Time coming; that they shall forbid and repress, in all Estates and Degrees, Resist, Oppression and all Kind of Wrong; that in all Judgments, they shall command and procure, that Justice and Equity be kept to all Creatures without Exception, as the Lord and Father of all Mercies be merciful to them. *James VI. Parl. 1. cap. 8.* Think then how deep it may draw upon their Score, not only before God, but before Man, who presume to take upon them to advise or perswade his Majesty to act, or to act themselves under Colour of his Authority, Things manifestly contrary and repugnant to this solemn Oath of God, and chief fundamental Law of our Nation; and of what fatal Consequence it may afterwards prove, not only to them, but also to their Abettors, Aiders, Encouragers in such wicked unlawful Counsels and Practices; at least, if ever Scotland be so happy as to return again to the unbiassed right Use of Law, Reason or Conscience; and yet more especially, when, to the Conviction of all Men, our King is of himself so naturally propense and inclinable to all Ways of Justice and Clemency.

It is known, that his Majesty, at his Restauration, declared himself resolved not to alter the Government of the Church then established. It is known, that of late also, a plenary and universal Indulgence was granted by him, in favours of the Nonconformists. These are the native Effects of our King's Inclination, Goodness and Clemency, by either of which all these imminent Mischiefs might have been prevented. Who then were the Obstructors? Ought they not now rather to be searched for, looked upon, and dealt with as the greatest Enemies of King, People and Government, than assisted in the Prosecution of such pernicious Counsels as have occasioned so unhappy and so unseasonable a Breach in our Peace and Safety?

Shall I ever believe that his Majesty, who, of his own Nature, is so wise, and so just a Pattern of Civility and Obligingness, and who ruleth by Compact betwixt him and his Lieges, would ever have forced Commanders upon the Nobility and Gentry? especially at a Time, when it appears, he needeth so much their Service, and they are so willing to bestow it. When the French King, who hath no other Law for his Actings but his own Will, yet doth not so much as propose any Officer to the Gentry, when he calleth them forth, but remitteth that Matter wholly to Lot.

Can it be supposed, that his Majesty, whose Life, Honour and Kingdoms are so hunted for, by Plot after Plot of these bloody Emissaries of Satan, the Papists, the greatest and most insolent Enemies of Monarchy,



and the most incurable Plague and Bane of all human Society, and who therefore commanded lately his Proclamation to be issued forth, for apprehending or banishing many, and wholly disarming all of them within all the Corners of the Land, would ever not only have restored to them the Power of their Arms, but have put great Numbers of his faithful and honourable Protestant Subjects under some of their Commands?

Can any Man think it his Majesty's Will, that Bailie Baird's Son, who was never a Soldier, should be Cornet of a Troop where the Earl of *Luthian*, Earl of *Dalhousie*, Viscount of *Oxford*, Lord *Torphichen*, *Balmerno*, &c. are to ride as Troopers, and where his Grace the Duke of *Buccleugh*, when he arrives, can, according to the Proclamation, pretend no higher than the right Hand of the First Rank?

And since we have such Ground to doubt of these, and it is so well known, that his Majesty did not of himself intrude Bishops upon us, but only, by the selfish Treachery of some who were employed to secure us from them, he was persuaded, and made to believe, that that Government would best agree with us: Who, in reason, can, or ought to imagine that it proceedeth from his Majesty, that his Subjects of his Three Kingdoms should be engaged in Blood, Wars and Devastation of their Fortunes, whereby they may be rendered a Prey to foreign Enemies and lurking Papists, and unfit to serve his Majesty in a more necessary Cause, and of far greater Concern to King and Kingdoms, with the Uncertainty of what further Ruin these Evils may grow to, rather than part now with that Government of the Church, when he sees how far he hath been misinformed concerning it?

His Majesty's, both Mind and true Interest being thus cleared, this then, in plain Terms, as a Consequence clear enough of it self, must be the true State of the Affair. Duke *Lawderdale* is obliged to the Bishops, they helped well to uphold him when he was tottering, and yet help him, and therefore we must uphold them, tho' we should all fall in the Quarrel.

Is the Cause then sufficient? Can you take your Life in your Hand, and securely rest your Conscience upon it? Tho' you could, are you sure that his Gain shall be yours? And, pray, whether was it Interest or Conscience, that made that Statesman, when he was last amongst us, endeavour so much to have struck in with the Presbyterian Party, those Rebels against the King and Government, when he saw them growing so fast, and so difficult to be born down? which likely had taken effect, if he had not been checked in the Bridle at his first starting aside, and so behoved to renew his Engagements, with fresh and evident Testimonies of his Reality, not finding it fit to unhinge himself of the one Party, while he was yet unsure of the other.

If this then be the Sum of the Matter, that the Bishops serve Duke *Lawderdale*'s Interest, and we therefore must serve the Bishops Interest at any Rate, lest otherwise we should seem weary of being tread upon; all I can say is, that Captain *Carstairs*, Bailie *Carmichael*, the Town-major and his Men, are like to come to no small Credit by so noble and numerous a Train of Assessors, as the whole Nobility and Gentry of Scotland; However on some Accounts, they must yield to them the Preheminence, those only having the Advantage of Profit for their Service, being mercenary Rogues, and having others also under them to wait their Commands, while these have the Honour to testify their Zeal, by far greater Condescendency of serving under Command, and some under those they hate, some under those that hate them, some under insignificant Green-horns, and others under worse than some that are, or have been their hired Servants, and all this not only gratis, but to their great Expence, and with the exposing of their Lives and Fortunes.

If you think this honourable for you, you may be doing as much, and as silent as any, albeit on all the forenamed Grounds you have so just and handsom a Way to retreat: If not, I freely give you my Advice, that, as I doubt not but you will both be as forward and cordial as any Man, in testifying your Affection for the real Maintenance of his Majesty's Authority; so, if you find not yourself indeed concerned to give Proof of it in this Quarrel, you disengage yourself in Time; or if otherwise, that yet you go not out, nor do any Thing without a Protestation of *salvo jure*, upon the forementioned Accounts, that, by a bad Preparative, you be not the Occasion of an irreparable Damage to your Country; which, at such a Time, were I of one of these Shires that are called out, you may believe me; I would think it my Duty and Honour to do, tho' with the greatest Hazard, and tho' there were not another to second me. When the publick Interest is like to suffer, by the Ignorance, Neglect or Cowardice of all, he meriteth double Glory, making all his Nation, and all their Posterity his Debtors, who steppeth in at such a Nick of extreme Need, with opportune Help and Assistance.

Take courage then, and regard not the Clamour of Court Sycophants, who live upon their Country's Ruin, and will be crying down such heroick Acts, as opposite and prejudicial to his Majesty's Authority. But be you confident, that it shall always, at long run, be found and seen, that he is the best Friend to his King, that is the best Friend to his Country, and to the Laws and Liberties thereof, which both King and Parliament have declared to be the Birth-right and Inheritance of the Subject, and the Security of their Lives and Fortunes, *Charles II. Parl. 1. Act 17.* and that these Two Interests are as indivisible in the Body politick, as are those of the Head and the Body natural.

For what is further, consult the Scripture and your Conscience, and be fully persuaded in your own Mind. For me you know, how much, and how often I have contended for Episcopacy: But now I have considered their partial Behaviour in the Matter of *Danby* and the Lords in the Tower, those arch Enemies of our King and Government. I see them both there and here so knit to the Bias of the Court, that they will rather sell their Souls, and the whole Interests of the Kingdom, than not swing to that Side right or wrong. I see them generally to be Men altogether set upon their own Profit and Advancement, and that, when once they can make their Court well, they little mind Religion, or the Care of Souls. I see they take no effectual Course for curbing of Profanity, and that, if a Man will but stand for their Grandeur and Revenues, they easily dispense with his being otherwise what he will. I see, that almost any scandalous Fellow that will own them, and hath but an M before his Name, may have a Kirk; too many whereof I know, and more here than with you. I have considered Bishop *Sharp*, as their Head and last Introducer, whose Reward hath been terrible in the Justice of God, whatever the Actors have been. And I have considered Bishop *Paterfen* as the Tail, whose Reward is, no doubt, waiting him also, if he mend not his Manners. I have not forgot their cruel, arrogant and blood-thirsty Stopping of his Majesty's gracious Bounty, and keeping up of his Remission after the Business of *Pentland*, which, with their torturing and hanging of the poor People, after

Quarters



Quarters given them in the Fields by General *Daniel*, as it was a singular Reward to him for his good Service done them, so may it, to all honest Hearts, be as palpable, as it is an odd Example of their Faith and Manners. I see the very Off-scourings of the Earth employed by them, as their Trustees and Herces, for propagating of their Conformity, and some of them, tho' base all over, and despicable above all Expression, yet owned and caressed by them, as brave Fellows, and chief Promoters of their Principles and Interest: Yea, so little Choice make they on this Head, whether as to Profanity, Popery, Atheism, or what else you can think on, that, for ought that appears, as many Devils out of Hell would be welcome to them, to prop their *Dagon* of Prelacy, and to be a Scourge to the Fanaticks. I see, Force and the Rigour of the Law are their Two grand Pillars, the *Jachin* and *Boaz* of their Temple; and that their whole Power, Interest and Endeavours are so joyntly and intirely bestowed upon the suppressing of Conventicles, and for hindring the Preaching of the Gospel, by those of the nonconformist Party, which renders it to me dreadfully suspicious, that their Cause must be but so and so, when themselves judge it the main Support and Security thereof, that it never come to a fair Hearing; for the Truth is, they reckon themselves undone, if ever the People get leave to hear these Men. I see, most of them look either with Affection or Indifferency upon Popery, that the Papists themselves favour them more than any other Government, that by their Slackness in prosecuting them, they are the Occasion of much Evil to these Lands; and that they give much Life to all their mischievous Plots, by the Hope they find of yet ascending up on that Step of their Hierarchy remaining amongst us. Whereas, on the other Hand, it cannot but be acknowledged by all, that be Presbytery else what it will, it is certainly the best Remedy against Popery in the World; the total Rooting out whereof amongst us, now after the Discoveries we have, ought, on many Accounts, to be esteemed the grand Interest, wherein the Power, Wit and Endeavours of every good Subject, every good Countryman, and every good Christian should terminate. And, in fine, since to all this may be added, the fatal Consequences of the former Establishment of Bishops amongst us, with the Appearance of what is like to be the End of the present; and that our Nation hath drunk in such an inbred and indelible Prejudice against them, that tho' these Fourteen Men, were as many Saints, neither can much Good be expected from them, under that Character, in this Place, nor yet they ever long settled without Blood and Confusion.

I wish only the Presbyterians would give some pithy and incontrovertible Testimony of their real Affection to his Majesty their lawful Sovereign, and to the true Line, in so far as by Popery it is not interrupted; with such a Proof of their Abhorrence of Episcopacy, as may make them take up an Antipathy at their prelatical Way of having no sooner Power in their Hands, but instantly, with Oaths, Declarations and Bonds, flying like as many wild Cats, in the Throat of our Consciences; and that they, Presbyterians, would rather take a more Gospel Way of instructing and perswading us in Love and Meekness, and in Patience wait, till by the Use of Means, and their affectionate Carriage towards us, we be won to the Discerning and Perswasion of those Things, that are not Fundamentals, wherein we differ, and may the King's Majesty say, Amen. Then welcom Presbytery, Unity and Peace; and farewell to Confusion, Schism, Prelacy and Popery for ever.

*Council's Letter to Lawderdale, June 3. 1679. N<sup>o</sup>. XIX.*

*May it please your Grace,*

UPON Thursday last, the 29 of May, a Company of Rebels came to *Rutherglen*, and there proclaimed the Covenant, and burnt the Acts of Parliament asserting his Majesty's Supremacy and Prerogative, the Act rescissory, the Act establishing Episcopacy, and appointing the 29 of May an anniversary Thanksgiving for his Majesty's Birth and Return, affixing an infamous Declaration to the Market-cross there, wherein they most traiterously assert our gracious and rightful Sovereign to be an Usurper, as your Grace will see more fully in the Double of that treasonable Paper herewith sent, and they intended to have done the same at *Glasgow*, had not *Claverhouse* his unexpected Arrival there, with his Troop and Company of Dragoons, luckily prevented them.

Saturday last, at Night, *Claverhouse* went to *Rutherglen* to discover and apprehend those insolent Rebels, and did seize Three of them, together with an intercommuned Preacher, named *King*, in or about *Strevin*, and on Sunday's Morning, went in Quest of Field-conventicles, and was not long in descrying one which proved indeed a Rendezvous of Rebellion, as will appear by his Letter herewith sent, directed to the Major-general.

Munday, the Committee of the Council met (before the Receipt of the inclosed from *Claverhouse*) by Two a Clock in the Morning, and by the Major-general's Consent, resolved that all the Forces should be immediately called, and ordered to joyn together for pursuing of those Rebels; which was immediately done, and the Forces which were in *Teviotdale*, are, and will be here this Night; these in *Dumfries* may be here to Morrow, and these in *Fife* will be this Night at *Stirling*, and the Major-general (who hath upon this Occasion been very vigilant) will, by Four a Clock to Morrow Morning, with all the Forces here, march towards *Glasgow*, to joyn those which are now there commanded by the Lord *Ross*, and the rather, that the Rebels having, by their Numbers, overpowered *Claverhouse* and his Party, and lodged that Night in *Hamilton*, were so bold and daring, as, yesterday at Eleven a Clock in the Forenoon, to assault the Lord *Ross*, and the Party commanded by him, in the very Town of *Glasgow*, whence they were repulsed in Manner mentioned in a Letter from the Lord *Ross* herewith sent. Their Number is credibly informed to be Fifteen or Sixteen Hundred, and that many flock in to them from several Corners.

Upon Advertisement from the Committee, we have this Day met, not suffering our Eyes to sleep till we came here to consult what was necessary to be done by us upon this Occasion, and accordingly we have emitted



the Proclamation herewith sent, and called out the Assistance of the Militia in the Shires of *East and Midlothians, Fife, Peebles, Stirling, Berwick, Perth and Angus*; and as the Militia in *Midlothian* will be ready in a Day or Two, so we hope the Militia in all the other Shires shall be in a Readiness by the Middle of the next Week to joyn his Majesty's standing Forces, if Need be, for suppressing of this insolent and mad Rebellion. We have ordered the Town of *Edinburgh* to draw out their Militia to Morrow, for the more effectual securing of this Place, and Nothing shall be omitted by us, which may contribute towards the Quenching of this Flame, and for reducing of the furious Rebels; for this we shall not fail to stay together here, for consulting fit and proper Methods for doing hereof, and for asserting his Majesty's Authority and Government, against all Attempts which may be made by any whatsoever against it, and we shall not fail, from Time to Time, to give your Grace Advertisements, to be communicated to his sacred Majesty, of what passeth here concerning those Rebels, and our Endeavours for suppressing their Insolence, as becometh.

*May it please your Grace,*

*Your Grace's most humble Servants.*

*Council's Letter to Argyle, June 9. 1679. N<sup>o</sup>. XX.*

*My Lord,*

**T**HE Fanaticks in the West and other Places, having formed themselves into a dangerous Rebellion, whose Numbers and Force do daily increase, we have thought fit to desire your Lordship may, with the greatest Expedition your Circumstances can allow, disintangle your self from your Expedition, for which you are commissioned against the rebellious People in the Highlands, to the end your Lordship may, with the greatest Diligence you can, repair to the King's Host, and to joyn the Forces under the Command of the Earl of *Linlithgow*, with your Friends, Vassals, Servants and Followers, well appointed and armed for assisting towards the Oppression of this treasonable Insurrection. We doubt not of your Lordship's Readiness, upon all Occasions, to give commendable Proofs of your Loyalty and Duty to his sacred Majesty, and you cannot give a more signal Testimony thereof, and of your Zeal for the Peace and Happiness of this Kingdom, than by a seasonable Assistance against these Rebels, and so we cannot but expect a cheerful and ready Compliance from your Lordship, with so just and necessary a Desire. We are

*Your Lordship's affectionate Friends.*

*Lawderdale's Letter to the Chancellor, June 9. 1679. N<sup>o</sup>. XXI.*

*May it please your Lordship,*

**H**IS Majesty having fully considered all the Accounts sent to him by the Two last flying Packets, commands me to tell you, that he does heartily approve all that is already done by your Lordships of his Privy Council, in issuing out that Proclamation, in raising the Militia, in commanding all Noblemen, Gentlemen, and Heritors with their Servants and Followers, to attend the King's Host, and in advising the Major-general to bring back the Forces to *Edinburgh*, as also, to assure the Major-general, that his Majesty is very well satisfied with his great Diligence, Care and Conduct, for which the King returns him his Thanks, as he does likewise to the Lord *Ross* and *Claverhouse*, and will be very mindful of it upon all Occasions. I cannot sufficiently express the Obligations we have all to his Majesty for his Kindness to *Scotland*, which, as it has always been eminent, is signal upon this Occasion, in which he is most careful of the Peace of that Kingdom, and of the Honour of his Council there: And since, in order to our further Preservation, he resolves to assist you according to your Desire, with Forces both from *England* and *Ireland*, he recommends it to you, to endeavour to keep the Rebels as much as possibly you can, within their own western Shires, in which Case, that you shun to engage them without seen Advantage, till you get such Supplies, as you will judge sufficient. It is also his Majesty's Pleasure, that on this Occasion, wherein he is so much concerned, you take special Notice of the Fidelity and Readiness of such as serve his Majesty, and obey your Orders in attending his Host. His Majesty recommends also to your special Care, the supplying of the Castle of *Stirling* with Men and Provisions, as a Place which he knows to be of great Importance, and may be supplied by Water. It is expected that you send his Majesty full and frequent Accounts by flying Packets, or Expresses, of what occurs from Time to Time, bearing particularly the Motions and Numbers of the Rebels, with the Names of their principal Officers, the Progress made in raising the Militia, and Journals of what passes amongst you, to be communicated to his Majesty, at whose Command this is signified by

*May it please your Lordship,*

*Your Lordship's most humble,*

*and most faithful Servant*

LAWDERDALE:

*Council.*



*Council's Letter to Lawderdale, June 13. 1679. N<sup>o</sup>. XXII.**May it please your Grace,*

WE are not able to express the Joy with which we received your last by the flying Packet, signifying the Continuance of his Majesty's Care and Concern for the Peace and Interest of this his ancient Kingdom, and his kind Acceptance and Royal Approbation of our Services and Endeavours for preserving his Authority and Government therein against the Attempts of such, who, shaking off all Fear of God, together with the grateful Sense of their Loyalty to his Anointed, have here risen in Rebellion.

That his Majesty may be acquainted with our Diligence and assiduous Endeavours in securing the Kingdom, and in providing of all proper Means for the suppressing of this Insurrection, we have herewith transmitted to your Grace the Journal of this Board, that therein he may perceive our frequent Meetings, and incessant Application for this End.

We have taken Care to supply the Castle of *Stirling* with Men, and to provide it with Victual, and other Necessaries competent for the Security and Defence thereof, and suitable to the Importance of that Place, according as his Majesty, in his Royal Wisdom, hath well ordered.

Beside his Majesty's standing Forces, the Number whereof is well known to your Grace, we have already here the Militia Regiments of *Edinburgh*, of *Mid and East-lothians*, and *Berwick-shires*, which make upward of Two thousand and Five Hundred; as also the Gentlemen and Heritors of the foresaid Shires, amounting upwards of Three Hundred and Twenty good Horsemen, Two Militia Regiments of *Fife*, one from *Perth*, and another from *Angus*, will be here to morrow, besides the other Militia Regiment of *Perth*, with that of *Stirling-shire*, we have ordered to quarter at *Stirling*, which, together with Three or Four Hundred raised by that Town, we have judged sufficient for the Security thereof. The Heritors also of *Fife*, *Perth* and *Angus* will be presently ready to come and march with the Host; as also the Militia, and Heritors in the more remote and northern Shires, are making all possible Haste for that same end, so that shortly we shall have a very considerable Force to march against these Rebels, which, by God's Blessing; may give such an Account of them, as may secure his Majesty's Government, our Religion, and the Peace of this Kingdom, from the tragical Effects of Faction and Schism, for many Years to come.

We are most sensible of his Majesty's eminent Kindness to *Scotland*, in declaring his Royal Resolutions to assist us with Forces from *England* and *Ireland* upon this Occasion, and crave leave by your Lordship to offer our most humble Acknowledgments for the signal Expression of it. We have already invited the Troop of Horse, and the Five Companies of Dragoons, under the Command of Major *Main*, to our Assistance, who will this Night quarter at *Dalkeith*, (and for the incalling whereof, we most earnestly desire his Majesty may renew his Warrant, and to give Orders to them to continue with the Forces of this Kingdom, till this Rebellion be crushed.)

We have Cause to hope well of the Issue from so promising Beginnings; for besides the Loss the Rebels sustained at *Glasgow*, whence they were shamefully repulsed, a considerable Company of them are beaten by a Party commanded by the Master of *Ross*, whereof Sixty were killed, and Ten taken Prisoners. As also a Number of the Rogues having gotten together in *Fife*, harassing and plundering that Shire of Horse and Arms, were, at their going out of *Fife* towards the Rebels, taken by a Company of the Earl of *Murray's* Men, under the Command of his Stewart-depute in *Down*, by whom they were dissipated, severals wounded, and most of them taken, Forty whereof are now Prisoners in *Stirling*: And also many are now come from *Perth*, who were seized by the Gentlemen of *Srathern*, among whom it is presumed, some of the Murderers of the Archbishop may be found.

The Design of these Rebels was to have hindred and disappointed the Rendezvous of the Militia and Heritors in the Shire of *Fife*; for which Cause we allowed the Lord Chancellor, upon his own Desire, to go thither, and use his best Means for securing that Shire, and for bringing the Militia and Heritors safely together, by whose happy Endeavours, both the Regiments of the Militia and Gentlemen in that Shire will be here to morrow, in order to their joyning his Majesty's other Forces, for extinguishing this present Flame. We shall also be careful to obey his Majesty's Commands, by taking special Notice of the Readiness and Fidelity of such as obey Orders in attending his Host, and in sending frequent flying Polls to acquaint him thereof, and of what occurs from Time to Time. The Rebels continue still about *Glasgow*, *Hamilton*, *Bothwell*, *Sreuan*, &c. Their Number is uncertain, increasing or decreasing by the coming or going of the Rabble, so that we can give no certain or determinate Account thereof; their Officers are as uncertain as they are obscure, no Commander of any Note being heard of amongst them. The Major-general will be careful to take such a Course in pursuing of them, as may keep them up, as much as is possible, within their own western Shires, which, with *Teviotdale*, are the principal Seat and Stock of this Rebellion.

As none can be more sensible of his Majesty's tender Care of *Scotland*, and kind Acceptance of our Endeavours, so none shall be more careful punctually to obey his Royal Commands, nor more ready, in his Service, to venture their Lives and Fortunes, than your Grace's most humble Servants.

*Roth's* Chancellor,  
*Douglas*,  
*Montrose*,  
*Murray*,  
*Linlithgow*,  
*Edinburgh*,

*Ross*,  
*Belhaven*,  
*James Fowles*,  
*Kinnaird*,  
*Ramsay*,  
*Dalziel*.

*Postscript.* We hope, by Sunday or Munday's Morning at farthest, a very good Army shall be ready to march from this, against the Rebels, in very good Heart and Condition.



Lawderdale's Letter to the Chancellor, June 11. 1679. N<sup>o</sup>. XXIII.*May it please your Lordship,*

I Am commanded by his Majesty to acquaint you, that, in pursuance of his Resolutions, to send Supplies from hence to you, for suppressing the Rebellion now amongst the Fanaticks in the West of *Scotland*, he hath ordered one Regiment of Foot to be presently imbarqued, to go by Sea to *Berwick*, together with Cannon and Ammunition sufficient; and his Majesty has ordered Two Regiments of Foot more, to be presently levied, the one to be commanded by the Lord *Cavendish*, and the other by the Lord *Gray of Wark*. As also Three Regiments of Horse under the Command of the Duke of *Monmouth*, the Duke of *Albemarle* and the Lord *Gerard*, together with Eight Hundred Dragoons. There are likewise Three Troops of Grenadiers, and these last are to march towards *Scotland* to morrow. The King has also thought fit to name the Duke of *Monmouth* General, to command all his Forces, so long as his Grace shall remain in *Scotland*. His Majesty, by this Expedition, will be at the Charge of upwards of Five Hundred Pounds *Sterling* a Day, which is more than one Hundred and Fifty Thousand Pounds *Sterling* by Year, if they continue so long. And seeing the King has so early provided for the Preservation of his Royal Government, and your common Safety, he has just Reason to expect, that in the mean time you will bestow your utmost Care and Diligence, as far as is possible, to suppress that wild Rebellion. His Majesty presseth much, that frequent flying Packets may be sent, at least every other Day, that he may know all Things that pass, and that they may bear large and exact Accounts. All which, by his Majesty's Command, is signified to your Lordship by,

*My Lord,**Your Lordship's most humble,**and most faithful Servant,*

LAWDERDALE.

Letter from the Council to Lawderdale, June 15. 1679. N<sup>o</sup>. XXIV.*May it please your Grace,*

AS his Majesty's Care and Concern for *Scotland*, so signally expressed in the Supplies and Assistance he intends for its Relief, do exceedingly both surprize and encourage, so the unseasonable Trouble and Charge this Rebellion occasioneth to him, creates a very just Affliction to us; the humble and dutiful Sense of both, we must beseech your Grace, in our Name, to offer to his Majesty.

The Journals transmitted from this Board will give his Majesty an Account of our uninterrupted Care and Endeavours for suppressing this Insurrection, to which we have little to add, save, that yesterday the Forces were drawn out, that they might be in the better Order and Readiness for their March to morrow towards the Enemy. The Militia Regiments, beside the standing Forces, are of *Fife* and *Berwick-shires*, of *East* and *Mid-lothians*, and that of *Edinburgh*, together with the Heritors of the foresaid Shires. One of the Militia Regiments of *Fife* came over yesterday, the other this Day, to joyn the Army to morrow: As also one of the Militia Regiments of *Perth*, the other being commanded to *Stirling*, where also is the Militia Regiment of *Stirling-shire*, with the Heritors. Here is also expected the Militia Regiment of *Angus*, which, with the Heritors and Gentlemen of *Fife*, *Perth* and *Angus*, will, we trust, make a very considerable Strength and Force, by which, through God's Help and Blessing, this abominable Rebellion may be broken and crushed.

The Forces march to morrow towards the Rebels, and as daily fresh Supplies will be coming up to them, so we shall be vigilant and careful to send them suitable Provisions, and we doubt not but the Almighty will give them such Advantage against the Enemy (without which they will be careful not to engage them) as may enable them to obtain the Victory, and so to extinguish this present Flame.

Since it hath pleased his Majesty to appoint the Duke of *Monmouth* to be General of the Forces here, during the Time of his Grace's Abode in *Scotland*, it was humbly proposed by the Earl of *Linlithgow*, that his Majesty may be pleased to establish General *Dalziel* Lieutenant General in this Expedition, and that we might recommend him to the King for this effect, with which Motion (his Experience and Fitness for such Service being so well known) we have complied, and therefore desire your Grace may be pleased to signify the same to his Majesty, which we do with the most humble and absolute Submission to his Majesty's Pleasure and Disposal, as he, in his Royal Wisdom, shall judge most convenient for his Service.

The Rebels continue still about *Glasgow*, *Bothwell* and *Hamilton*, and we can say nothing further of the Numbers than we did in our last. We hear of no Person of Interest, Conduct or Quality to be amongst them. Their best and greatest Officers being, *Robert Hamilton*, *Balfour* of *Kilnoch*, *Hackstoun* of *Rathillet*, *Barjacob*, *Weir*, *Paton*, and such other inconsiderable Persons, whose mad Zeal, broken Condition and bloody Fury have prompted and advanced to be the Leaders of this tumultuary Insurrection, so that we cannot doubt, but that



that in a short Time his Majesty's Forces, by the Blessing of God assisting their Valour and Conduct, will make them reach the just Reward of their Folly, in their utter Overthrow and Destruction.

We shall not be wanting in our assiduous and most vigilant Care and Endeavours for doing every Thing in our Power, which may contribute to the Quashing and Suppressing of this Insurrection, whereof Accounts shall be frequently transmitted to your Grace, to be by you communicated to his Majesty, from

*May it please your Grace,*

*Your Grace's most humble Servants*

*Roths Chancellor,  
Douglas,  
Montrose,  
Mar,  
Murray,  
Winton,  
Linlithgow,*

*Strathmore,  
John Edinburgh,  
Ross,  
Belhaven,  
Drummond,  
Kinnaird.*

*Declaration, June 13. 1679. N<sup>o</sup>. XXV.*

**A**S it is not unknown to a great Part of the World how happy this Church of Scotland was while she enjoyed the Ordinances of Jesus Christ in Purity and Power, of the which we have been deplorably deprived by the Establishment of Prelacy; so it is evident, not only to impartial Persons, but to professed Enemies, with what unparalleled Patience and Constancy the People of God have endured all the Cruelty, Injustice and Oppression, that the Wit and Malice of Prelates and Malignants could invent and exercise, and being most unwilling to act any Thing which might import Opposition to lawful Authority, or engage the Kingdom in War, altho' we have been all along groaning under the Overturning the Work of Reformation, Corruptions in Doctrine, slighting of Worship, despising of Ordinances, changing of the ancient Church-discipline and Government, thrusting out of so many of our faithful Ministers from their Charges, confining, straitly imprisoning, exiling, yea, and putting to Death many of them, and intruding upon their Flocks a Company of insufficient and scandalous Persons, and fining, confining, imprisoning, torturing, tormenting, scourging and stigmatizing poor People, plundering their Goods, quartering upon them by rude Soldiers, selling of their Persons to foreign Plantations, horning and intercommuning many of both; whereby great Numbers in every Corner of the Land were forced to leave their Dwellings, Wives, Children and Relations, and made to wander as Pilgrims, still in hazard of their Life, none daring to reser, harbour, supply (tho' starving) or so much as to speak to them, even on Death-bed, without making themselves obnoxious to the same Punishments; and these Things acted under Colour of Law, in effect tending to banish, not only all Sense of Religion, but also to extinguish natural Affection, even amongst Persons of nearest Relations, and likeways groaning under the intolerable Yoke of Oppression, in our civil Interests, our Bodies, Liberties and Estates, so that all Manner of Outrages have been most arbitrarily exercised upon us, through a Tract of several Years bypast, particularly in the Year 1678 by sending against us an armed Host of barbarous Savages contrary to all Law and Humanity, and by laying on us several Impositions and Taxes, as formerly, so of late by a Meeting of prelimited and over-awed Members, in the Convention of Estates in July 1678. for keeping up of an armed Force, intrusted as to a great Part of it, into the Hands of avowed Papists, or Favourers of them, whereby sundry Invasions have been made upon us, and most exorbitant Abuses and incredible Insolencies committed against us, and we being continually sought after, while meeting in Houses for divine Worship, Ministers and People frequently apprehended, and most rigorously used; and so being necessitate to attend the Lord's Ordinances in Fields, in the most desert Places, and there also often hunted out, assaulted to the Effusion of our Blood, and killing of some, we were inevitably constrained, either to defend our selves by Arms, at these Meetings, or be altogether deprived of the Gospel preached by his faithful Ministers, and made absolute Slaves; at one of which Meetings, upon the first Day of June instant (being the Lord's Day) Captain Graham of Claverhouse being warranted, by a late Proclamation, to kill whomsoever he found in Arms at Field-conventicles making Resistance, did furiously assault the People assembled; and further to provoke, did cruelly bind, like Beasts, a Minister with some other People, whom he had that very same Morning found in their Houses, and severals being killed on both Sides, and they knowing certainly, that by Law they behoved to die (if apprehended) they did stand to their own Defence, and continued together, and thereafter many of our Friends and Countrymen being under the same Oppression, and expecting the same Measures, did freely offer their Assistance. We therefore thus inevitably, and of absolute Necessity, forced to take this last Remedy (the Magistrate having shut the Door by a Law against any Application, that whatever our Grievances be, either in Things civil or sacred, we have not the Privilege of a Supplicant) do judge our selves bound to declare, that these, with many other horrid Grievances in Church and State (which we purpose to manifest more fully hereafter) are the true Causes of this our lawful and innocent Self-defence. And we do most solemnly, in the Presence of the almighty God the Searcher of Hearts, declare, that the true Reasons of our continuing in Arms, are candidly and sincerely these. 1<sup>st</sup>. The defending and securing of the true Protestant Religion, and Presbyterian Government founded on the Word of God, and summarily comprehended in our Confessions of Faith and Catechisms, and established by the Laws of this Land, to which King, Nobles and People are solemnly sworn, and engaged in our national and solemn League and Covenants, and more particularly the defending and maintaining of the kingly Authority of our Lord Jesus Christ over his Church against all sinful Supremacy, derogatory thereto, and intruding thereupon. 2<sup>dly</sup>. The preserving and defending the King's Majesty's Person and Authority in the



Preservation and Defence of the true Religion and Liberties of the Kingdom, that the World may bear Witness, with our Consciences, of our Loyalty, and that we have no Thoughts nor Intentions to diminish his just Power and Greatness. 3dly. The obtaining of a free and unlimited Parliament, and of a free General Assembly, in order to the redressing of our foresaid Grievances, for preventing the Danger of Popery, and Extirpation of Prelacy. This therefore being the Cause we appear for, and resolved, in God's great Name, to own (hereby homologating all the Testimonies of our faithful Sufferers for Truth in Scotland, these Eighteen Years) together with Acknowledgment of Sins, and Engagement of Duties, we humbly request the King's Majesty would restore all Things as he found them, when God brought him home to his Crown and Kingdoms; and if that cannot be obtained, then we heartily and humbly invite, intreat, beseech and obtest, in the Bowels of Jesus Christ, all who are under the same Bonds with us, to concur in the Defence of this common Cause and Interest, and that they would not stand still, and see, not only us oppressed, but this foresaid Cause ruined, Adversaries highly and proudly insult against God and all good Men, Friends of the Truth discouraged, yea, the Protestant Cause in Britain and Ireland, and even your selves, within a little Time, made a Prey of, or else forced, when we are broken (which the good Lord prevent) dreadfully to wrong your Consciences. Finally. Because we desire no Man's Hurt nor Blood, we request our Countrymen, now the standing Forces of this Kingdom, some of them being our Friends and Kinsmen, not to fight against us, lest in so doing they be found fighting against the Lord, whose Cause and Quarrel we are sure he will own and signally countenance, seeing we fight under his Banner who is the Lord of Hosts.

*Two Letters from Linlithgow to the Chancellor, June 17 and 18. 1679. N<sup>o</sup>. XXVI.*

*My Lord,*

*Kirkhill-park, June 17. 1679.*

I Am come to the Place of our liggering this Night in the Park of Kirkhill. Most of the Regiments and Troops with the Artillery and Ammunition are not yet come up. Since my coming here, I did send out a small Party of Horse and Dragoons towards Monkland, who has discovered a Party of the Rebels near West-caldor, they are about an Hundred Horse. So soon as all our Horse and Dragoons are come up, I intend to send a stronger Party out to engage them. The Gross of their Body is lying about the Hagg, from whence, as I am informed, they send Parties over all the Country. Most of the Heritors of the several Shires are at Linlithgow, with whom I have sent a Company of Dragoons to keep Guard with them. My Lord, it is very sad to have so many Militia Regiments here, and hardly one Bit of Bread to eat, which, if not remedied by your Lordship, I leave you to judge of the Event. I hope all of us here will do our Duty in our Stations but Men must eat. What Rout is to be taken to morrow must be according to our Intelligence this Night. But for the present I can say no more, but that I am,

*My Lord,*

*Your Lordship's most humble Servant*

LINLITHGOW.

*My Lord,*

*Kirkhill-park, June 18. 1679.*

I Received your Lordship's of yesterday's Date: And for to give your Lordship an Account of the State of our Affairs, and Numbers of the Militia Regiments; we have here the Regiments of East-lothian, the Merse, that Perth-shire Regiment commanded by the Marquis of Athole, the other was at Linlithgow last Night, and will joyn us this Morning; the Two Fife Regiments, the Regiment of Angus, I believe, will joyn us in our March this Day, and the Militia Regiment of the Town of Edinburgh; these of them that are here having joyned us late the last Night, and the others not being yet come up, makes me incapable of giving your Lordship an exact Account of their Numbers but as near as I can conjecture, the Eight Militia Regiments that we have, will make up about Five Thousand Men. The Heritors of the several Shires are not yet come up, except those that came from the East with us, who are lying in the little Towns most adjacent to this Place. Those that came from Stirling are lying at Linlithgow and Falkirk. So soon as we are all joyned, I shall not fail to give your Lordship a more exact Account of our Numbers, both Horse and Foot. We are to joyn at Blackburn, and from thence we will take our Measures according to our Intelligence. It is impossible to know the Number of the Rebels, until we force them to draw together, they being now dispersed over the Country. All the Account we have of them is, that their Body is lying about the Hagg. I am just now dispatching some intelligent Persons to go in to the Places where they are, for Intelligence. Yesterday I gave your Lordship an Account of a Party of the Rebels of about an Hundred Horse, that we saw, upon the left Hand, in our March. I commanded out a Party of Horse and Dragoons to go to them, but before they came within any Distance of them, they run for it. This is all the Account I can give for the present. I am

*My Lord,*

*Your Lordship's most humble Servant*

LINLITHGOW.

*King's*



*King's Letter to the Council, June 16. 1679. N<sup>o</sup>. XXVII.*

CHARLES R.

**R**ight trusty and well beloved, &c. We greet you well. We are very well pleased, that Our Two last Dispatches, signed by the Duke of *Lawderdale* at Our Command, have given you that Satisfaction and Encouragement which are fit upon such Emergents. We are also very well satisfied with your prudent and exact Care in all the Particulars mentioned in your last Letter, dated the 13 instant, by which you advertise Us that you have supplied *Stirling*, provided for Our Forces, called in Major *Mum*, with some of Our *English* Troops of Horse and Dragoons under his Command, and that you are speedily, in Our Name, to cause all Our Forces to march; with which, it is Our Will and Pleasure, that you prosecute those Rebels with Fire and Sword, and all other Extremities of War, that others may be terrified by this just and deserved Severity, and We and Our good Subjects freed from these frequent Rebellions, which would necessarily follow their being spared at this Time: And to prevent their securing themselves by withdrawing to their skulking Holes after they have committed all Manner of Mischief, We require you to use your utmost Endeavours in getting the best Intelligence of all such as have been engaged in this Rebellion; being fully resolved to bring the Ringleaders, even amongst these, to condign Punishment, suitable to this notorious and insolent Rebellion.

We must likewise put you in mind, that all Care and Diligence be used for discovering the Murderers of the late Archbishop of *St. Andrews*, by all the Severity that Law will allow, and that you punish, with all Rigour, the Actors in, and Accessories to that horrid Murder, by Assistance, resetting, or otherwise; all which shall for ever be debarred from Our Pardon. So expecting to hear frequently from you, We bid you heartily farewell.

*Given at Our Court at Whitehall, the Sixteenth Day of  
June 1679. and of Our Reign the Thirty first Year.*

LAWDERDALE.

*Council's Answer to the King's Letter, 1679. N<sup>o</sup>. XXVIII.*

May it please your Grace,

**H**is Majesty's gracious Letter, of the Date *June 16*. did create an universal Joy amongst us, wherein his Royal Wisdom hath given such just Measures and Directions for suppressing of this Rebellion, as may secure his Government, together with our Religion, Lives and Properties, from being endangered by frequent Insurrections of this Nature, which would infallibly have followed, if the insolent Rebels, who now disturb this Kingdom, should have been spared at this Time, and not prosecuted with the utmost Severities.

A Double of his Majesty's Letter we transmitted this Morning betimes to his Grace the Duke of *Buckingham*, General of all his Majesty's Forces of this Kingdom. We sent yesternight the Laird of *Linlithgow* to wait upon and compliment him, and to know his Grace's Pleasure, who is now returned, bringing us a most just and encouraging Account. He tells us, that a Party being yesternight sent out to discover the Numbers and Strength of the Rebels, they did attack a Party of theirs, bearing them in to their Body, and killing one of their Officers upon the Place, and that the best Information relates their Number not to amount above Six Thousand; that their Horse are now quartered in the new Park of *Hamilton*, and their Foot in the Town thereof.

As for our Army, he tells us it lies within Two Miles of the Kirk of *Shotts*, and consists of about Ten Thousand, being in good Heart and Condition to engage the Rebels. Just now we have Advice from my Lord General, that, being supplied with necessary Provisions, he intends once to morrow to be within a Mile of the Enemy, so that comparing their Forces with ours, we cannot doubt, by God's Blessing and Assistance attending our Army and Endeavours, in a very short Time, by your Grace, to give his Majesty a good and satisfying Account of a happy Victory over them.

We have no Journals to transmit at this Time, worthy of your Trouble, or his Majesty's Perusal, we having, for these Two Days, been constantly employed in preparing and sending Supplies and Provisions towards the Army, and in ordering some other necessary Matters of lesser Concernment. That Nothing may be wanting which may encourage his Majesty's Forces in this Expedition, which so much imports the Security and Establishment of his Government, and the Honour of the Kingdom, shall be the zealous and assiduous Study and Care of

*Your Grace's most humble Servants*



*Council's Letter to Lawderdale, June 22. 1679. N<sup>o</sup>. XXIX.**May it please your Grace,*

**W**E send this flying Pacquet with great Joy, that your Grace may give his Majesty the good and happy News of a total and absolute Victory, obtained this Day over the Rebels, by his Majesty's Forces in this Kingdom, under the Conduct of his Grace the Duke of Buccleugh, which happened in this Manner.

This Morning, by Seven a Clock, our Army was drawn up at *Bothwell-bridge*, which the Enemy (lying on the other Side thereof) had barracadoed. Here a Supplication is brought to the Lord General by one of the Rebels, giving him Notice, that they would lay down their Arms upon no other Terms than these expressed in their large Declaration. His Grace told the Bearer, these were destructive to the King's Authority, and fundamental Constitution of this Kingdom, and that they were to expect no other Articles from him, but to lay down Arms, and render themselves to his Mercy. This they refused to do, and immediately the Guns began to play upon them, which did somewhat disorder them. Then a Party attacked the Bridge, and, after some short Dispute, carried it. The Rebels being beaten from it, retreated a little, and stayed at some Distance till most of his Majesty's Forces were got over that Pass. Soon after, by some more Play with the Guns, and another Assault, their Horse began to run, and scatter upon all Corners, leaving their flying Foot to the Mercy of our Army, who pursued them with all Diligence and Zeal, and have killed some Hundreds of them, and taken many Hundreds Prisoners. Many of the Foot fled into the Wood of *Hamilton*, which is surrounded by a Party of his Majesty's Forces; and a detached Party, under Lieutenant Colonel *Douglas*, is sent in after them, which will give a good Account of them. Our Army is still in Pursuit of the Rebels, when *Lundin* came away about Ten a Clock, who, having been sent from us to wait on the General, had the good Fortune to be an Actor, as well as a Witness in this Engagement, so that his Majesty may be assured, that this is a total Rout and Discomfiture of these insolent Rebels.

The Lord General hath behaved himself with exceeding great Conduct and Magnanimity, and all the Officers, Gentlemen and Soldiers have carried themselves with great Cheerfulness and Resolution against the Enemies of our Religion, King and Country; and above all, the Mercy of God hath been most signal and wonderful to us, even to a Miracle, in so much, that tho' the Rebels were near Seven Thousand, yet are they totally routed without any Loss to his Majesty's Forces, save of Two or Three common Soldiers. We doubt not but by God's Mercy and Blessing, and our gracious Sovereign his Royal Wisdom, this glorious Victory shall be so pursued, as that the Rebellion and Schism shall be pluckt up by the Roots in *Scotland*. A more full and particular Narration shall be sent to your Grace so soon as we receive it. Mean while, upon Receipt of the flying Pacquet, we met at Twelve a Clock, where the Lord Chancellor delivered the Commission sent from his Majesty to General *Dalziel*, who is immediately to repair to the Army, and to enter upon his Charge. Nothing shall be omitted by us for securing of all Ports and Passages, for seizing and apprehending such of the Rebels as may endeavour their Escape, or any Thing else which may contribute to the utter Extinguishing of this violent Flame, which may be expected from

*Your Grace's humble Servants.**Proclamation against Rebels, June 26. 1679. N<sup>o</sup>. XXX.*

**C**HARLES, by the Grace of GOD, King of Great Britain, France and Ireland, Defender of the Faith: To all and sundry Our Lieges and Subjects, whom these Presents do or may concern, Greeting. Forasmuch as, upon the first Notice given to Our Privy Council of the rising and gathering of these disloyal and seditious Persons in the West, who have of late appeared in Arms in a desperate and avowed Rebellion against Us, Our Government and Laws, We did declare them to be Traitors, and discharged all Our Subjects to assist, reset, supply, or correspond with any of them, under the Pain of Treason: And the said Rebels and Traitors, being now (by the Blessing of God upon Our Forces) subdued, dissipated and scattered; and such of them as were not either killed or taken in the Field, being either retired secretly to their own Homes and Houses, expecting Shelter and Protection from the respective Heritors, in whose Lands they dwell, or lurking in the Country; and We, being unwilling any of Our good Subjects should be ensnared, or brought into Trouble by them, have therefore, with Advice of Our Privy Council, thought fit, again to discharge and prohibit all Our Subjects, Men or Women, that none of them offer or presume to harbour, reset, supply, correspond with, hide or conceal the Persons of *Robert Hamilton* Brother German to the Laird of *Prestoun*, *John Paton* in *Medow-head*, alias Captain *Paton*, *Joseph Learmond*, alias Major *Learmond*, *William Clelland*, *John Balfour* of *Kinloch*, *Whiteford* of *Balquhan* younger, *Mclellan* of *Barfoob*, *John Wilson* Son to *Alexander Wilson* Town-clerk of *Lanerk*, *Ross* pretended Major, *Thomas Weir* Brother to *Kirk-field*, *Hackstoun* of *Rathiller*, *Carmichael* Son to the Earl of *Wigtoun's* Chamberlain, *Cannon* of *Mardrogat*, *Mr. William Fergusson* of *Kaitloch*, *James Russel* in *Kingskettle*, *George Balfour* in *Gillstoun*, *Andrew* and *Alexander Hendersons* Sons to *John Henderson* in *Kilbraichmont*, *Andrew Guilan* Weaver in *Balmerino*, *George Fleming* younger of *Balbutby*, *Robert Dingwal* Son to *Dingwal* in *Caldhame*, *Mr. Samuel Arnot*, *Mr. Gabriel Semple*, *Mr. John Welsh*, *Mr. John King*, *Mr. Donald Cargil*, *Mr. George Barclay*, *Mr. John Rae*, *Mr. Thomas Douglas*, *Mr. Forrester*, *Mr. Robert Muir*, *Mr. Lamb*, *Mr. Richard Cameron*, *Mr. David Hume*, *Ure* of *Shargartoun*.



Forrester of Bankhead, John Haddoway Merchant in Douglas, James White Writer there, Cuninghame of Montgrenan, and Mr. John Cuninghame sometime of Bedland, James and William Clellands Brethren in Law to John Haddoway Merchant in Douglas, Thomas Bogle of Boglehole, alias Nether-carmile, Gordons of Earlstoun elder and younger, M'dougal of Freugh, the Laird of Ravensstoun Brother to the Earl of Galloway, the Laird of Castle-stewart Brother to the said Earl, Gordon of Craichley, Turnbull of Bewley, Thomas Turnbull of Standhil, Henry Hall, George Hume of Gredlin, Macky of Glencard, Mr. John Rae, Somerwel of Wratt, Mr. Archibald Riddel Brother to the Laird of Riddel, Cathcarrs, Two Sons of the Lord Cathcart, Blair of Fimick, Murdoch, alias Laird Murdoch, Rolland Retchison Feuar in Gilmertoun, and his Three Sons, or any others who concurred or joyned in the late Rebellion, or who, upon the Account thereof, have appeared in Arms in any Part of this Our Kingdom. But that they pursue them as the worst of Traitors, and present and deliver such of them as they shall have within their Power, to the Lords of Our Privy Council, the Sheriff of the County, or the Magistrates of the next adjacent Burgh-royal, to be by them made forthcoming to Law: Certifying all Persons, either Heritors, Tenants, or other Men or Women, as shall be found to fail in their Duty herein, they shall be esteemed and punished as Favourers of the said Rebellion, and as Persons accessory to, and guilty of the same. And to the end all Our good Subjects may have timeous Notice hereof, We do ordain these Presents to be forthwith printed, and published at the Market-crosses of Edinburgh, Linlithgow, Stirling, Lanerk, Air, Rutherglen, Glasgow, Irwine, Wigtoun, Kirkcudbright, Dumfries, Cowpar in Fife, Jedburgh, Perth, and remanent Market-crosses of the head Burghs of the several Shires of the Kingdom, by Macers or Messengers at Arms. And We do recommend to the right Reverend Our Archbishop and Bishops, to give order that this Our Proclamation be, with all Diligence, read on the Lord's Day, in all the Churches within their several Dioceses, that none pretend Ignorance. Given under Our Signet at Edinburgh, the Twenty sixth Day of June 1679. and of Our Reign the Thirty first Year.

Alex. Gibson Cl. Secr. Concilii.

GOD save the King.

*King's Letter to Council, June 29. 1679. N<sup>o</sup>. XXXI.*

**R**ight trusty and welbeloved, &c. We greet you well. After full Consideration of what is past since the first News of this Rebellion, We cannot but be highly satisfied with the great Care you have shewn, and the great Affection and Forwardness of Our Subjects in that Our ancient Kingdom, in suppressing those Rebels who endeavoured to strike at the very Root of Our Government. And therefore, as We return you Our hearty Thanks, so We do earnestly recommend unto you, that you may assure the Nobility, Gentry, and others who have so cheerfully, at this Time, attended Our Host, or were upon their March to it, that We will never forget this signal Testimony of their Loyalty and Kindness to Us, and that you will, in Our Name, return unto them Our hearty Thanks. And We being particularly informed of the great Vigilance and Care of the Magistrates and Council of Our good Town of *Edinburgh*, and the great Expences they have been at upon this Occasion, We do desire you to call them to Our Council Board, and give them Our solemn and hearty Thanks.

To the end that all Our Subjects may see the great Aversion We have for those Rebels and their Principles, and that We will not encourage others for the future, to disturb Our Government and good Subjects, by such extravagant Insolencies and Cruelties, We do require you to try out for such among all the Prisoners, as can most probably discover the Rise and Occasion of this Rebellion, the Means by which it was carried on, and the Correspondence which they had or entertained any where for that Purpose, but particularly in this Our Kingdom of *England*: For discovering of all which, We do ordain you to offer them Our Royal Pardon, if they discover and make out their Information, and that you put them to the Torture if they refuse to inform in what you have pregnant Presumptions to believe they know. When this is done, We do in the next Place approve the Motion made by you, of sending Three or Four Hundred of these Prisoners to the Plantations, for which We authorize you to grant a Warrant in order to their Transportation, and We will thereafter send another Warrant from hence for receiving them in that Plantation for which they are to go, you giving Information to Our Secretary of the Place to which they are to be sent. It is likewise Our Pleasure, that you cause prosecute as Traitors immediately, the Heritors, Ministers and Ringleaders of this Rebellion, these only excepted who shall discover in Manner above related. And as to the rest of those who are taken Prisoners, We desire that they may be set at Liberty, upon their enacting themselves not to take Arms against Us, nor Our Authority: But to prevent their doing Mischief for the future, We desire that there may be an Act of Council made and intimated unto them, that if ever they, or any of them shall be hereafter in Arms, or at Field-conventicles, the Persons so taken shall forfeit the Benefit of this Our Pardon and Indemnity. You will receive from the Duke of *Buccleuch* and *Monmouth* Our further Pleasure in a Proclamation, which We have sent unto him, to be presented unto you, to the end it may be published in Our Name. And so We bid you heartily farewell. Given at Our Court at *Whitehall*, the 29 Day of June 1679. and of Our Reign the Thirty first Year.

By his Majesty's Command,

LAWDERDALE.



*Indemnity after Bothwel, July 27. 1679. published August 14. N<sup>o</sup>. XXXII.*

CHARLES R.

CHARLES II. by the Grace of God, King of Scotland, England France and Ireland, Defender of the Faith, &c. To all and sundry Our good Subjects whom these Presents do or may concern, Greeting. The just Resentments We have of the rebellious Courses taken by some in that Our ancient Kingdom of Scotland, by poisoning Our People with Principles inconsistent with true Piety, and all human Society, as well as with Our Royal Government, and of the humorous Factions of others, who (under Pretext of representing Grievances to Us) have most unjustly, both in Scotland and England, demeaned Our Judicatures of Scotland, and thereby weakened Our Authority therein represented; all which, did not hinder Us from endeavouring to quiet the one by Our late Proclamation, and the other by a publick Hearing and Debate: And being most desirous to cover all the Imperfections of Our Subjects, and to remove the Fears and Jealousies whence they proceed, We have therefore, by Our Royal Authority, and the undoubted Prerogative of Our Crown, thought fit (with the Advice of Our Privy Council) to indemnify, remit and pardon (with the Exceptions after specified) all such as have been at Field or House-conventicles, all such as are guilty of irregular Administration of the Sacraments, and other schismatick Disorders, all such as have been engaged in the Rebellion, 1666. or the late Rebellion this present Year of God 1679. all such as have spoken, written, printed, published or dispersed any traiterous Speeches, infamous Libels, or Pasquils, all such as have misrepresented any of Our Judicatures, Servants, or Subjects, or have advised any Thing contrary to Our Laws, all such as have malversed in any publick Station, or Trust; and generally, all such as are liable to any Pursuit, for any Cause, or Occasion, relating to any publick Administration, by Contrivances, Actings, Oppositions, or otherways, preceeding the Date hereof: Declaring the Generality of these Presents, to be as effectual to all Intents and Purposes, as if every Circumstance of every the foresaid Delinquencies, or Misdemeanours were particularly and specially here inserted; and as if every of the Persons that might be challenged and pursued for the same, had a Remission under Our great Seal, or an Act of Indemnity past in his Favours: Discharging any of Our Officers, or Subjects, to pursue any Person or Persons upon any such Accounts, either *ad vindictam publicam vel privatam*, or to upbraid them therewith: And commanding all Our Judges to interpret this Our Remission and Indemnity, with all possible Latitude and Favour, as they will be answerable to Us upon their highest Perils: Excepting such as are already forfeited by Our Parliaments, or Our Criminal Court, fined by Our Privy Council, and such, who being fined by inferior Judicatures, have paid, or transacted for their Fines, in so far as concerns their respective Fines, so imposed: Excepting also, all such Heritors and Ministers, who have been in the late Rebellion, or were Contrivers thereof, and such Heritors as have contributed thereto, by Levies of Men or Money: And excepting likewise such as obeyed not Our, and Our Council's Proclamation, in assisting in Our Host, to be pursued for that their Delinquency, according to Law; and such Persons as have threatened or abused any of the orthodox Clergy, or any of Our good Subjects for assisting Us in suppressing the late Rebellion; and that, since Our Proclamation, dated the 29 Day of June last past. Which Indemnity We do grant to those who were engaged in the late Rebellion, provided that they shall appear before such as Our Privy Council shall nominate, betwixt and the Diets following, *viz.* these that are within this Kingdom, betwixt and the Eighteenth Day of September, and these that are forth thereof, betwixt and the Thirteenth of November next to come, and enact themselves, never to carry Arms against Us, or Our Authority, and with expresse Condition, that if ever they shall be at any Field-conventicle, or shall do any Violence to any of Our orthodox Clergy, this Our Indemnity shall not be useful to such Transgressors any manner of Way, as it shall not be to any for private Crimes, such as Murders, Assassinations, Thefts, Adulteries, the Fines and Denunciations thereof, and such like as never use to be comprehended under general Acts of Indemnity, and particularly the execrable Murder of the late Archbishop of St. Andrews, nor to such as were appointed to be carried to the Plantations, by Our Letter, dated the Twenty ninth Day of June last, tho' their Lives be, by this Our Royal Proclamation also, secured unto them, in Manner, and upon the Conditions abovementioned. But lest the Hope of Impunity should embolden the Malicious to future Disorders, We do hereby command Our Privy Council, and all Our other Judicatures, to pursue and punish with all the Severity that Law can allow, all such as shall hereafter threaten or abuse the orthodox Clergy, murmur against Our Judicatures, or Officers, or shall make, publish, print, or disperse Libels, or Pasquils, these being the Forerunners of all Rebellions, and which, by defaming Authority, do disappoint all its just and necessary Methods. And to the end all Our good Subjects may have Notice of this Our Royal Will and Pleasure, We do hereby command Our Lyon King at Arms, and his Brethren, Heralds, Macers, Pursuivants, and Messengers at Arms, to make timeous Intimation hereof, at the Market-places of Edinburgh, and other Places needful. Given at Our Court at Windsor-castle, the 27 Day of July 1679. and of Our Reign the Thirty first Year.

By his Majesty's Command,  
LAWDERDALE.

God save the King.

*Letter from the King to the Council, August 15. 1679. N<sup>o</sup>. XXXIII.*

CHARLES R.

Right trusty, &c. We greet you well. Whereas by Our Letter of the 26 Day of July last past, We did (upon the Considerations therein mentioned) command you to cause process before the Criminal Court, Nine of those who were in the late Rebellion, with the additional Aggravation of having owned the Murder-



Murderers of the late Archbishop of *St. Andrews*, whom We did thereby except from any Indemnity We should grant. And that besides the Persons who are to be excepted therein, these Nine being to be executed merely upon that account, and they being convicted, We did order that they be hanged in Chains upon the Place where that horrid Murder was committed; amongst whom We did recommend unto you to include such as appeared not upon the Places of Trial, in *Fife*, appointed by Our Proclamation, and that you should not let out such of the Shire of *Fife* as were then in Custody, till they be purged of their Accusation thereto; and that you should take all Courses consistent with Law, for the further Discovery of such as are guilty of that inhumane Crime. And whereas now, by the Examination of some Prisoners in the South *Gray-friar* Yard of *Edinburgh*, anent their being in the late Rebellion, and concerning the said horrid Murder (taken by some of your Number the 5 instant) We find, that several of them do not own the late Rebellion to be a Rebellion, nor the Murder of the late Archbishop of *St. Andrews* to be a Murder. Some of them do not acknowledge the said Murder unlawful, and others say it is not sinful. These are therefore to authorize and require you, to cause the Persons mentioned in the inclosed List, to be pursued criminally, and to cause speedy Justice to be done on them, according to Law. For doing whereof this shall be your Warrant. And so We bid you heartily farewell. Given at Our Court at (*ut supra*) and of Our Reign the Thirty first Year.

By His Majesty's Command,  
LAWDERDALE.

*Follows the Tenor of the List contained in the foresaid Letter.*

CHARLES R.

*James Lileburn* in *Kinross*, being called and required to subscribe the Bond appointed by his Majesty's Letter, not only refuseth the same, but thinks the Murder of the Archbishop no Murder.

*David Hardie* in *Lefly*, being called and examined, refused the said Bond, or to say that the late Rebellion was a Rebellion, or that the Archbishop's Murder was a Murder.

*Robert Bogie* in *Newbigging*, being called and examined, says, that he thinks the late Rebellion was not a Rebellion, and thinks that the Archbishop's Murder was not a Murder.

*John Richardson* in *Stenhouse*, being called and examined, declares, he thinks that the late Rising in Arms was no Rebellion, and is not clear to sign the Bond, and thinks that the last Rising was not against the King, but for the Truth of God.

*Robert McGill*, Webster in *Gallowshiels*, confesses his being in the Rebellion, but that he is not clear to say, the Killing of the Archbishop of *St. Andrews* was a Murder.

*David Somerwel* in *East-caldar*, confesses he was in the Rebellion, but will not call it a Rebellion, nor take the Bond, and says, he thinks he needs not, for he says, he has found out another Way for it. He will not acknowledge the Killing of the Archbishop to be a Murder.

*Alexander Steven* in *Bothwel* Parish, confesses he was in the Rebellion, but will not call it a Rebellion, nor the Killing of the Archbishop to be a Murder.

*Thomas Williamson* in *Over-cranston*, confesses his being in the Rebellion, that he is not clear to call it a Rebellion, nor the Killing of the Archbishop to be a Murder.

*John Scot* in *Ettrick* Forest, confesses he was in the Rebellion, but is not clear to call it a Rebellion, or that the Killing of the Archbishop is a Murder.

*William Cameron* in *Dalmellington*, confesses he was in the Rebellion, but is not clear to call it a Rebellion, or that the Killing of the Archbishop was a Murder.

*Robert Miller* in *Waterford*, confesses he was in the Rebellion, but will not call it a Rebellion, nor will he call the Killing of the Archbishop a Murder.

*James Wood* in the Parish of *Newmills*, confesses he was in the Rebellion, but will not call it a Rebellion, nor the Archbishop's Murder, a Murder.

*John Govan* in *Kirklistoun* Parish, confesses he was in the Rebellion, but refuses to acknowledge it a Rebellion, or that the Archbishop's Murder was unlawful.

*Thomas Pringle* in *Stow* Parish, refuses to acknowledge the Rebellion to be such, or that the Archbishop was murdered.

*Andrew Sword* in the Parish of *Borg* in the Stewartry of *Kirkcudbright*, refuses to acknowledge the Rebellion to be a Rebellion, or the Archbishop's Murder, a Murder.

*James Gray* in *West-caldar*, refuses to acknowledge the Rebellion to be a Rebellion, or that the Archbishop's Murder was unlawful.

*John Thomson* in the Parish of *Shots*, acknowledges the Rebellion was a Rebellion, but denies the Unlawfulness of the Archbishop's Murder.

*John Waddel* in the Parish of *Shots*, acknowledges the Rebellion to have been a Rebellion, but denies the Archbishop's Murder to be sinful.

*Patrick Keir* in the Parish of *Kincardin*, denies that the Rebellion was a Rebellion, or that the Archbishop's Murder was unlawful.

*Thomas Brown* in *Edinburgh*, denies that the Rebellion was a Rebellion, and says, that if it were to do he would advise whether or no he would do the like; and refuses to call the Archbishop's Murder sinful.

*William Anderson* in *Livingstone* Parish, denies the Rebellion to be a Rebellion, or that the Archbishop's Murder was a Murder.

CHARLES R.

By His Majesty's Command,  
LAWDERDALE.



*Proclamation for Circuit-courts,* August 14. 1679. N<sup>o</sup>. XXXIV.

CHARLES, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith:  
To our Lovits      Pursuivants, or Messengers at Arms, Our Sheriffs in that Part, conjunctly

C To our Lovits  
Heralds, Macers, Purfevants, or Messengers at Arms, Our Sheriffs in that Part, conjointly  
and severally, specially constitute, Greeting: Forasmuch as, by Our Proclamation of the 27 Day of July  
last, We have indemnified and pardoned, with the Exceptions therein specified, all such as were engaged in  
the Rebellion 1666. or the late Rebellion in this present Year 1679. providing they appear before such as  
Our privy Council shall nominate, betwixt and the Days express in the said Proclamation, and enact them-  
selves in Manner therein mentioned. And as it is our Royal Intention, that the said Pardon and Indemnity shall  
be effectual to all such Persons as shall accept the Benefit thereof; so it is Our express Will and Pleasure,  
that such Persons as shall not enact themselves be wixt and the Days express in the said Proclamation, be  
proceeded against with the utmost Severity the Law does allow. As also it being most just and necessary  
for vindicating the Honour and Reputation of this Our ancient Kingdom, that the Persons guilty of that  
horrid Assassination and Murder of the late Archbishop of St. Andrews (which We will never forget) may  
be brought to condign Punishment, and all legal Courses taken for that effect: Therefore We, with Ad-  
vice of Our Privy Council, do ordain Justice-airs, or Circuit-courts to be holden by the Commissioners  
of Our Justiciary, at the Places, and upon the Days aftermentioned, viz. At the Town of Stirling, the first  
Day of October next, for the Shires of Stirling, Dumbartoun, Clackmannan, Perth besouth the River of Earn, and  
the Stewartry of Monteith; at the Town of Glasgow, the eighth Day of October, for the Shires of Lanerk  
and Renfrew; at the Town of Air, the Fifteenth Day of October, for the Shire of Air and Jurisdications  
within the same; at the Town of Dumfries, the Twenty second Day of October, for the Shires of Dumfries  
and Wigton, the Stewartries of Kirkcudbright and Anandale; at the Town of Cowpar in Fife, upon the first  
Day of the said Month of October, for the Shires of Fife and Kinross; at the Town of Edinburgh, the Eighth  
Day of October, for the Shires of Edinburgh, Haddingtoun, and Lmlithgow; at Jedburgh the Fifteenth Day of  
October, for the Shires of Roxburgh, Selkirk, Peebles, Berwick, and Bailiary of Lawderdale. With Power to the  
said Commissioners to divide themselves in Two Circuit-courts, to the effect foresaid. In which Courts  
the said Commissioners are to proceed against the Persons who were engaged in the said Rebellion, and have  
not accepted, or shall not accept the Benefit of Our Indemnity, by enacting themselves in the Terms of  
Our gracious Proclamation, within the Diets therein mentioned, and particularly against the Murderers of  
the late Archbishop of St. Andrews; and that the said Commissioners issue Citations against all the said Rebels,  
and specially against the said Murderers, containing a particular Description of these Murderers; which  
Citations are to be executed at the Market-crofs of the head Burghs of the Shires where these Persons  
dwelt, or formerly dwelt, or where they ordinarily haunt and resort, to the effect that none may supply,  
harbour, commune or correspond with the said Murderers, nor with any other of the Rebels, before these  
other Rebels, not accessory to that horrid Murder, enact themselves, conform to Our Act of Indemnity; and  
in case any Person shall contravene, they shall be proceeded against with all Rigour, as accessory to the said  
Rebellion and Assassination. And further, We, with Advice foresaid, do ordain the Heritors and Masters of the  
Ground where any of the Rebels have their Dwelling and Residence, to present to the said Justice-airs, the  
Persons of these Rebels, who shall not, before the Diets contained in Our Act of Indemnity, enact themselves not  
to bear Arms against Us, or our Authority; with Power to them to apprehend their Persons: And in  
case of their Refusal, to enact themselves (as aforesaid) to send them to the next Prison, there to be  
retained and kept in sure Firmance, until they enact themselves, as aforesaid, within the said Diets, and  
thereupon be dismiss; or otherwise to detain and present them to the Justice-airs. And in case the said  
Masters do not apprehend them, by reason of their being fugitive, or latent, that after the said Diets they  
remove them, their Wives, Bairns and Servants off their Ground, under the Certifications contained in the  
Acts of Parliament. And the Clerks of the Justice-court, are hereby ordained to go before the said Diets,  
in due Time, and take up a porteous Roll of the Names and Designations of the said Rebels, already known  
and contained in Our Proclamation, or that shall be delated upon Oath to have been in the Rebellion, or to  
have harboured the Rebels before enacting themselves (as said is) or the Murderers of the late Archbis hop  
of St. Andrews, or have been at Field-conventicles since Our last Proclamation of the Twenty ninth of June  
last, or that since the said Day have threatned, abused, or robbed the orthodox Clergy, and that they cause  
cite the Persons guilty of the said Crimes, to the said Justice-airs, and that they take Information upon  
Oath, of the Lands, Sums and Moveables belonging to the Rebels, and that they cause arrest the Reits of  
their Lands, Sums and Moveables, and put the Moveables upon Inventar and Bond in the Custody of their  
Masters; and in case their Masters refuse, in the Custody of some other sufficient Person, to be made forthcom-  
ing, in case they shall be condemned guilty of the said Rebellion, and that they return an exact Account thereof,  
and of their Diligence, to Our Council at their next Diet, being the Eighteenth Day of September next. And  
We, with Advice foresaid, do hereby require the said Commissioners of Our Justiciary, to proceed against  
such of the said Murderers as were in the Rebellion (tho' in Absence) and that it be a Part of their Sentence,  
to be hanged in effigie, in all the Shires of Scotland, that they may be more easily discovered and apprehended,  
that none be deceived in harbouring of them, or communing with them, under false Names and Desig-  
nations. And for the Encouragement of any Person or Persons to apprehend the said Murderers, We do  
hereby give Assurance to any who shall apprehend them, and present them to our Council, dead or alive,  
or shall so discover them, as that thereby they be apprehended, they shall be indemnified, and rewarded in  
the Sum of Ten Thousand Merks Scots Money; and in case of the Concourse of more Persons, by dis-  
covering, or joyning in the apprehending of them, the said Sum shall be divided amongst them; and in  
case any of the said Murderers be apprehended and taken, or discovered, so that thereby they may be ta-  
ken by any Persons excepted in Our Acts of Indemnity, they shall also be indemnified (notwithstanding they  
fall within the Exception) and a Pardon shall be past for them under Our great Seal; and in case they  
apprehend John Laifour of Kinloch, and David Hackstoun of Rathillet, dead or alive, they shall not only have their  
Pardon



Pardon, but also the Reward aforesaid. Our Will is herefore, and we charge you straitly, and command that incontinent, these our Letters seen, ye pass to the Market-crofs of *Edinburgh*, as also to the Market-crofses of the head Burghs of the Sherifdoms, *Haddingtoun, Linlithgow, Perth, Roxburgh, Selkirk, Berwick, Peebles, Dumfries, Stirling, Dumbartoun, Clackmannan, Lanerk, Renfrew, Air, Wigtoun, Fife*, Stewartry of *Kirkcudbright*, and other Places needful, and there by open Proclamation, make publication of the said Circuit-courts to all Our Lieges and Subjects, wherethrough none pretend Ignorance of the same, that the said Circuit-courts are to be holden upon the Days, and at the Burghs and Places respective abovementioned; and that ye command and charge all Dukes, Marquisses, Archbishops, Earls, Lords spiritual and temporal, Barons, and others of Our Freeholders, who hold Lands of Us in chief, and ow Suit and Presence within the several Bounds, Shires and Precincts belonging to the said respective Circuit-courts, to compear before the said Commissioners, at the said Courts, upon, and at the Days and Places foresaid, with Continuation of Days, to do whatever in Law is incumbent, and ought to be done by them in that behalf: As also that ye command all and sundry the said Dukes, Marquisses, Earls, Lords spiritual and temporal, as also Lords of Regalities, Stewarts, Barons, Sheriffs, Justices of Peace, Bailies, Chamberlains, Magistrates and Ministers of Our Laws, and all subordinate Judges within Our Sherifdoms abovementioned, and whole Lieges of the same, that they, and every one of them, give all due Respect to Our Commissioners and Justices foresaid, and such special Assistance as to their Offices and Duty appertains, and as is incumbent to them by the Laws and Acts of Parliament of this Our ancient Kingdom, as they, and every one of them will answer upon the contrary, and under all highest Pain and Charge that after may follow. And particularly that ye command Our Sheriffs, that they cause sufficient and legal Men compear before Our said Commissioners at the foresaid Diets, and such Diets and Places as the said Commissioners shall appoint for Assizes and Witnesses, as they shall be cited to that effect. As also, that the said Sheriffs and Freeholders within the said Shires and Bounds, meet Our said Justices, at their Entry into the same, and convoy them into the same, and accompany them during their remaining there, ay and while they be received by Our next Sheriff and his Deputes, into the next Shire. And we ordain these Presents to be printed. Given under Our Signet at *Edinburgh*, the Fourteenth Day of *August*, 1679. and of Our Reign the Thirty first Year.

Alex. Gibson Cl. Secr. Concilii.

*Follow the Names of these appointed to take Bond from the Rebels, in the several Shires following, Viz.*

For the Shire of	<i>Edinburgh,</i>	The Lord Collington.
	<i>Haddingtoun,</i>	The Earl of <i>Wintoun.</i>
	<i>Linlithgow,</i>	The Earl of <i>Linlithgow.</i>
	<i>Perth,</i>	The Marquis of <i>Montrose.</i>
	<i>Roxburgh,</i>	The Earl of <i>Roxburgh.</i>
	<i>Selkirk,</i>	The Laird of <i>Hayning.</i>
	<i>Lanerk,</i>	The Earl of <i>Carnwath.</i>
	<i>Dumfries,</i>	The Earl of <i>Queensberry.</i>
	<i>Air,</i>	The Earl of <i>Glencairn.</i>
	<i>Dumbartoun,</i>	The Earl of <i>Wigtoun.</i>
	<i>Fife and Kinross,</i>	The Lord Chancellor.
	<i>Wigtoun,</i>	The Laird of <i>Furghittoun.</i>
	<i>Stewartry of Kirkcudbright,</i>	The Earl of <i>Niddale.</i>
	<i>Peebles,</i>	Sir <i>William Murray of Stenhope.</i>
	<i>Stirling,</i>	The Earl of <i>Mar.</i>
	<i>Renfrew,</i>	The Lord <i>Ross.</i>
	<i>Berwick,</i>	The Earl of <i>Hume.</i>

G O D save the King.

*Supplication of the Presbyterians to the Duke of Monmouth, 1679. N<sup>o</sup>. XXXV.*

AS we cannot but, in all humble and grateful Sense of his Majesty's Grace and Clemency, acknowledge God's Goodness to the poor distressed People of this Kingdom and Church, that he has put it in his Majesty's royal Heart to invest and authorize a Prince of your Grace's excellent Wisdom, heroick Valour, gracious Moderation, and sincere Affection to the true Protestant Religion, with Power to express and exercise his gracious royal Condescensions of Favour to his suffering and much afflicted Subjects here: So next to his gracious Majesty, whose Goodness and Clemency we most thankfully acknowledge in all the Favours conferred by your Grace, we judge our selves much obliged, with all dutiful Thankfulness, to testify our great and deep Sense of the gracious Favours your Grace has already manifested in your excellent Moderation, by the Tender of his Majesty's gracious Concessions for Peace, as also your tender Compassion to that pitiful broken Company, in hindring the Effusion of much Christian Blood, a Conjunction of Excellencies which is very rare in Persons of Power, and yet where it is, makes them most like to God, who, when he hath Power to destroy, yet is merciful and ready to pity and forgive; and does truly entitle your Grace to that noble and heroick Elogy, which *Darius* when conquered gave to *Alexander*, that he was most valiant



valiant in the Fight, and moderate and merciful in the Victory: Whereas it is contrary with Men of baser Spirits. These signal Evidences of your Grace's Moderation and Clemency, do encourage us to lay down some Teaches of our great Grievances and Pressures at your Grace's and Excellency's Feet, that, through God's good Hand, you may mediate with his Majesty for some Ease and Redress of them, most of the saddest and heaviest of which are wholly unknown to his Majesty.

All nonconformist Ministers, a very few excepted, were turned out from their Charges, Dwellings and Livelihoods, for no other Cause than that they could not comply with Prelacy, against which they were engaged under so many strong and high Bonds, they found themselves under a Constraint of preaching the Gospel through an Obligation from their Office, without the least Disrespect to his Majesty's Authority or Laws; for the which Exercise of their Ministry some were taken, and kept long in hard and expensive Prisons. People, for hearing them, besides Imprisonment, pressed with great and exorbitant Fines; other Preachers, without any Citation known to them, were denounced, inter-communed, fined, confined, and banished; many, after long and grievous Imprisonments, sent away as Slaves to foreign Parts, and to serve in the Wars under the French King.

And when all these sore Pressures were laid upon Protestants for hearing and preaching of the Gospel, without any Disturbance of the Peace, there was a general Connivance at Popish Meetings very open and avowed, without the least Check and Controul.

There being several times some killed, only for hearing Sermon, when they had no Arms for their own Defence, and many taken; by the long Continuance of these Oppressions, which make wise Men mad, some were provoked to take Arms to the Fields, only for their Defence when they went to hear: But as we did not expect there should have been such a Rising in Arms, so we never counted our selves bound to approve the same as to any Extremities run to by some heady and turbulent Men, tho' many simple well-meaning People, under great Oppression were drawn in to joyn with them; for we are far from Jesuitick Principles, or German, Anabaptistick, fanatick Fury, and abhor all Assassinations and Murders made by private Persons, acted with such Principles of heady Violence. Such disorderly Practices are not to be imputed to Presbyterians or their Principles, all which are not only consistent with all due Subjection and Respect to Authority and Peace, but also do religiously tie and oblige thereto, according as it is held forth in the Scriptures of Truth, our Confession of Faith, and Catechisms, unto which we constantly adhere.

And it may be upon good Grounds averred, that neither the Persons running to any of these Extremities, nor the People who joyned with them, would ever have been so disorderly, if there had been any Allowance of Liberty for preaching and exercising of Discipline over these who were of the Presbyterian Way, as is allowed in some other of his Majesty's Kingdoms: Which as it can be no more inconsistent with Prelacy in Scotland than where it is granted; so there is far stronger Reasons for it from his Majesty's Interest here, and the Condition of his Subjects, who have had it confirmed by lawful Authority, have been under so many and strong Engagements to adhere thereunto, and have had so much Experience of the Good thereof, by their long continuing and merciful Enjoyment of it.

May it therefore please your Grace, out of the Bowels of Pity and Goodness, to commiserate our deeply distressed Condition, and improve the Favour you have with his Majesty, that we may yet breathe under the Shadow of his gracious Condescendence, in allowing Exemption from the grievous Pressures we are under, of oppressive Sentences, Imprisonments, and other grieving Executions of the Law; and that his Majesty may grant Liberty of preaching the Gospel, and Exercise of Church Order and Discipline, towards and over these of our own Perswasion, which will not in the least be prejudicial to civil Peace, or his Majesty's settled and quiet Government, but will be a Mean of preventing Church Disturbance, and Contusions which tend to the breaking of the civil Peace.

Which if the Lord shall incline his Majesty to grant, through your Grace's interposing, will bring the Blessings of many who are ready to perish, upon his Majesty and your Grace: And you shall be called the Repairers of the Breaches, and the Hearts of the good People of the Land will be so much the more knit and engaged to his Majesty's Person and Government, and to your Grace, as the Instrument whom God hath stirred up to effectuate it, and render his Majesty glorious, and your Grace renowned to all Generations.

*A Proclamation suspending Laws against Conventicles, June 29. 1679.*  
N<sup>o</sup>. XXXVI.

**C**HARLES II. by the Grace of God, King of Scotland, England, France and Ireland, Defender of the Faith, &c. To all and sundry Our good Subjects, whom these Presents do or may concern, Greeting: We having, with the Advice and Content of Our Parliaments, past so many Acts in favours of the Protestant Religion, against Field-conventicles, whereby our Subjects were withdrawn from publick Ordinances, in such ways as exposed them to hear Jesuits, or any other irregular Preachers, and were at last debauched to meet with Arms in formed Rebellions, We might have expected a most hearty Concurrence from all such as resolved to live religiously and peaceably in suppressing those Disorders: In place whereof, Magistrates having by their Negligence, and Masters by their Connivance, heightened those Distempers into a formed Rebellion, founded upon Extravagancies, inconsistent with the Protestant Religion and our Monarchy; which We having by the Mercy of God, and the Affection of Our Subjects, overcome so totally, that Our Clemency cannot be liable



to any Misconstruction : We have therefore thought fit, with the Advice of Our Privy Council, to re-commend the vigorous Execution of all Our former Laws and Proclamations against such *Removances of* Rebellion; commanding hereby Our Judges, Magistrates and Officers of all Ranks and Degrees, to apprehend, condemn and punish all such as frequent any Field-conventicles, the Ministers by Death, and the Hearers by fining and otherwise, according to the Prescript of Our Laws; such as bear Arms there being to be demeaned as Traitors, conform to Our former Proclamation, dated the 13 Day of May last, and ordaining that all Masters shall be liable for presenting such of their Tenants, and such as live upon their Ground, to underly the Law in Our Justice-airs, conform to the sixth *Act, Parl. 3. James V.* As also We most peremptorily command all in Office under Us, to prosecute with all legal Rigour, those inhumane and execrable Murderers of the late Archbishop of St. Andrews, and all such as have had Accession thereto, by concealing or resetting the Assassins. But we, being desirous to reclaim all such in that Our ancient Kingdom, as have been misled by Ignorance, or blind Zeal ( the Pretexes of Disorders ) and to convince all indifferent Persons, that too great Severity is as far from Our Design, as Our Inclinations, have, according to the Power reserved to Us by the Fifth *Act* and Second Session of Our Second Parliament, suspended the Execution of all Laws and Acts, against such as frequent House-conventicles in the low Countries, on the South-side of the River of Tay only, excepting always the Town of Edinburgh, and Two Miles round about the same, with the Lordships of Musselburgh, and Dalkeith. the Cities of St. Andrews, and Glasgow, and Stirling, and a Mile about each of them; being fully resolved, not to suffer the Seat of Our Government, nor Our Universities to be pestered with any Irregularities whatsoever. And for a further Evidence of Our Protection to all who resolve to live peaceably, We hereby suspend all Diligences for Fines upon the account of Conventicles, except such Fines as are imposed by Our Privy Council, and such Fines of inferior Judicatures, as were uplifted or transacted for, prior to the Twenty ninth of May last, and all Letters of Intercommuning, and other Executions, except in so far as concerns those who were Our actual Servants, or in publick Trust. But to the end, that none whom We may justly suspect, shall, under the colour of this Favour, continue to preach Rebellion, Schism and Heresie, We hereby ordain all such as shall be suffered to preach, to have their Names given in, and Surety found to Our Privy Council for their peaceable Behaviour, only one Preacher being allowed to a Paroch; and none to be allowed who have appeared against Us in this late Rebellion, nor none who shall be admitted by the unconform Ministers in any Time hereafter: Assuring all those to whom We have extended this Favour, that if they, or any of them, shall for the future frequent any Field-conventicles, or disturb the Peace of these Our Kingdoms; We will secure Our People, and maintain Our Authority and Laws by such effectual Courses as, in ruining the Authors, cannot be thought rigid, after so insufferable and unnecessary Provocations. This our Forbearance being to continue in force only during Our Royal Pleasure, as We shall see those Dissenters deserve Our Favour. And to the end all Our good Subjects may have notice of this Our Royal Will and Pleasure, We do hereby command Our Lyon King at Arms, and his Brethren, Heralds, Macers, Pursuivants, Messengers at Arms, to make Proclamation hereof, at the Market-cross of Edinburgh. Given at Our Court at Whitehall, the Twenty ninth Day of June, 1679. and of Our Reign the Thirty first Year.

By His Majesty's Command,  
LAWDERDALE.

G O D save the K I N G.

*A Proclamation against Conventicles, Nov. 13. 1679. N<sup>o</sup>. XXXVII.*

**C**HARLES, by the Grace of GOD, King of Great Britain, France and Ireland, Defender of the Faith, To Macers, or Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Forasmuch as We by Our gracious Proclamation of the Twenty ninth of June last, and a Letter under Our Royal Hand, direct to Our Council, relative thereto, of the Eleventh of July thereafter, having signified Our Desire to reclaim all such as have been misled by Ignorance, or blind Zeal, the Pretexes of Disorders, and to convince all indifferent Persons, that too great Severity is as far from Our Designs as Our Inclinations, We did, according to the Power reserved to Us by the first Act of the Second Session of Our Second Parliament, suspend the Execution of all Laws against such as frequent House-conventicles in the low Countries on the South-side of the River of Tay only, excepting always the Town of Edinburgh, and Two miles round about the same; with the Lordships of Musselburgh and Dalkeith, and the Cities of St. Andrews, Glasgow, and Stirling, and a Mile about each of them; and did suspend all Diligence for Fines upon the account of Conventicles, except such as were imposed by Our Privy Council, and such Fines of inferior Judicatures, as were uplifted or transacted before the Twenty ninth of May last, and all Letters of Intercommuning and other Executions; and did ordain, that all such as should be suffered to preach, to have their Names given in, and Surety found to Our Council for their peaceable Behaviour, only one Preacher being allowed to a Parish, and none to be allowed who appeared against Us in the late Rebellion, nor none who should be admitted by the unconform Ministers in any Time thereafter; which Ministers so allowed to preach, are also allowed to administrate the Sacraments. And where-as We are firmly resolved to have all the Acts of Our Grace and Mercy made effectual ( in the most favourable Sense ) to all these for whom they were intended by Us; and as already from Time to Time Caution hath been received for such Ministers, whose Names have been given in to Our Council; and upon Application to be made to them, Caution is to be received for such of the said Ministers, as are qualified conform to the Terms of Our Proclamation, who are desired to preach and administrate the Sacraments in any Parish in the Bounds therein express: So we thought fit hereby to declare, that We will not permit nor allow any to preach by Virtue of the Indulgence or Connivance contained in that Our Proclamation, unless their Names



Names be given in, and Caution found for them to Our Council, as aforesaid ; but will look upon and esteem them, and such Persons as resort to such irregular Meetings, as Persons disaffected to Our Authority, and Centemners of Our Grace and Clemency, and will proceed against all such with the utmost Severity of Law. Our Will is herefore, and We charge you strictly, and command that, incontinent these Our Letters seen, ye pass to the Market-crofs of *Edinburgh*, and other Places needful, and thereat in Our Name and Authority, by open Proclamation, make Publication of the Premises, that none may pretend Ignorance. Ordains these Presents to be printed. Given under Our Signet, at *Edinburgh* the Thirteenth Day of *November*, 1679. and of Our Reign the Thirty first Year.

WILL. PATERSON, Cl. secr. Concilii.

G O D save the King.

*Proclamation anent the Rebels who have not yet taken the Bond*, November 13. 1679. N<sup>o</sup>. XXXVIII.

**C**HARLES, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, To  
 at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: The rebellious and insolent Rising at *Bothwell-bridge*, was so far from hindring Us from continuing Our Clemency and Indulgence, to such as had so ill deserved of Us formerly, then when it was in Our Power to have extirpated that insolent and vitious Crew ; yet to convince the World and them, that Our former Favours had not proceeded from Force, but from Clemency, and being desirous that this Our Clemency should have at last convinced them, whom We were unwilling to destroy, because they were Our ancient and native Subjects, who if they were not strangely misled, should rather venture their Lives and Fortunes for Us, than for these vain and giddy Preachers, whom all the rest of the PROTESTANT Churches disown, and whose only Quarrel is, that We will not allow them to be themselves chief Rulers : We did by a most remarkable and unexpected Proclamation, not only enlarge Our Indulgences to those who had not been engaged in that execrable Rebellion, but even to those engaged therein ; requiring only of such as were not Heritors, or Ministers, that they should oblige themselves not to rise in Arms against Us or Our Authority. Notwithstanding whereof, a great Part of the said Rebels have not as yet taken the said Bond, though conceived in so gentle and easie Terms, and in which We designed as much the Security of their native Country as of Our own Authority. But because many of these who have not taken the Bond, do profess that their not taking of it was occasioned by Want of lawful Intimation, or by their Sickness, and that they have other legal Defences or reasonable Excuses ; and We being equally unwilling to preclude Our People from any legal Defence, and from offering their reasonable Excuses and Verifications thereof, or, on the other Part, to have Our Authority baffled by such as have even contemned Our Clemency : Therefore to prevent both these, We hereby command all Our Officers, both in Burgh and Land, and the Officers of Our Militia, and standing Forces, to seize and apprehend, and Our respective Judges competent to proceed according to Law, against such as were in the Rebellion, and who have not yet given in the said Bond before the Diets mentioned in Our last Proclamation, dated the Twenty seventh Day of *July* last ; or who shall not give in to Our Justices, betwixt and the first Day of *January* next, in the Year 1680. the said Bond with the Verifications of their reasonable Excuses, and thereby satisfy the Lords of Justiciary, that their not taking of it at the former Diet proceeded not from their Contempt ; indemnifying hereby fully such as not being Ministers or Heritors, and others not excepted in Our former Proclamations, as shall satisfy the Commissioners of Our Justiciary, and shall be allowed by them to take the said Bond in manner foresaid, and for ever excluding all such from Our Mercy and Favour, as have been in the said Rebellion, and have not either taken the said Bond before the Diets contained in Our last Proclamation, or shall not take the same betwixt and the Time foresaid : And We are confident all honest Men and good Christians will concur against those obstinate Rebels, as Enemies not only to Us, but to all human Society, and who now want the least Shadow of Pretext for Disobedience, or Irregularity. Certifying likewise hereby all Heritors who shall keep any of the said Rebels upon their Ground, or all others who shall harbour or reset them, that they shall be proceeded against with all the Severity that Law can allow, as Enemies to Us and their native Country. Our Will is herefore, and We charge you strictly, and command, that, incontinent these Our Letters seen, ye pass to the Market-crofs of *Edinburgh*, and other Places needful, and there in Our Name and Authority, by open Proclamation, make Publication of the Premises, that none pretend Ignorance ; and ordain these Presents to be printed. Given under Our Signet, at *Edinburgh*, the Thirteenth Day of *November*, 1679. and of Our Reign the Thirty first Year.

AL GIBSON, Cl. secr. Concilii.

G O D save the King.

*Answer*



*Answer out of the West to a Question out of the North, 1679. N<sup>o</sup>. XXXIX.*

Wherein the Earth is opened, and the Napkin found; in which the trading Talent of the Nation hath been tied up, and lien hid for some Years last past; for Want of which, all Persons in England, from the Tenant to the Landlord, from the Weaver to the Merchant, have languished of a deep Consumption.

Sir Fr. Bacon, Ess. of *Sedition and Troubles*, Chap. 15. Pag. 85.

*'Above all things good Policy is to be used, that the Treasure and Moneys in a State be not gathered into few Hands, for otherwise a State may have a great Stock, and yet starve; and Money is like Muck, not good except it be spread.'*

*Idem*, Pag. 172. *The Blessings of Judah and Issachar will never meet, that the same People or Nation should be both the Lion's Whelp, and the Ass between Two Burdens: Neither will it be, that a People overlaid with Taxes, should ever become martial and valiant.*

*Hist. of Bell and the Dragon*, Ver. 8. *So the King was wroth, and called for his Priests, and said unto them, If ye tell me not who it is that hath devoured these Expences, ye sha'l die. Ver. 20, 21. And the King said, I see the Footsteps of Men, Women and Children: And the King was angry, and took the Priests with their Wives and Children, who shewed him the privy Door where they came in, and consumed such things as were upon the Table.*

S I R,

I Must beg your Pardon that I have so long tired your Expectations, and which is worse, have altogether failed them. except the few Scrapes you find in this Reply will stop the Mouth of your first Query; for as to the Four last, I have neither Time nor Capacity to send you any Thing that may claim the Title of a Resolve.

Yet that others more able, may contribute towards an Answer to your so seasonable and rational Demands, and that you may not think I have forgot them, I shall here insert them in Order, as you proposed.

Query 1. *Whether the great Cause of impoverishing the Nation, Ruin of Trade, and general Consumption of Comfort, Settlement and Content, which hath brought the Land to a mere Anatomy, is not caused by the Pomp, Pride, Luxury, Exaction and Oppressions of the Prelates?*

Query 2. *Whether, since all other Reformed Churches in Europe did, upon the first Reformation and Departure from Popery, cast out all Diocesan Bishops, Name and Thing, Root and Branch, as an Office altogether Popish, together with all their Hierarchical Appurtenances, and do to this Day esteem of them no otherwise; why did not, or doth not England also do the like?*

Query 3. *Whether the several Reformed Countries beyond the Seas, did not take into the Hands of their Supreme Governors all the lordly Revenues of the Prelates, and reserve them for publick Use, or dispose Part of them to such Persons as had well deserved of them in the faithful Service of their Country; and if so, whether it might not be of good and great Concern to this Kingdom, for the Lordships and Baronies belonging to so many useless Persons, to be disposed of by publick Authority, for publick Good; and more especially for the honourable Maintenance of those worthy Persons and their Posterity, who have lost their Blood and Estates in the King's Service, and at present ly under great Discouragements, and bleeding Wounds in their Temporals, for Want of a suitable Recompence; whilst these, who, put them all together, never did half the Service, nor, if Occasion should require, never can, as one of these heruck Gentlemen, yet, as Ecclesiasticks, are rewarded with 2, 3, 4, 5, 6, 7, 8 Thousand Pounds per annum, a Man?*

Query 4. *Whether, in those Kingdoms and States where Prelacy is extirpated, and a Presbytery only retained, there be not as godly, able, orthodox Preachers, and as constant Preaching as in this Kingdom; and more especially, whether their Subjects are not as cordially obedient, and as free from any Rebellion, as in these Places, where Bishops are retained? and also, whether their Councils are not more free from Malediction, their Nobility and Gentry free from Affronts, and the Commonalty more free from Oppression, where the Prelates are disabled from sitting in Council, from pearking above the Nobles, and from imposing upon the Commons?*

Query 5. *Whether the present State of Affairs in our neighbour Nations, especially of France, who have a prodigious victorious Army, a Fleet still lying at Rochel, a fit Place from whence to invade us, and the great Industry of the Pope employed to divert their Arms from Spain, and turning them upon some other Design; whether, I say, it be not reasonable to consider of some Way to engage all Hearts and Hands in this Nation unanimously to oppose all Invasions, rather than to multiply Discouragements, upon the Body of the People by Episcopal Oppressions?*

In answer to your first, I am by many Reasons induced to conclude in the Affirmative, that the Cause of impoverishing the Nation, Ruin of Trade, and general Consumption of Comfort, Settlement and Content, is caused by the Pomp, Pride, Luxury, Exaction and Oppression of the Prelates.

It is a true Maxim of the Learned Verulam, A smaller Number that spend more, and earn less, do wear out an Estate sooner than a greater Number that live lower, and gather more: So it is with an over-grown Clergy, for they bring nothing to the Stock.

That the trading Stock of the Nation is devoured in this Prelatical Gulf, I shall demonstrate, by laying open to View the black Back-door, and Sink that hath drained the trading Purse dry.

### *First. The Revenues, Pomp and State of the Prelates.*

There are Two Provincial Archbishops, *Canterbury* and *York*; with their princely Retinue, domestick Chaplains,



Chaplains, Officers for temporal Tithes, their spiritual Officers, Vicar-general, Guardian of the Spiritualities, Dean of the Archies, with all their Under-officers and Attendants.

### Secondly. His Courts.

Court of Faculties. Court of Audience. Prerogative-court. Delegates.

There are Four and Twenty Bishops Diocesan, with their Trains, domestick Servants, Chaplains, Officers, and Courts.

To these belong 26 Chancellors, and their Attendants, 24 Registers with their Clerks, 24 Gentlemen Apparitors, 120 inferior Apparitors, 48 Proctors.

There are under these Bishops, 60 Arch-deacons, and these have 60 Courts, to which belong Commissaries, Officials, Surrogates, 60 Registers, 120 Proctors, 200 Apparitors.

So that the Number belonging to Archbishops, Bishops, Arch-deacons, and their Trade, are judged to be no less than *Ten thousand Persons*; which will require, for their Maintenance, *Two hundred thousand Pounds per annum*, reckoning them at *Twenty Pounds a Man*; whereas some of them have *One hundred Pounds*, some *Two hundred Pounds*, some *Four hundred Pounds*, squeezed out of the poor People. As for their standing Rents, they are well known.

Their lordly Palaces, sumptuous Houses, Ecclesiastical Dignities, Baronies, &c. *viii & modis*, such is their Income, that it amounts at least to *Four hundred and fifty thousand Pounds a Year*.

They have many other Ways to enrich themselves, and impoverish the Nation; as

*First.* By ordaining Deacons and Ministers Four Times a Year for Money, by which they put up yearly Hundreds of Pounds.

*Secondly.* By instituting and inducing Parsons and Vicars to Benefices when they fall; for every such Institution and Induction they have *Three Pounds* at least. And in *England* there are *9285 Parishes*; so that at the rate of one in a *Parish*, it amounts to *Twenty seven thousand eight hundred fifty five Pounds*.

*Thirdly.* By making rural Deans yearly, and for the Oath taking, they pay *Eight Shillings and Six pence*.

*Fourthly.* By granting Licences to beneficed Ministers, to preach in their own Cures: Though they be ordained before, and strictly commanded to preach, yet they must not do it without a Licence, and this Licence costs them *Ten Shillings*, so that in *9285 Parishes*, this comes to *Four thousand six hundred forty two Pounds ten Shillings*.

5. By granting, {  
     1. Licences to Curates to preach;  
     2. Licences for Schoolmasters to teach School.  
     3. Licences for Parish-clerks.

{  
     4. Licences to Physicians to practise Physick.  
     5. Licences to Midwives to do their Office.  
     6. Licences to marry, which Thing of it self  
     arileth to a vast Revenue.

For absolving excommunicated Persons.

For putting Men to clear themselves by Oath, with their Compurgators.

For Commutation of Penance; for so the Rich come off with a round Sum of Money, but the Poor doing their Penance in kind, must stand excommunicated until they have paid their Fees.

*Sixthly.* By Probates of Wills, and granting Letters of Administration, which brings in constantly great Sums of Money.

*Seventhly.* By framing new Articles, and forcing Church-wardens to present upon Oath, whereby many innocent Persons are brought into their Courts, and squeezed both in Conscience and Purse; and so is the Church-warden also, if he do not take the Oath prepared for him.

### By their Visitations for Money.

*First.* Church-wardens of every Parish in *England* and Chapel, are called, who receive a Book of Articles to present by; if any are wanting, they are warned to appear at their Courts with Costs: These Church-wardens pay for their Book of Articles every Year, (though the very same) as also for writing their Presentments by a Clerk (which they themselves could do, but are not permitted) *Two Shillings four Pence*; which in *9285 Parishes* comes to *One thousand fifty eight Pounds odd Money*, yearly.

*Secondly.* Ministers that are licensed, pay *one Shilling eight Pence*, or thereabouts, for shewing their Licence to preach, to the Register, at every Bishop's Visitation, though seen and allowed before; after that *Four Shillings* for Procurations, to the Bishop; and to the Gentleman Apparitor *eight Pence*, though most pay *twelve Pence*.

I shall omit the poor Curates Suit and Service at this Court, only let you know, that when any Archbishop comes newly to *York*, all the Parsons and Vicars in his Jurisdiction, though never so poor, and their Charge never so great, give him a Tenth of their Livings for a Benevolence, to help the poor Bishop to settle himself in *Five or six thousand Pounds a Year*; and if any, yea, the meanest Vicar, whose poor Children want Bread, do through Poverty omit the Payment, this Reverend Father doth pitifully whip him to the very Bones, in his merciless spiritual Court.

### By Arch-deacons Visitations.

These are Twice a Year. At *Easter*-Visitation the Ministers pay their *Paschal Rents*, or *Synodals*, which Sums are not alike to all; some pay *56*, some less.

At *Michae'mas* they pay *Procurations*; some *seven Shillings*, some *ten Shillings*, some less. But it is judged that Ministers pay yearly at Visitations, *Five thousand Pounds*, and upwards.

By



## By the vast Charges in collegiate Churches.

There are Twenty six great Deans with their Attendants and Servants, Five Hundred and Forty four Canons, Residents and Prebendaries, with a numerous Train of Vicars, Petty-canon, singing Men and Boys, Choristers, Organists, Gospellers, Epistlers, Virgers.

Now this jovial Crew have belonging to them, about Four Hundred thousand Pounds yearly, in Lands, Rents, Leases, and other Revenues and Profits thereunto belonging.

The excessive Expences that many Thousands of the trading People of the Nation are put unto, by the rigorous and tyrannical Proceedings of the Bishops, in excommunicating Persons, for Threepence, Sixpence, and very trivial Things.

A Catalogue may shortly be presented to you of the many Families already undone by them; wherein it will be made manifest, that more Families have been ruined, more Persons imprisoned, more Money spent by the Cruelty of the Prelates Proceedings, than by all Law Suits in all Courts of Judicature, all Payments and Taxes whatsoever, except upon the late extraordinary Occasion.

The vast Sums of Money that the Bishops, Deans, &c. have treasured up, extorting it from the Subjects for Fines.

You know, that for Twenty Years, some Time bypast, their Revenues were alienated, and sold for great Sums of Money to the Natives of *England*. Those who bought them had greatly improved them, who, being some Thousands of Families, are undone by being turned out without any Consideration. The Bishops enter at a Time when most of the old Leases were expired, they proclaim their Markets; he that gives most, Friend or Foe, he shall be taken Tenant. They screw up the Value to the Height; and hereby they have drained out of the People's Purses, such Sums of Money, that amounts to so monstrous a Mass, that scarce any Prince's Treasury in *Europe* is able to balance it. In the mean Time, the Money that before ran current in trading, is dammed up in their Coffers.

Hereby the Money that should carry on Trade, is ingrossed into the Hands of a few rusty Ecclesiasticks, who neither serve our Lord Jesus Christ, nor their Country, but their own Bellies; and hoard up the Riches that should be, as the Blood in the *vena porta*, to be distributed into every Vein and Part of the Body; but by being choked up in their *Corban*, brings the whole Nation into a *Consumption*.

And it is very considerable, that, in all other Trades, Men have Something for their Money. The Farmer hath good Lands for his Money from the Gentleman; the Clothier hath good Wooll from the Farmer for his Money; the Merchant hath good Cloth from the Clothier for his Money, and thus it goes round to every one's Benefit: But pray, what have we from the Bishops for our Money? The Answer will readily be made by the major Part of the Land.

*First*. We have all our able, godly, orthodox Ministers turned out, ruined and beggared, and no Manner of Supply provided for the Maintenance of them and their Families; and in their Rooms, in many Places, a Company of debauched, illiterate, superstitious, profane Priests; which blind Guides must needs lead them that follow them, to Hell.

*Secondly*. We have gotten most of our Church-wardens perjured, that do swear to present according to their Visitation Articles, and most of them undone that do not swear; altho' the imposing of such an Oath is a Breach of the fundamental Laws of the Land. Those Church-wardens that are not perjured, but pursue the Oath in persecuting their Neighbours, are plunged into such horrid Guilt, that, without serious Repentance, they must perish eternally; for they persecute the godly for Godliness sake, the righteous for Righteousness sake, as will appear in these following Instances.

1<sup>mo</sup>. If a Minister, never to godly and able, yea, tho' ordained, preach without a Licence from the Bishop, the Church-warden is bound to present him, and bring him into Trouble: If he preach in a Cloke, and not in a Garment canonical, he is bound to do the like.

2<sup>do</sup>. If any Person go to hear a Sermon from his own Parish Church, tho' there be no preaching Minister there, nor no Sermon at all, and tho' he be bound by his Vow in Baptism to hear Sermons, this Man is to be presented.

3<sup>tho</sup>. If a poor Man, that hath not Bread for his Family, but what he earneth by his daily Labour; if he work upon a holy Day, appointed by *Romish* Institution, he is to be presented.

4<sup>tho</sup>. If any Person, coming to Church to their Service, do not stand up at the Creed, do not bow at the Name of Jesus, do not keep off his Hat all the while, he must be presented.

Now there are in all, Threescore and Fourteen thousand Church-wardens and Sidesmen in *England* every Year, and what a dreadful Thing is it to have all these yearly, either perjured, Persecutors or persecuted?

*Thirdly*. We have gotten most of the sober trading Part of the Nation discouraged by Citations, Excommunications, Writs to take them excommunicated, Imprisonments upon ecclesiastical Accounts: By this Means, Thousands of Families are already ruined, and many Hundreds are ready to leave the Land, and remove into some other Country, where they may have Liberty of Conscience, and Freedom from these devouring Harpies.

*Fourthly*. We have got, instead of the Gospel in the Power and Purity of it, a Service collected out of the *Romish* Books, the Mass, Breviary, &c. which Service of ours King *James* called an *ill sung Mass*. We have got Surplices, Caps, Tippetts, Cringings, &c. out of the *Romish* Rituals, insomuch that the Papists themselves call it, an *apish Imitation of the Mass*.



*Fifthly.* We have gotten a Swarm of ecclesiastical Officers, which the Scriptures never knew, nor reformed Churches ever owned.

*Sixthly.* We have got a Sort of proud Prelates, of mean Extract, not of the highest Rank for Godliness, Learning and Labour in the Word, nor the greatest Champions for the Protestant Religion; witness their Silence at such a Time, when Popery hath so travailed to bring forth so many Popish Books printed and published in England, in Affront and Contempt of the reformed Religion, yet few of our Bishops have stood up in Opposition to their Design, nor printed any Caution against Popery, or Answer to the Popish pernicious Pamphlets. However very elate they are, affronting our Nobility, trampling upon our Gentry, grinding to Powder all that put not into their Mouths, or offer not at their Shrine: Insomuch, that a Gentleman of Quality, a Person of 3000 L. per annum, speaking to one of the said Prelates (lately dead) boldly, but with due Respect; the Prelate, in a Fume, answered, *What, Sir, do you think that it is fit for every Jack-gentleman to speak thus to a Bishop?* deriding the Gentry of our Land, as not worthy to speak to a peevish Prelate. Surely a Gentleman of 500 L. per annum would have fallen under Censure for presuming to speak to his Postillion.

We have gotten all Manner of Misery to Soul and Body, Plague, Fire, Sword, universal Beggary, and, without seasonable Mercy, the total Ruin of the whole Kingdom: But I know you will question, whether our Miseries do arise from the Cause assigned?

To this I answer. The manifold provoking Sins of the Land, as Adultery, Blasphemy, Swearing, Idolatry, Perjury, and Contempt of God and Godliness, do pull hard with Heaven to bring down desolating Judgments. But that the nearest Cause of our Impoverishments ariseth from the Particulars forementioned, will appear, if you weigh the Premises before inserted, and give them Leave to speak their own Conclusion. If Perjury causeth a Land to mourn, if Oppression and rigid Persecution upon the trading Part of a Land beggers Discontent and Deserting of Trade; if rigorous Exacting, and sordid Hording up the Money that should run current in Trade, and that by such who contribute Nothing to the publick Weal, be the Bane of Traffick, and the Famishment of the poor Handicraftsman, then we may lay all our Calamities at the Bishops Doors.

I shall call in some credible Witnesses, Divines and Martyrs, to confirm this Truth, and so leave it with you. Bishop Jewel on Hag. i. records out of *Johannes Parisiensis*, and others, *That when Constantine the Great advanced Bishops, and endowed the Church with Lands and temporal Possessions, there was a Voice of Angels heard in the Air, saying, Hodie venenum infunditur in Ecclesiam, This Day Poison is poured into the Church.*

*Bernard* writes, *Since Prelates increased in worldly Pomp, chusing the first Places in the Church, they have been the chiefest in persecuting Jesus Christ, and have ever shewed themselves not Teachers but Deceivers, not Pastors but Impostors, not Prelates but Pilates, succeeding, not Peter in teaching, but Romulus in murdering.*

Lord Cobham, that faithful Martyr, faith to the Bishops, *No Ground have ye in all the Scriptures, so lordly to take it upon you, but in Annas and Caiaphas, who sat in Judgment upon Christ and his Apostles; of them only have you taken it to judge Christ's Members as ye do.*

Mr. Tindal, that godly and learned Martyr, writeth, *Wo to the Realm where Prelates are of the Council! As profitable is the Prelacy to the Realm with their Council, as Wolves to the Sheep, or Foxes to the Geese; for there is no Mischief or Disorder, whether it be in the temporal Regiment, or Spiritual, whereof they are not the chief Causes, and even the very Fountain and Spring; so that it is impossible to preach against any Mischief, except thou begin at them, or to set up any Reformation in the World, except they are first reformed. They are as obdurate as Pharaoh, and therefore persecute they God's Word, and the Preachers thereof. They stir up Mischief in the World, setting Princes to War. They get into the Consciences of Kings, and persuade them what they list, neither can any King have Rest for them. They pretend they are for God and the Church, but their secret Intent is to bring all under their Power; and when they once are set high, then are they Tyrants above all Tyrants.*

Mr. John Frith, that worthy Martyr, in his Answer to Mr. Moor's Preface. *Since Sylvester received such Possessions, hath the Canker so crept into the Church, that it hath almost left never a sound Member: Then, instead of God's Word, they preached their own Commandments, and made Laws to have all under them: And even, as in the Rooms of Moses, Aaron, Joshua, Caleb, and other such faithful Leaders, came Herod, Annas, Caiaphas, Pilate, and Judas, which put Christ to Death; so now instead of Christ, Peter, Paul, James, John, and the faithful Followers of Christ, we have Popes, Cardinals, Archbishops, and proud Prelates, with their Proctors, and malicious Ministers of their Master the Devil, whose End shall be according to their Works.*

Dr. Barnes, in his Supplication to Henry VIII. *Now it is so far come, that whosoever he be, high or low, rich or poor, wife or foolish, that speaketh against the Prelates, and their vicious Living, he is either made a Traitor to your Grace, or an Heretick, Enemy, or Schismatick against holy Church; as tho' the Prelates were Kings or Gods: And if any Man, out of God's Law and right Conscience, speak against their damnable Tyranny, little will they stick to make him an Heretick; and if that will not help to colour and maintain their Oppression, then add they Treason, Sedition, Rebellion, and Contempt of your Grace, tho' he be never so true a Subject.*

I shall conclude with a Passage of learned Mr. Tindal, in his Obedience to a Christian Magistrate, p. 114, 128, 146. *As thou canst heal no Disease except thou begin at the Root, even so canst thou preach against no Mischief, except thou begin at the Bishops. Whether Judas was a Priest or no, I care not; but of this I am sure, that he now is not only Priest, but also a Bishop, Cardinal and Pope. Bishops that preach not, or that preach ought save God's Word, are none of Christ's, nor of his Anointing, but Servants of the Beast whose Mark they bear, whose Word they preach, whose Law they maintain, clean against God's Law. Bishops they are that can only minister the temporal Sword, [their Office, the preaching of God's Word laid aside; which they will neither do themselves, nor suffer any Man else to do, but slay with the temporal Sword (which they have gotten out of the Hands of all Princes) them that would. The Preaching of God's Word is hateful to them. Why? for it is impossible to preach Christ, except thou preach against Antichrist, that is to say, them who, with their false Doctrine, and Violence of Sword, enforce to quench the true Doctrine of Christ. Our Prelates ought to be our Servants, as the Apostles were, to teach us Christ's Doctrine, and not Lords over us, to oppress us with their own Doctrines and Inventions.*



*Letter, Council to the King, July 11. 1679. N<sup>o</sup>. XL.*

*May it please your sacred Majesty,*

AS our Zeal and Faithfulness, in your Majesty's Service, shall ever be valued by us, as our greatest Honour, as well as most bound Duty, so we most humbly acknowledge your Majesty's gracious against all Manner of Difficulties and Opposition. A fresh and signal Instance of your Royal Justice, Wisdom and Goodness in owning your Majesty's Authority and Judicatures, we have this Day received by a Letter from the Duke of Lawderdale, wherein your Majesty is graciously pleased to order us to enquire after the Authors, Contrivers, Writers, Spreaders, and other Accessories to a late infamous Libel, whereby the Proceedings, both of the Privy Council and of the Session, are grossly misrepresented, defamed and slandered, and to proceed against them according to Law and Justice; whereunto (as to all other your Royal Commands) we shall be careful to pay diligent and exact Obedience, and to return your Majesty a clear Account thereof.

Upon this Occasion we must crave Leave to flee to your Majesty's Justice, that you would not suffer our Integrity and Zeal in your Service to be, with Impunity to the Defamers, represented to the World as our greatest Crimes, nor allow private Subjects to assume to themselves the Boldness of arraigning your own Prerogative, and of judging the Actings and Proceedings of your eminent Judicatures, as criminal, without receiving Punishment due to such hainous Offences.

Your Majesty's Royal Ancestors have piously and prudently provided against all such scandalous and dangerous Attempts upon the Monarchy and Government, by making good and wholsom Laws against all Calumny and Slanderers (by Word or Writ) of the King's Person or Government, or of his Privy Council, or their Proceedings, and against all such as endeavour (by Word or Writ) to misconstrue, or misrepresent publick Administrations, as thereby stirring up the Subjects to Milking, Sedition and Unquietness.

And therefore a scandalous and calumnious Libel, under the Title of *Some particular Matters of Fact*, relating to the Administration of Affairs in Scotland under the Duke of Lawderdale, &c. having been some Weeks ago dispersed here in Writing, many Copies whereof are now sent hither, published and printed, from London; which, tho' it would seem, by its Title, to be levelled against the Duke of Lawderdale, (of whose great Usefulness, Integrity and Faithfulness for the Interest of this Kingdom, and your Majesty's Service in it, you have had so long Proof and Experience) yet, in its whole Strain, we humbly conceive, it tends to the Defamation of your Majesty's Government in this your ancient Kingdom, and doth highly reflect on your Majesty's own Royal Wisdom and Actings, as well as on these Proceedings of your Council here, which your Majesty hath graciously owned and authorized, which therein are represented as illegal and arbitrary; and that in another Kingdom, the Subjects whereof may be as easily abused and deluded by such Misrepresentations, as they are utterly unacquainted with the Laws and Customs by which we are governed. We therefore, unless we would tamely betray your Majesty's Authority, and expose your eminent Judicatures to Contempt, and so render both useless for serving the Ends of Government, cannot, but with great Grief, complain to your Majesty of this high Injury and Affront done to your Privy Council, and most humbly supplicate and beseech your Majesty's Justice against the Authors, Contrivers, Framers, Writers, Spreaders, Printers, and all others who shall be found accessory to this calumnious and injurious Libel.

We shall not doubt but your Majesty will be graciously pleased to command this Justice to be done to your faithful Servants and Judicatures, so insolently invaded, when it is so humbly prayed by us, who shall never fail to observe the Prescript of the Laws in all our Actings and Proceedings towards your Subjects, as to maintain your Majesty's just Authority, and Royal Prerogative inviolable, against all the Adversaries thereof. Thus, praying for your Majesty's long, peaceable and prosperous Reign over us, we beg Leave, in all Humility, to subscribe our selves

*Your Majesty's most humble, most faithful,*

*and most loyal Subjects and Servants.*

Subscribed by the Sederunt, except the Bishop of Edinburgh.

*Commission in favours of James Duke of Buccleugh, July 29. 1679. N<sup>o</sup>. XLI.*

CHARLES R.

Our Soveriegn Lord ordains a Commission to be past and exped, under his Majesty's great Seal of his ancient Kingdom of Scotland, whereby, for the great Trust that he reposes in his intirely beloved Cousin and Counsellor, James Duke of Buccleugh and Monmouth, he therefore nominates, constitutes and appoints him Captain General of all his Majesty's Forces already raised, or hereafter to be raised, as well standing as Militia, within his Majesty's said Kingdom, giving and granting to the said James Duke of Buccleugh, the full and absolute Power for bringing together and exercising the said Forces (the said Militia Forces being always to be first raised, by his Majesty's express Order, and not otherwise) and of dividing into Parties, Squadrons or Brigades, and with them, or any of them, to resist all Invasions, either



foreign or intestine, and to suppress all Rebellions and Insurrections, and to kill, take and apprehend all such as do rise, or make Opposition: As also, with full Power and Authority to the said *James Duke of Buccleugh*, to issue out Proclamations, for receiving into his Majesty's Mercy and Pardon, all such Enemies and Rebels as will submit themselves, and lay hold on the said Offer; Councils of War to hold by himself, or other Officers under his Command, and therein to punish, according to the Articles of War, already past, or to be past by his Majesty for that Effect; with Power likewise to him, as General, to call for such Arms and Ammunition, out of his Majesty's Stores, as he shall find necessary for his Majesty's Service; and generally, with all the Powers, Dignities and Preeminencies that are any ways known to have belonged at any Time to the said Office of Captain General: And more especially, with all the Powers and Preeminencies contained in the Commissions formerly granted, by his Majesty, to the Earl of *Ruthes* and *Middleton*, which are all holden as here exprest; willing and commanding all Officers and Persons whatsoever, any ways concerned, to be obedient and assisting to him in all Things touching the due Execution of this present Commission, as they will be answerable to his Majesty upon their highest Peril. Which Commission is to continue in Force, during his Majesty's Pleasure alienably. And his Majesty ordains this Commission to be extended in the best Form, with all Clauses necessary, and to pass the great Seal *per saltum*, without passing any other Seal or Register. For doing whereof, this shall be to the Lord Chancellor, and Director of the Chancellery, a sufficient Warrant.

Given at the Court at Windsor, the Twenty ninth of July 1679.  
and of his Majesty's Reign the Thirty first Year.

May it please your Majesty,

These contain your Majesty's Warrant for a Commission to be past under the great Seal of your ancient Kingdom of Scotland, *per saltum*, nominating, constituting and appointing *James Duke of Buccleugh* and *Monmouth*, Captain General of all your Majesty's Forces, already raised, or hereafter to be raised, as well standing Forces as Militia, within your Majesty's Kingdom (the said Militia Forces being always to be first raised by your Majesty's express Order, and no other ways;) with full Power to him to issue Proclamations for receiving into your Majesty's Mercy and Pardon, all such Enemies or Rebels, as will submit themselves, and lay hold on the said Offer, and to call for such Arms and Ammunition out of your Majesty's Stores, as he shall find necessary for your Majesty's Service; and generally, with all the Powers, Dignities and Preeminencies that are any ways known to have belonged, at any Time, to the said Office of Captain General; and more especially, with all the Powers and Preeminencies contained in the Commissions formerly granted by your Majesty to the Earl of *Ruthes* and *Middleton*, which are held as here exprest. And your Majesty ordains this Commission to continue during your Majesty's Pleasure alienably, and ordains these Presents to be extended, &c.

LAWDERDALE.

### Proclamation against the Murderers of the Archbishop, September 20. 1679. N<sup>o</sup>. XLII.

**C**HARLES, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith: To Our Lovely  
Maces, Pursevants, or Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting. We taking to Our Consideration, how much the Protestant Religion, and the Honour of this Our ancient Kingdom are stained by that barbarous and horrid Assassination and Murder of the late Archbishop of *St. Andrews*, whereof We have, by several Proclamations, expressed Our Abhorrency, and prohibited the Reset of these Murderers, whom We have excepted from Our late gracious Pardon and Indemnity: And albeit it was the Duty (not only of those in Authority under Us,) but of all Our Subjects, to use their Endeavours for discovering and bringing to Justice these execrable Persons, Enemies to all humane Society; yet We understand, that these Murderers, and likewise divers Heritors and Ministers, who were engaged in the late Rebellion, and are excepted from Our Indemnity, have been harboured and reset in some Places of this Kingdom, to the great Reproach of the Nation, and Contempt of Our Authority and Laws. Therefore, We, with Advice of Our Privy Council, do command and charge all Sheriffs, Stewarts, Bailies of Regalities and Bailiaries, and their Deputes, Magistrates of Burghs, and others in Authority under Us, to search for, seek, take and apprehend the Persons afternamed, viz. *John Balfour* of *Kinloch*, *David Hackstoun* of *Rathillet*, *George Balfour* in *Gilstoun*, *James Russel* in *Kettle*, *Robert Dingwall* a Tenant's Son in *Caddam*, *Andrew Guilan Webster* in *Balmerinloch*, *Alexander* and *Andrew Henderson* Sons to *John Henderson* in *Kilbrachmont*, and *George Fleming* Son to *George Fleming* in *Ba'butly*, who did perpetrate and commit the said horrid Murder; and also, any Heritors and Ministers who were in the late Rebellion, and any Persons who have reset and harboured these Murderers and Rebels, wherever they can be found within the Bounds of their respective Jurisdictions, and put them in sure Ward and Firmance, until they be brought to Justice; and in case these Persons flee out of the Shire, that they give Notice thereof to the Sheriff, or other Magistrate of the next Shire or Jurisdiction, that they may, in like Manner, search for, apprehend, and secure them, until they brought to Justice. With Power to the Sheriffs, and other Magistrates aforesaid, if they shall find Cause, to call to their Assistance Our Subjects within their Jurisdiction, or such a Number of them as they shall think fit, who are hereby required to concur with, and assist them, under all highest Pain and Charge. And We expect, that the Sheriffs and other Magistrates aforesaid, will use exact Diligence in the Premises.



Premises, as they will be answerable on their highest Peril. And seeing, by the Fifth Act of the Second Session, and the Second Act of the Third Session of Our First Parliament, the Magistrates and Councils of Burghs are ordained, at and before their Admissions to the Exercise of their Offices, to sign the Declaration appointed to be signed by all Persons in publick Trust, under the Certifications therein exprest: Therefore We, with Advice foresaid, do command and require the Magistrates and Councils of the respective Burghs of this Kingdom, who shall be chosen at the next ensuing Elections, to sign the foresaid Declaration, as is prescribed in the said Acts, and to return the Declarations, so signed by them, to the Clerks of Our Privy Council, betwixt and the Third *Thursday of November* next; certifying such as shall not give Obedience, that they shall be proceeded against, and censured conform to the said Acts of Parliament. Our Will is herefore, and We charge you strictly, and command, that incontinent, these Our Letters seen, ye pass to the Market-cross of *Edinburgh*, and remanent Market-crosses of the head Burghs of the several Shires of this Kingdom, and other Places needful, and there, by open Proclamation, make Publication of the Premises, that none may pretend Ignorance of the same. And We ordain these Presents to be printed.

Given under Our Signet at *Edinburgh*, the *Twentieth Day* of  
September, 1679. and of Our Reign the *Thirty first Year*.

*Will. Paterson* Cl. Secr. Councili.

God save the King.

*Report about the Model of the Militia, December 18. 1679. No. XLIII.*

THE Report underwritten, anent the new Model of the Militia, being read, was approven, and it was recommended to the Committee appointed to consider that Affair, to meet and see what is further to be done thereanent, in pursuance of his Majesty's Commands, signified by his Letters to the Council, of which Report the Tenor follows.

The Committee finds, that, by Two several Acts of Parliament, there is Offer made to his Majesty, of 20000 Foot, and 2000 Horse; that the Privy Council did enact several Things, by way of Instructions, concerning this Militia, in the Year 1668. and especially, that they should rendezvouze for Exercise, Five Days ilk Year: The Committee considered, that no less than Ten Days was possibly necessary for Five Days Exercise, in respect of coming and going, and that Eighteen Shillings Scots is appointed for ilk Horseman, and Six Shillings Scots for ilk Footman of the said Days. They find these Instructions approven and ratified in Parliament, in the Year 1669. and, by the same Act, further Power is granted to the Council, to appoint Rendezvouzes as they should find expedient; yet they do not find, that the Council has hitherto added any more Days than formerly.

They likewise find, that his Majesty, by his gracious Letter the 26 of *October* 1678. looking on the 22000 Men, as too great a Number to be frequently withdrawn from their Employments, did, for the Ease of the Subjects, propose that only 5000 Foot, and 500 Horse, should rendezvouze for Exercise; and, to the end those might be effectual, and fitted for the King and Country's Service, proposed, that they should exercise Four Days each Month: But, in his Royal Wisdom and Goodness, taking Care that the Subjects should not be put to more Expence, than by their own Consent in Parliament they had already consented to, hath not proposed that the Council should add any more Expences upon the account of Rendezvouzes, but that the Days already appointed for the 22000. may be converted to maintain 5500 for an equivalent Number of Days; and if more Days be requisite for Exercise, that his Majesty is to pay therefore. As also, that, out of his Majesty's Treasury, he will order yearly Salaries for such Officers as shall be necessary for exercising these Regiments and Troops in military Discipline, for the common Safety of King and Country. To the which Proposal the Committee find, that the Privy Council, on the 14 Day of *November* 1678. did give their unanimous Approbation, and dutifully returned the same with a just Cast of the said 5500 Men on the several Shires of the Kingdom, in the Proportion of the Militia, according to the Act of Parliament; and likewise his Majesty, by his Letter of the 10 of *December* instant, hath recommended the said Proposition to the Privy Council, with his Royal Pleasure, desiring the same to be made speedily effectual; which being committed, it is the humble Opinion of the Committee, that the Proportions already casten on each Shire are just and equal; and as to the Expences to be paid by the Country, in respect that his Majesty proposes that the whole should rendezvouze Two Days each Year, so that there remains only Eight Days of the Number hitherto appointed, and that his Majesty has signified his Royal Will, not to burden the Subjects with any Addition to what is already appointed.

It is their Opinion, that, in place of the Eight Days for 22000 Men, the Country should pay Thirty two Days to 5500 Men, according to the Rates allowed in the Act of Parliament; and if his Majesty appoint any more Days, that they be paid by his Majesty; and that his Majesty would commission such Officers as he thinks fit, and that so soon as his Majesty pleases; that after they are appointed for their several Charges, they may receive Instructions from the Council to the Commissioners of the Militia in the several Shires, to make the said Model effectual, as is proposed; and if his Majesty pleases to dispense with the Two Days of the general Rendezvouze of the whole, in that case that the Country should pay Forty Days to the Model, at the foresaid Rates, which is, with all Humility, left to his Royal Pleasure.



*Two Commissions, April 8. 1680. N<sup>o</sup>. XLIV.*

**C**HARLES, by the Grace of God, King of Great Britain, *France and Ire'land*, Defender of the Faith:  
To all and sundry Our Lieges and Subjects whom it effeirs, Greeting. Forasmuch as We, by Our gracious Act of Indemnity of the 27 of *July* last, did indemnify, remit and pardon all such as were guilty of Field-conventicles, all such as were in the Rebellion in the Year 1666. or in the late Rebellion, in the Year 1679. Which Indemnity contains divers Exceptions; and particularly, that these who were in the Rebellion should, within the Space therein exprest, enact themselves never to carry Arms against Us, or Our Authority; and with exprest Condition, that, if ever they should be at any Field-conventicles, or should do any Violence to Our orthodox Clergy, Our said Indemnity should not be useful to such Transgressors any manner of way, as in the said Act, at more length, is contained: And whereas We are informed, that, since the granting of Our said Indemnity, divers Persons who were in the Rebellion, and did not enact themselves in manner foresaid, and others who have enacted themselves, have, notwithstanding thereof been present at Field-conventicles, whereby they have forfeited the Benefit of Our Indemnity, and deserve to be exemplarily punished; and considering, that, by the great Throng of Affairs now in Dependence before Our Justice-court at *Edinburgh*, the said Persons cannot be so soon and readily brought to a Trial; We therefore, with Advice of Our Privy Council, do hereby make and constitute

Our Justices in that Part, to the Effect underwritten, with Power to them, or any of them, to call before them any Person or Persons apprehended, or that shall be apprehended within for being at any Field-conventicles, who were in the late Rebellion, and did not take the Bond within the Time limited to that Effect, or, having taken the Bond, have forfeited Our Indemnity by being present at any Field-conventicles; as also any Person or Persons, who, albeit they were not in the Rebellion, are taken, or shall be taken at a Field-conventicle in Arms, excepting only such Heritors who are to be forfeited in the Justice-court at *Edinburgh*, and to put the said Persons to the Trial and Knowledge of an Assize, and according as they shall be found innocent or guilty, that they cause Justice be administrate upon them, conform to the Laws of this Our Realm; and for that Effect to fence and hold Courts, create Sergeants, Dempsters, and other Members of Court needful, to call Assizes and Witnesses as oft as need is, Absents to amerciate, Unlaws and Amerciaments to uplift and enact, and this Our Commission to continue and endure until . . . It is hereby declared, that this Our Commission shall be good and valid to the Effect foresaid, notwithstanding the Persons to be judged are guilty of Acts of Treason and Rebellion, and that the same shall no ways be prejudicial to any Right, Power, or Privilege of Jurisdiction competent to Our Justices, Sheriffs, Stewarts, and other Judges, as accords of the Law.

*Edinburgh, eodem die & anno.*

*Tenor of the Commission for proceeding against Persons guilty of Field-conventicles, and other Disorders mentioned in the said Letter.*

**C**HARLES, by the Grace of God, King of Great Britain, *France and Ireland*, Defender of the Faith:  
To all and sundry Our Lieges and Subjects whom it effeirs, Greeting. Forasmuch as We, by Our gracious Proclamation of the 29 of *June* last, having signified Our Desire to reclaim such of Our Subjects as have been misled by Ignorance or blind Zeal, did, conform to the Power reserved to Us by the First Act of the Second Session of Our Second Parliament, suspend the Execution of all Laws against such as frequent House-conventicles within the Bounds and upon the Limitations therein exprest, and ordained, that all such as should be suffered to preach, by Our Indulgence, to have their Names given in, and Surety found to Our Council for their peaceable Behaviour; and, by another Proclamation of the 13 of *November* last, as We declared that We would have all the Acts of Our Grace and Mercy made effectual in the most favourable Sense to all for whom the same was intended, so We would not permit any to preach by virtue of the Indulgence or Connivance contained in Our said Proclamation, unless their Names were given in, and Caution found, as aforesaid, but would look upon and esteem them, and such as should resort to their irregular Meetings, as Persons disaffected to Our Authority, and Contemnners of Our Grace and Clemency, and proceed against them in the utmost Severity of Law. And whereas We are informed that, in divers Places of the Kingdom, several outed Ministers take upon them to preach without having their Names given in to Our Council, or Caution found for their peaceable Behaviour; and some of them have proceeded to that Height, as again to preach in the Fields, in great Contempt of Our Authority and gracious Proclamations; and to the effect these disorderly Persons, both Preachers and Hearers of them, may be brought to Justice, and suffer condign Punishment according to Our Laws, We, with Advice of Our Privy Council, do hereby give and grant full Power, Authority and Commission to Our Justices of Peace within the Shire of . . . or any . . . of them, to put in Execution the several Laws and Acts of Parliament made against Field-conventicles, and disorderly Baptisms and Marriages, and particularly the Fifth and Sixth Acts of the Second Session of Our Second Parliament, and, to that effect, to call before them the Persons, within the said Shire, guilty of the contravening thereof, since Our late gracious Act of Indemnity, or that shall happen hereafter to contravene the same, at such Times and Places as they shall think expedient, create Clerks and other Members of Court needful, to issue forth Precepts and Citations against the Persons guilty, Probation to receive and adduce, Decrees and Sentences to pronounce, and the same to due Execution cause be put, by Precepts and Charges thereupon, Poynding and other Diligence, according to Law: And for their Encouragement in the said Service, to uplift and apply the said Fines for defraying their own, and the Charges and Expences of the Court, and this Our Commission to continue and endure . . . And it is hereby declared, that this Commission, Power and



and Jurisdiction therein granted, is cumulative, and not privative of the Sheriff of the Shire, or other Judges within the same, their Power and Jurisdiction, but that they may proceed, and try, and judge in the Cases foresaid, if they shall prevent the said Commissioners in Diligence, by prior Citations and Sentences.

*Letter, Council to the King, anent Lord Cardross, February 12. 1680. N<sup>o</sup>. XLV.*

*Most sacred Sovereign,*

HAVING seen a Paper presented to your Majesty by the Lord Cardross, entituled, *A short Account of his Sufferings*, in which he represents, among other Articles, that he was fined in considerable Sums through the Misrepresentation of some, for his Lady's hearing her Chaplain only preach in her own House; which Chaplain, we cannot forbear to inform your Majesty, was one Mr. John King, a Person so eminently seditious, that he was one of the prime Incendiaries and Ringleaders of the late Rebellion, and for which Treason he was forfeited and executed. To satisfy your Majesty, in what was clearly proved against the said Lord Cardross, we have sent to you the Sentence of Council pronounced against him, whereby your Majesty will clearly perceive the Equity of our Procedure, and the Unreasonableness of his Clamour against us. This being the true State of this Affair, in which there was but too much to be said against the Lord Cardross, and in which there was more Care and Pains taken, and Endeavours used by the Council, than in most Cases of that Nature (we being only concerned in asserting your Royal Authority) we humbly conceive, that when your Majesty considers the Sentence of Council pronounced against that Lord, you will find how much he hath suppressed the Truth, and suggested that which is false, and humbly remit to your Majesty's great Prudence, what Course is fittest for vindicating of your own Authority, and for preventing such Misrepresentations of us your Servants, we being, in all Humility,

*Your Majesty's most humble, most faithful,*

*and most obedient Subjects and Servants.*

*Roths Chancellor,  
Alexander St. Andrews,  
Douglas,  
Montrose,  
Argyle,  
Marishal,  
Glencairn,  
Linthgow,  
Wigton,  
Strathmore,  
Queensberry,  
Dundonald,  
Cathnes,*

*John Edinburgen,  
Elphinstoun,  
Ross,  
Charles Maitland,  
Thomas Murray,  
George Mackenzie,  
J. Wallace,  
James Fowles,  
George Mackenzie,  
G. Gordon,  
G. Kinnaird,  
J. Wauchope.*

*Queensferry Paper. N<sup>o</sup>. XLVI.*

WE Undersubscribers, for our selves, and all that shall adhere to us, or joyn with us, being put to it by God, our own Consciences, and Men, and following the Examples of God's People, registrate in his Word in such Cases; we are resolved (having acknowledged and obtained Mercy, we trust, for our former Breaches of Covenants with God) to bind our selves with a solemn and sacred Bond, lest upon the one Hand, we should be carried away with the Stream of the Defection of this Time, that neither minds bypast Vows, nor intends Performance, but are going a quite contrary Way of seeking their own Things: And on the other Hand, lest we should wander, vanish into Vanity, and come to nothing, not having any fixed Limits and End proposed to our selves; and as we resolve to covenant with and before God, so to declare before the World, what are the Designs we propose to pursue, if God shall give us Power and Success, that Men (knowing) if they will know, our inward Thoughts and utmost End, and our Way from the one to the other, may not be at a Trouble or Uncertainty to find us out, and may have no Occasion to misjudge, nor misrepute us that are Friends, and those that have the Glory of God before their Eyes (as we may have no Cause to be jealous of our Intentions) and that our Enemies with their associate Backsliders (sometimes professed Friends) may not have Ground to load us with foul and odious Aspersions, but that all knowing the Truth of Things, those who oppose the Kingdom of God with us, may do it without Excuse, and those who joyn with us, may do it on solid Grounds and in hazarding their perishing, or Lives, may know they do not die as Fools: It is true the Unmindfulness, Failing, Counteracting, and Mocking that has been in our former Vows and Covenants with God, together with great spiritual Judgments that have followed both upon Professors and Ministers, and the great temporal Judgments that are like to follow



follow, puts us to some Stop; so that we cannot but with much Trembling of Heart renew our Covenant, or engage a new, especially considering our own Weakness and Hazard; yet the clear Conviction of Duty, Zeal to God's Glory, and Love to Christ's reigning, which is the highest and greatest Duty that a Man can perform to God, trusting in his Mercy, who knows the Integrity and Rightness of our Intentions, will both instruct, enable, accept, preserve and prosper us: We go on declaring those, and nothing but those to be our present Purposes.

*First.* We covenant and swear, That we acknowledge and avouch the only true and living God, Father, Son, and Holy Ghost, to be our God, and that we cleave with his Way of Redemption by his Son Jesus Christ, and rely upon his Righteousness, as that Righteousness only whereby a Man can be justified before God; and that we acknowledge the Scriptures of the Old and New Testament to be by divine Revelation, and to contain the Will of God to Man, and anent Men; and that we take those Scriptures to be the only Object Matter of our Faith, and Rule of our Conversation in all Things, and that we do give up our selves to God, to be renewed, instructed by his Grace, and ruled in all Things by his Spirit according to his Word, and shall earnestly endeavour to render him that Love, Worship and Obedience that his Word requires, and his Goodness obliges us to.

*Secondly.* That we shall, to the utmost of our Power, advance the Kingdom of God (if at any Time God shall give us Power) by establishing throughout the Lands, Righteousness, and the true reformed Religion, in the Truth of its Doctrine, in the Purity and Power of its Worship and Ordinances, its right Government and Discipline, and that we shall free the Church of God from the Tyranny and Corruption of Prelacy on the one Hand, and the Thralldom and Encroachments of *Erasianism* upon the other Hand; and that we shall, to the utmost of our Power, relieve the Church and our Brethren, the Subjects of this Kingdom (God authorizing and calling us to this, by his raising us up, and giving us Power and Success in removing those who by their Transgression have forfeited their Authority) of that Oppression that hath been exercised upon their Consciences, civil Rights and Liberties, that Men may serve God holily without Fear, and possess their civil Rights peaceably without Disturbance.

*Thirdly.* That we confess with our Mouth, and believe with our Hearts, that the Doctrine of the reformed Churches, especially that of *Scotland*, contained in the Scriptures, summed up in our Confessions of Faith, and engaged to by us in our Covenants, is the only true Doctrine of God, and that we purpose to persevere in it to the End; and that the pure Worship required and prescribed in the Scriptures, without the Inventions, Additions, Adornings, or Corruptions of Men, is the only true Worship of God, and the Presbyterian Government, exercised by lawful Ministers and Elders in Kirk-sessions, Presbyteries, Synods and General Assemblies, is the only right Government of the Church, and that this Government is a distinct Government from the Civil, and ought distinctly to be exercised, not after a carnal Manner by the Plurality of Votes, or Authority of a single Person, but according to the Word of God; so that the Word makes and carries the Sentence, and not Plurality of Votes.

*Fourthly.* That we shall endeavour, to our utmost, the Overthrow of the Kingdom of Darkness, and whatever is contrary to the Kingdom of Christ, especially Idolatry and Popery in all the Articles of it, as we are bound in our National Covenants, Superstition, Wilt-worship and Prelacy, with its Hierarchy, as we are bound in our solemn League and Covenant, and that we shall with the same Sincerity endeavour the Overthrow of that Power (it being no more Authority) that hath established, and upholds that Kingdom of Darkness, that Prelacy, *to wit*, and *Erasianism* over the Church, and hath exercised such a lustful and arbitrary Tyranny over the Subjects, taking all Power in their Hand, that they may at their Pleasure introduce Popery in the Church, as they have done arbitrary Government in the State. And in a Word, that we shall endeavour the Extirpation of all the Works of Darkness, and the Relicks of Idolatry and Superstition (which are much enlarged and revived in those Times) and execute righteous Judgment impartially (according to the Word of God, and Degree of Offences) upon Committers of those Things, especially, *to wit*, the Blasphemy, Idolatry, Atheism, Sorcery, Perjury, Uncleanness, Profanation of the Lord's Day, Oppression and Malignancy, that thus being zealous of God's Glory, he may delight to dwell in the midst of us.

*Fifthly.* Seriously considering, that the Hand of our Kings, and Rulers with them, hath been of a long Time against the Throne of the Lord, and that the Lord, upon this account, has declared that he will have War with them for ever, and has commanded his People utterly to root them out; and considering that the Line and Succession of our King and Rulers hath been against the Power and Purity of Religion, and Godliness, and Christ's reigning over his Church, and its Freedom, and so against God, and hath degenerate from that Virtue, Moderation, Sobriety and good Government, which was the Tenor and Right by which their Ancestors kept their Crowns (for when they left that, they themselves were laid aside, as our Chronicles and Registers do record) into an idle and sinful Magnificence, where the all and only Government is to keep up their own Absoluteness and Tyranny, and to keep on a Yoke of Thralldom upon the Subjects, and to squeeze from them their Substance to uphold their lustful and pompous Superfluities: We having no better nor greater Way at this Time of manifesting our publick siding with, and loving of God, nor seeing a more speedy Way of Relaxation from the Wrath of God (that hath ever lien heavy on us, since we engaged with him) but of rejecting of them, who have so manifestly rejected God (especially of late) and his Service and Reformation, as a Slavery, as they themselves call it in their publick Papers, especially in their late Letters to the King and Duke of *Lawderdale*, disclaiming the Covenants with God, and blasphemously enacted it to be burnt by the Hand of the Hangman, governed contrary to all right Laws divine and humane, exercised such Tyranny and arbitrary Government, so oppressed Men in their Consciences and civil Rights, used free Subjects, Christian and reasonable Men, with less Discretion than their Beasts, and so not only frustrate the End of Government, which is, that Men may live peaceably and godly under them (this being the End of Government, to maintain every one in their Rights and Liberties against Wrongs and Injuries) but have done directly opposite to it, by enacting and commanding Impieties, Injuries and Robberies, to the denying of God his Due, and the Subjects their Godliness and Peace: So that instead of Government, Godliness and Peace, there is nothing but Rapin, Tumult and Blood; so that now it cannot be called a Government, but a lustful Rage, exercised with as little right Reason, and more Cruelty nor in Beasts; and they themselves can no more be called Governors, but publick Grasslators, and publick judgments, which all ought to set themselves against, as they would do against Pestilence, Sword and Famine raging



raging among them ; for they are like those, and bring those : And as they have exercised no good Government, nor administered Justice, so on the other Hand, they have stopped the Course of Law and Justice against Blasphemers, Idolaters, Atheists, Sorcerers, Murderers, incestuous and adulterous Persons, and other Malefactors ; and instead of rewarding the Good, have made Butcheries and Murders upon the Lord's People, sold them as Slaves, imprisoned, forfeited, fined, banished, &c. and that upon no other Account, but for maintaining Christ's Right of ruling over their Consciences, against the Usurpations of Men, for fulfilling their Vows, repelling unjust Violence (which innocent Nature allows every Creature) of all which Particulars we can give (we speak before God) innumerable and sure Instances.

But that we may see if there be any Thing that stands in our Way, there are but three Things that seem to have Weight that we know. *First*. Whether the Deed and Obligation of our Ancestor, can bind us. *Secondly*. Whether the Covenant doth bind us either to this Man or his Posterity. And *Thirdly*. Whether there yet be any Hope of them and their Posterity.

1. As to the *First*. Our Ancestors their Transactions and Obligations neither did, nor could bind us, they did not buy their Liberty and Conquest with our Thralldom and Slavery ; nor could they, Liberty and Freedom being a Benefit next to Life, if not in some Regard above it, that they could not give it away more than our Lives, neither is it in the Power of Parents to bind their Posterity to any Thing that is so much to their Prejudice, and against their natural Liberty. It is otherwise indeed in Things moral. Neither did they bind us to any Thing but to a Government, which they then esteemed the best for the Common-wealth and Subjects ; and when this ceaseth, we are free to choose another, if we see it more conducive for that End, and more free of these Inconveniencies. *2dly*. The Covenant doth not, for it only binds us to maintain our King in the Maintenance of the true established and covenanted Religion ; and this we have not : Neither can they require Homage upon the account of the Covenant, having renounced and disclaimed that Covenant : And we being no otherwise bound, the Covenant being the Coronation Compact, without the swearing and sealing of which our Fathers, or rather we our selves refused to receive him for King, and them for Rulers ; and if they were free to refuse him for King, upon the account of not subscribing of that Covenant, we are much more free to reject him upon his renouncing of it, this being the only Way of receiving the Crown of Scotland ; and reigning also, not being an Inheritance that passes from Father to Son without the Consent of Tenants, but an (and the more Men plead for this, the more we are concerned to look to it) Office, which, all say, is given *ad culpam, non ad vitam*. And for the *3d*. Neither is there any Hope of their Return from these Courses, having so often shewed their Natures and Enmities against God and all Righteousness, and having so oft declared and renewed their Purposes and Promises of persevering in those Courses ; and suppose they should dissemble a Repentance of those Things, and profess to return to better Courses, being put to Straits, and for their own Ends (for upon no other Account can we reasonably expect it : ) Supposing also, that there might be Pardon for that which is done, which we cannot see can be, without the Violation of God's Law, and the laying on of a great Guiltiness upon the Land, for the omitting of the Execution of so deserved and so necessarily requisite a Justice, from which Guiltiness the Land cannot be cleansed or made free, but by executing of God's righteous Judgment upon them : But supposing that it might, they cannot now be believed, after they have violated all Ties that human Wisdom can devise to bind Men. And besides, who sees not somewhat of Folly to be in this, to think to bind a King that pretends to Absoluteness ? The Way being thus cleared, and we being sure of God's Approbation and Mens, whose Hearts are not utterly biased, and Conscience altogether corrupted, and knowing assuredly, the upholding of such, is to uphold Men to bear down Christ's Kingdom, and to uphold Satan's, and to deprive Men of right Government and good Governors, to the ruining of Religion, and undoing of human Society. And seeing also the innumerable Sins and Snares that are in giving Obedience to their Acts upon the one Hand ; and upon the other Hand, seeing the endless Miseries that will follow if we shall acknowledge their Authority, and refuse Obedience to their sinful Commands ; we then upon those, and the following Grounds, do reject that King, and those associate with him in the Government (stated and declared Enemies to Jesus Christ) from being our King and Rulers, because standing in the Way of our right, free and peaceable serving of God, propagating his Kingdom and Reformation, and overthrowing Satan's Kingdom according to our Covenants, declare them to be henceforth no lawful Rulers, as they have declared us to be no lawful Subjects, upon a Ground far less warrantable, as Men unbiassed will see : And that after this, we neither own, nor shall yield any willing Obedience to them, but shall rather suffer the utmost of their Cruelties and Injuries (until God shall plead our Cause) being no more bound to them, they having altered and destroyed the Lord's established Religion, overturned the fundamental and established Laws of the Kingdom, taken away altogether Christ's Church-government, and changed the civil Government of this Land, which was by a King and free Parliament, into Tyranny, where none are associate to be Partakers of the Government but only those who will be found by Justice to be guilty of Criminals, and where all others are excluded, even those who by the Laws of the Land, and by Birth, have a Right to, and a Share in that Government, and that only because they are not of the same Guiltiness and mischievous Purposes with themselves. and where also all free Elections of Commissioners for Parliaments, and Officers for Government, are made void, they making those the Qualifications for Admission to those Places, which by the Word of God, and the Laws of the Land, was the Cause of their Exclusion before. So that none can say that we are now bound in Allegiance unto them, unless they will say, we are bound in Allegiance to Devils, whose Vicegerents they are, having neither Authority from God (because it is by their Sinfulness forfeited) nor yet judging nor ruling for God.

We then being made free by God and their own Doings, (he giving the Law, and they giving the Transgression of that Law, which is the Cause) and being now loosed from all Obligations both Divine and Civil to them, knowing also, that no Society of Men, having Corruption in them (which always is ready to beget Disorder, and to do Injuries, unless restrained and punished by Laws and Government) can be without Laws and Government, and withal desiring to be governed in the best Way that is least liable to Inconveniencies, and least apt to degenerate into Tyranny : We do declare, That we shall set up over our selves, and over what God shall give us Power of, Government and Governors according to the Word of God, and especially that Word, *Exod. xviii. 21. Moreover thou shalt provide out of all the People, able Men, such as fear God, Men of Truth, hating Covetousness, and place such over them, to be Rulers of Thousands, and Rulers of Hundreds,*



*Rulers of Fifties, and Rulers of Tens.* That we shall no more commit the Government of our selves, and the making of Laws for us, to any one single Person, or lineal Successor, we not being by God, as the *Jews* were, bound to one single Family; and this Kind of Government by a single Person being most liable to Inconveniencies, and aptest to degenerate into Tyranny, as sad and long Experience hath taught us.

Moreover we declare, That those Men whom we shall set over us, shall be engaged to govern us principally by that civil and judicial Law (we think none will be so ignorant as to think, by the judicial Law we mean that which is ceremonial or typical) given by God to his People of *Israel*, no Man, we think, doubting, but it must be the best so far as it goes, being given by God; and we having no Body of Law of our own, but some few imperfect Acts of Parliament, and sometimes following the Canon, and sometimes the Feudal, and sometimes the Civil, which occasions great Contentions among the People, especially those who are naturally litigious, to the exhausting and inhancing of the Substance of the Kingdom to some few Men, and squeezing of its Inhabitants, but especially that we shall be governed by that Law in Matters of Life and Death, and all other Things also, so far as they reach, and are consistent with our Christian Liberty established in all Christendom (only violated by our Tyrants and some others of late) excepting only that of Divorce and Polygamy, the one being not a Law, but a Permission granted upon the account of the Hardness of their Hearts, the other being a sinful Custom, contrary to the first Institution of Marriage, crept into the Church. We know that Men of malignant and perverse Spirits, who have not a higher God than a wicked King, which suits only with their lustful Licentiousness, and it may be others with them, that seemed to be of better Principles, will raise an ignorant Clamour upon this, that it is a fifth Monarchy, and we fifth Monarchy Men, and will labour to amuse the People with strange Terms, and put odious Names on good Things to make them hateful as their Way is; but it this be their fifth Monarchy, we both are, and ought to be such, and that according to God's Word.

*Sixthly.* It being the Work of the Ministers of the Gospel to preach, propagate and defend the Kingdom of God, and to preserve the Doctrine, Worship, Discipline, Government, Liberties and Privileges of the same from all Corruptions and Encroachments of Rulers and all others; and seeing that the Ministers of the Church of *Scotland*, at least the greatest Part of them by far, not only were defective in preaching and testifying against the Acts of Rulers, for overthrowing Religion and Reformation, abjuring our Covenant with God, establishing a Government in the Church, which their King calls his own Government (and so is not God's) contrary to our Covenant, against enacting of that blasphemous (so *Calvin* calls that Supremacy of *Henry VIII.* upon which this Prerogative is formed, and from which it is derived, and is no less, if not more injurious to Christ, and enslaving to his Church) and sacrilegious Prerogative, given to a King over the Church of God, and against their other Acts and Encroachments upon his Church, and hindred others also who were willing, and would have testified against them, and censured some that did it (for which, together with other Faults in their Trust and Administration, we may say God hath left them to do worse Things) but also have voted in that Meeting (which they are pleased to call *An Assembly of Ministers*, but how unjustly, let Men judge) an Acceptation of that Liberty founded upon, and given by virtue of that blasphemous, arrogated and usurped Power, and has appeared before their Courts to accept of that Liberty, and to be enacted and authorized their Ministers, and so have willingly (for this is an elicite Act of the Will, and not an Act of Force and Constraint) translated the Power of sending out, ordering and censuring (for, as they accepted the Liberty from them, so they are answerable and submit to their Censures and Restraints, at least, all of them who were yet tried with it, and others of them appeared, and acknowledged before their Courts, that they would not have done these Things that they were charged with, if they had thought it would have offended them) Ministers from the Court of Christ, and Subjection to the Ministry to the Courts of Men, and Subjection unto the Magistrate (which had been impious and injurious to Christ, tho' they had been righteous and lawful Rulers) and by their changing of Courts (according to common Law) have changed their Masters, and of the Ministers of Christ are become the Ministers of Men, and bound to answer to them, as they will; and as, by the Acceptance of this Liberty in such a Manner, they have translated the Power, so they have given up and quit utterly the Government, and a Succession of a Presbyterian Ministry, for as those were not granted them of their Masters, so they received their Ministry without them, and by this (as the ecclesiastick Government is swallowed up in the civil) if the rest had followed them, the Ministry should have been extinct with themselves, and the whole Work of Reformation had been buried in Oblivion, and not so much as the Remembrance thereof kept up. Those, together with the other of their Commissions, in preaching the Lawfulness of paying that Tribute, declared to be imposed for the bearing down of the true Worship of God (which they falsely termed *Seditious Conventicles, Rendezvous of Rebellion*) and their advising those poor Prisoners to subscribe that Bond, and consequently could not but so advise others, if put to it (for the Hazard Men were in will not make a real Change of the Morality of the Action) and besides, the rest may be put to it upon the same Hazard; and if the one should advise (which consequently they must do) and the other should subscribe, this would altogether close that Door, which the Lord hath made use of in all the Churches of *Europe*, for casting off the Yoke of the Where, and restoring the Truth and Purity of Religion and Reformation, and Freedom of the Churches, and should also have stopped all Regrets of Men, when once brought under Tyranny, to recover their Liberty again. Those Ministers then not being Followers of Christ, who, before *Pontius Pilate*, gave a good Confession, which was *that he was a King* (and no King, if he have no Power to order his House and Subjects) and they not following him nor his Ministers, they not asserting and maintaining this his kingly Power, against all Incroachments and Usurpers of it; and besides, we being commanded, if any Brother walk disorderly, from such to withdraw: And altho', in the Capacity that we are now in, we neither have, nor assume to our selves Authority to give out definitive and authoritative Sentence of Deposition against those Ministers; yet we declare (which is proper for us to do) that we neither can nor will hear Preaching, nor receive Sacraments from any of those Ministers that have accepted, and voted for that Liberty, nor from any who have encouraged and strengthened their Hands by hearing and pleading for them, all those who have trafficked for an Union with them, without their renouncing and repenting of those Things, all that do not faithfully testify against them, and after do not deport themselves suitably to their Testimonies, all who joyn not in publick with their Brethren, who are testifying against them.



We declare, that we shall not own, &c. at least till they stand in Judgment before those Ministers, and be judged by them who have followed the Lord, kept themselves free of those Defections, or at least have repented; and as our Hearts have cleaved to those Ministers, while they were on the Lord's Side, and subjected to them, so we shall still cleave to those that abide following him, and shall be subject to them in the Lord.

*Seventhly.* Then, we do declare and acknowledge, that a Gospel Ministry is a standing Ordinance of God, appointed by Christ to continue in the Church until the End of the World; and that none of us shall take upon him the preaching of the Word, or administering of the Sacraments, unless called and ordained thereto by the Ministers of the Gospel: And, as we declare, that we are for a standing Gospel-ministry, rightly chosen and rightly ordained, so we declare that we shall go about this Work in Time to come with more be chosen and ordained, the Want of which formerly has been a great Sin, both in Ministers and People, which hath not been the least Cause of this Defection. This will meet with the same Measure as the former. The former was a Fifth Monarchy, so this will be a Separation. There is both Malice and Ignorance in this Calumny. Malice in striving to make us odious; for there is Nothing that will make us more odious to the World, than to tell them we think our selves more holy than all, and will have no Communion with others: But we abhor such Thoughts, and whatever we know of our Sincerity, yet we know Nothing of our Perfection, and so see Nothing whereupon we may compare, much less exceed others, but the contrary; and if any were to be shut out upon that account, we judge our selves would be the first. There is Ignorance in it, if not a deep Deceit; for Separation, as the Scripture and Divines take it in an evil Sense, cannot be attributed to us; for if there be a Separation, it must be where the Change is, and that is not in us; we are not separating from the Communion of the Church, and setting up new Ordinances, and a new Ministry, but cleaving to the same Ministers, and following the same Ordinances, when others have slidden back to new Ways, and have a new Authority superadded, which is like the new Piece in the old Garment.

*Eighthly.* We bind and oblige our selves to defend our selves, and one another in our worshipping of God, and in our natural, civil and divine Rights and Liberties, till we shall overcome, or send them down under Debate to the Posterity, that they may begin where we end; and if we shall be pursued or troubled any farther in our worshipping, Rights and Liberties, that we shall look on it, as a declaring War, and take all the Advantages that one Enemy doth of another, and seek to cause to perish, all that shall, in an hostile Manner, assault us, and to maintain, relieve and right our selves of those that have wronged us, but not to trouble or injure any, but those that have injured us, those being most lawful for us, being many that are wronged upon such an account, and by such Persons who have Nothing now over us, but Power and usurped Authority, which we shall neither answer nor acknowledge, if we can do otherwise, hoping that God shall break off that Part of the Yoke, and free us of that Power and Tyranny, that we have cast off upon his account, and will give us Judges as we had at the Beginning, and Counsellors as we had at the first.

### Sanquhar Declaration, 1680. N<sup>o</sup>. XLVII.

IT is not amongst the smallest of the Lord's Mercies to this poor Land, that there have been always some who have given their Testimony against every Course of Defection, (that many are guilty of) which is a Token for Good, that he doth not as yet intend to cast us off altogether, but that he will leave a Remnant in whom he will be glorious, if they, through his Grace, keep themselves clean still, and walk in his Way and Method, as it has been walked in and owned by him in our Predecessors of truly worthy Memory, in their carrying on of our noble Work of Reformation in the several Steps thereof, from Popery, Prelacy, and likewise *Erastian* Supremacy, so much usurped by him, who ('tis true so far as we know) is descended from the Race of our Kings, yet he hath so far deborded from what he ought to have been, by his Perjury and Usurpation in Church Matters, and Tyranny in Matters civil, as is known by the whole Land, that we have just Reason to account it one of the Lord's great Controversies against us, that we have not disowned him and the Men of his Practices, (whether inferior Magistrates or any other) as Enemies to our Lord and his Crown, and the true Protestant and Presbyterian Interest in thir Lands, our Lord's espoused Bride and Church. Therefore, altho' we be for Government and Governors, such as the Word of God and our Covenant allows, yet we for our selves, and all that will adhere to us, as the Representative of the true Presbyterian Kirk, and covenanted Nation of *Scotland*, considering the great Hazard of lying under such a Sin any longer, do by thir Presents disown *Charles Stuart*, that has been reigning (or rather tyrannizing, as we may say) on the Throne of *Britain* these Years bygone, as having any Right, Title to, or Interest in the said Crown of *Scotland* for Government, as forfeited several Years since, by his Perjury and Breach of Covenant both to God and his Kirk, and Usurpation of his Crown and Royal Prerogatives therein, and many other Breaches in Matters Ecclesiastick, and by his Tyranny and Breach of the very *leges regnandi* in Matters Civil. For which Reason, we declare, that several Years since he should have been denuded of being King, Ruler or Magistrate, or of having any Power to act, or to be obeyed as such. As also, we being under the Standard of our Lord Jesus Christ, Captain of Salvation, do declare a War with such a Tyrant and Usurper, and all the Men of his Practices, as Enemies to our Lord Jesus Christ, and his Cause and Covenants; and against all such as have strengthened him, sided with, or any wise acknowledged him in his Tyranny Civil or Ecclesiastick, yea, against all such as shall strengthen, side with, or any wise acknowledge any other in the like Usurpation and Tyranny, far more against such as would betray or deliver up our free reformed Mother-kirk unto the Bondage of Antichrist the Pope of *Rome*. And by this we homologate that Testimony given at *Rutherglen* the 29 of *May* 1679. and all the faithful Testimonies of these who have gone before, as also of these



these who have suffered of late. And we do disclaim that Declaration published at *Hamiltoun* June 1679. chiefly because it takes in the King's Interest, which we are several Years since loosed from, because of the foresaid Reasons, and others, which may after this (if the Lord will) be published. As also, we disown, and by this resent the Reception of the Duke of York that profest Papist, as repugnant to our Principles and Vows to the most high God, and as that which is the great, tho' not alone, just Reproach of our Kirk and Nation. We also by this protest against his succeeding to the Crown; and whatever has been done, or any are essaying to do in this Land (given to the Lord) in Prejudice to our Work of Reformation. And to conclude, we hope after this none will blame us for, or offend at our rewarding these that are against us, as they have done to us, as the Lord gives Opportunity. This is not to exclude any that have declined, if they be willing to give Satisfaction according to the Degree of their Offence.

*Given at Sanquhar, June 22. 1680.*

*Proclamation against Mr. R. Cameron and others, June ult. 1680. N<sup>o</sup>. XLVIII.*

**C**HARLES, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith :  
 Our Lyon King at Arms, and his Brethren, Heralds, Macers, Purservants and Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting, Forasmuch as Mr. *Richard Cameron*, Cameron his Brother, Mr. *Thomas Douglas*, Mr. *Donald Cargil*, and others their Accomplices, have now at last shaken off all Respect to Our Laws, and their Allegiance it self to Us their undoubted Sovereign, and have entred into expresse and open Combinations and Covenants, wherein they most sacrilegiously do by a solemn Oath, engage themselves to disown Us and Our Authority, and declare it not only lawful, but a Christian Duty upon all Our Subjects, to rise in Arms against Us, and to murder such as are in any Trust or Employment under Us, declaring Us an Usurper, and that none should obey them who are in Authority under Us, but such as would obey the Devil and his Vicegerents, and that they will choose and set up Magistrates who shall govern them according to the judicial Law of *Moses*, and not according to the Laws made by Us or any of Our Predecessors: Which Covenant, with several most impious, scandalous and seditious Pamphlets, were taken from the said Mr. *Donald Cargil* (one of their Preachers) at the *Queensferry*, upon the Third Day of June instant. Likeas, the said Mr. *Richard Cameron*, and his Brother, and Mr. *Thomas Douglas*, accompanied with several Ruffians, and particularly *John Vallange*, Brother in Law to *Robert Park* one of the Bailies of *Sanquhar*, *Dame Macmitchel* in *Lorgfoot*, *Thomas Campbel* Son to *Campbel* late of *Dalblair* in *Auchinleck* Parish, *John Moodie* Brother to the Miller at *Cubs-mill* in the same Parish, *John Fowler* sometimes Servant to the deceased *Lindsay* of *Coxington*, *Patrick Gamil* Son in Law to *Charles Logan* Messenger at *Cummock Mains*, *James Stuart* Son to *Archibald Stuart* at *Causey-end*, near to the Earl of *Galloway's* House, *Alexander Gordon* called of *Kisture*, *Francis Johnston* Merchant in *Chydale*, *Crichton* Son to *Robert Crichton* of *Auchintinch*, now in *Water-head*, and others, to the Number of Twenty one Persons, did, upon the 22 of June, enter within the Burgh of *Sanquhar*, with drawn Swords and Pistols in their Hands, and after a solemn Procession through the Town, did draw up at the Cross, and published and affixed upon the Cross and other publick Places thereof, a most treasonable and unparalleled Paper, disowning Us to be their King, and defaming Us with the very same Names and Designations used by the Usurpers in their greatest Rage, after they had murdered the King. Our Royal and blessed Father of eternal Memory, and overturned all the fundamental Laws and Rights belonging to Us and Our Subjects, whose Principles and Footsteps they exactly renew and follow. The reading and affixing of which Proclamation, by these Traitors and Rebels, being clearly proved to Our Privy Council by Witnesses upon Oath; and it being notour and undeniable, that these Traitors, to the Number of Seventy, or thereby, continue in Arms, committing all Manner of Outrages and Insolencies: We have therefore, with Advice of Our Privy Council, thought fit, as Use is in such Cases, to declare the said Mr. *Richard Cameron*, Cameron his Brother, Mr. *Thomas Douglas*, Mr. *Donald Cargil*, *John Vallange*, *Daniel Macmitchel*, *Thomas Campbel*, *John Moodie*, *Patrick Gamil*, *James Stuart*, *Alexander Gordon*, *Francis Johnston* and *Crichton*, open and notorious Traitors and Rebels against Us and Our Authority, empowering and requiring all Our good Subjects to treat them as such; and particularly we hereby require and command all our good Subjects, as they will be answerable upon their Allegiance, to do their utmost Diligence to discover the said Traitors, and to give timely Intimation with all possible Speed, in case they be not able to seize and apprehend them themselves, to the nearest Officer of Our standing Forces, (if any be within Twelve Miles) and if none be within the said Distance, to the next Magistrate, commanding all Persons to concur with Our Forces for apprehending the said Traitors. And to the effect the Harbourers and Refetters, or those who neglect to discover them, may be known and punished, We do require the heirs, or their Bailiffs, or Chamberlains in case of the Heirs Absence, to cause call and cite before them in a Court, all Persons living upon their respective Lands, Men or Women, above the Age of Sixteen Years, in all the Parishes underwritten, viz. *Carsphairn*, *Balmacellan*, *Dalry*, *Kells*, *Bar in Carrick*, the *Moor-kirk* of *Kyle*, *Gallstoun*, *Lowdon*, *Tindergarth*, *Strerian*, *Leismahago*, *Sanquhar*, *Irongray*, *Glencairn*, *Cummock*, *Manigaff*, and *Penningham*, upon the second and last Tuesdays of July and August next; and to take the Oaths of all the said Persons living upon the respective Lands, whether any of these Traitors foresaid were in that Parish, and where and when: And lest they may pretend not to know the said Traitors, that they discover upon Oath any skulking or lurking Persons, which they have known to have been in that Parish, after the Publication hereof in the respective Shires, and the Heirs or their Bailiffs, and Chamberlains in their Absence, to give an Account of their Diligence in Writing, within Eight Days after each Diet foresaid, to the Sheriffs, Stewarts, Bailies of Regalties, Magistrates of Burghs, and shall adjoyn thereto the following Declaration upon Oath.



I do solemnly swear by the eternal God, that I have truly and faithfully examined upon Oath, the whole Persons, Men and Women, living upon my Lands, who compeared, who are above the Age of Sixteen Years, whereof I am Heritor, Bailiff, or Chamberlain, within the Parish of \_\_\_\_\_, and that I caused my Officer give Execution upon Oath, that he did cite all the said Persons to the foresaid Diets, and have given an Account of the Persons who compeared not, or, compearing, refused to give Oath.

And in case the said Traitors should leave and dishaunt the abovenamed Parishes, and repair to other Parishes or Places, that immediately, upon Notice from the Lieutenant General, or any authorized by him, the said Magistrates are ordained to make Intimation to the Heritors, or their Bailiffs, or their Chamberlains in their Absence, to the end they may make the same Enquiry after the same Way and Method, and to return an Account of their Diligence, within Two Months after such Intimation from the Lieutenant General, as aforesaid; with Certification to such as compear not and depone, shall be holden and repute as Connivers at, and Concealers of the said Traitors; and that the Heritors, or, in their Absence, their Bailiffs and Deputes, and the said Magistrates, who shall not return their Accounts to the said respective Magistrates, as aforesaid, or their Day in August, for their Diligence in July, and the first Council Day of September, for their Diligence in August, shall be proceeded against with all Rigour, as Connivers at, and Concealers of the said Traitors. And further, We do hereby require and command all Sheriffs, Stewarts, Bailies of Regalities, and Magistrates of Burghs where the said Traitors use to haunt or resort, to raise such Persons in their respective Jurisdictions, as they shall find necessary for that Service, for whom they will be answerable; and that the Sheriffs and other Magistrates aforesaid, require the Assistance of the Commissioners of the Militia, in their respective Jurisdictions; and to search for, take and apprehend the said Traitors in their respective Bounds; and in case they flee forth thereof, to advertise the neighbouring Sheriffs, and other Magistrates, who are appointed to do the like Diligence, conform to the 144 Act, 12 Parl. King Jam. VI. And if in pursuit of the said Traitors, they resisting to be taken, any of Our said Magistrates, or other Our good Subjects, shall happen to kill or mutilate them, or any of them, We do hereby declare, that they, nor none assisting them, shall ever be called in question, or pursued civilly or criminally therefore in Time coming; but that these Presents shall be as sufficient for their Exoneration, as if they had Our special Remission, and that their doing thereof shall be repute good and acceptable Service done to Us. And for the better Encouragement of such as shall apprehend and bring in the said Traitors dead or alive, the Apprehender of Mr. Richard Cameron shall, as a Reward, have Five Thousand Merks; and for Mr. Thomas Douglas, Mr. Donald Cargill, and for the said Cameron Brother to Mr. Richard, who read and affixed the said traiterous Declaration at Sanquhar, Three Thousand Merks for each of them, and One Thousand Merks for each one of the rest of the Traitors abovementioned, to be instantly paid to them by the Commissioners of Our Treasury. And ordain these Presents to be printed, and published at the Market-cross of Edinburgh, and Market-crosses of the remanent head Burghs of the several Shires of this Kingdom on the South Side of the Water of Tay, and other Places needful, by the Sheriffs of the respective Shires aforesaid, that none pretend Ignorance.

Given under Our Signet at Edinburgh, the last Day of June 1680. and of Our Reign the Thirty second Year.

Per actum Dominorum secreti concilii.

Will. Paterson Cl. Secr. Concilii.

God save the King.

### Rathillet's Account of Airs-mofs. N<sup>o</sup>. XLIX.

WE, getting Notice of a Party out seeking us, sent Two, on Wednesday Night late, to know their Motion, and lay on a Moor-side all Night, and Thursday, about Ten Hours, we went to take some Meat, and sent out other Two, and desired them to consult with the first Two, who had not come to us, but were lying down to sleep, who all Four returned and told us, it was unnecessary to send any for Intelligence, they having secured it. Whereupon, after we had gotten some Meat, we came to a Piece of Grass, and lay down, and presently we were all alarmed that they were upon us, and so making ready, we saw them coming fast on, and that about Three or Four Hours in the Afternoon, and each one resolving to fight, I rode off to seek a Strength for our Advantage, and being desired by a Country Man to go into such a Place for the best Strength, I went, and they followed; but coming to it, I found we could go no further, and so turning and drawing up quickly, Eight Horse on the right Hand with R. D. and Fifteen on the left with me, being no more, the Foot not being Forty, and many of them ill armed, in the Midst, I asked all if they were willing to fight, who all said, Yes, especially J. G. The Enemy advanced fast, whom I took to be above an Hundred and Twelve, well armed and horsed, who sending first about Twenty Dragoons on Foot, to take the Wind of us, which we seeing, sent a Party on Foot to meet them, and the rest of us advanced fast on the Enemy, being a strong Body of Horse coming hard on us, whereupon, when we were joyned, our Horse fired first, and wounded and killed some of them, both Horse and Foot. Our Horse advanced to their Faces, and we fired on each other; I being foremost after receiving their Fire, and finding the Horse behind me broken, I then rode in amongst them, and went out at a Side without any Wrong or Wound. I was pursued by severals, with whom I fought a good Space; sometimes they following me, and sometimes I following them. At length my Horse bogged, and the foremost of theirs, which



was *David Ramsay*, one of my Acquaintance; we both being on Foot, fought it with small Swords without Advantage of one another; but at length closing, I was stricken down with Three on Horseback behind me, and received Three sore Wounds on the Head, and so falling he saved my Life, which I submitted to. They searched me, and carried me to their Rear, and laid me down, where I bled much, where were brought several of their Men sore wounded. They gave us all Testimony of brave resolute Men. What more of our Men were killed I did not see, nor know, but as they told me after the Field was theirs. I was brought toward *Douglas*. They used me civilly, and brought me Drink out of an House by the Way. At *Douglas Janet Clellan* was kind to me, and brought a Chirurgeon to me, who did but little to my Wounds, only stanch'd the Blood.

Next Morning I was brought to *Lanerk*, and brought before *Dalziel*, Lord *Ross*, and some others, who asked many Questions at me: But I not satisfying them with Answers, *Dalziel* did threaten to roast me; and carrying me to the Tolbooth, caused bind me most barbarously, and cast me down, where I lay till Saturday Morning, without any, except Soldiers, admitted to speak to me, or look my Wounds, or give me any Ease whatsoever. And next Morning they brought me and *John Pollock*, and other Two of us, near Two Miles on Foot, I being without Shoes, where that Party, which had broken us at first, received us. They were commanded by *Earlsball*. We were horsed, civilly used by them on the Way, and brought to *Edinburgh*, about Four in the Afternoon, and carried about the North Side of the Town, to the Foot of the *Canongate*, where the Town Magistrates were who received us; and setting me on an Horse with my Face backward, and the other Three bound on a Goad of Iron, and Mr. *Cameron's* Head carried on an Halbert before me, and another Head in a Sack, which I knew not, on a Lad's Back; and so we were carried up the Street to the Parliament-clofs, where I was taken down, and the rest loosed.

*Proclamation, November 22. 1680. N<sup>o</sup>. L.*

**C**HARLES, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith: Our Lyon King at Arms, his Brethren, Heralds, Macers To of Our Privy Council, Pursevants, or Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting. Forasmuch as, since the extraordinary Mercy of God in Our wonderful Restauration, We have taken all Care to preserve Our Subjects in Peace, and the Protestant Religion in its Purity, by such wholsom Laws, as at the Desire, and with the Consent of Our Parliaments have been enacted; yet such hath been the impious and unwearied Attempts of a schismatical and ungovernable Party of Our undutiful Subjects, to disturb the former, and to overturn the latter, that they have often engaged themselves in open Insurrections, and avowed Rebellions, against Us and Our Authority, pretending to found these their Rebellions upon their treasonable Covenants; and particularly, after the horrid and cruel Murder of the late Archbishop of *St. Andrews*, a violent and execrable Rebellion was commenced in the Year 1679. which was declared, by them who raised it, to be undertaken and carried on, for promoting the Ends of their seditious Covenants. After the suppressing of the which Rebellion, by the Blessing of God upon Our Arms, such was Our princely Clemency, as by solemn Acts of Grace, not only to pardon and indemnify the guilty, but even to indulge them to keep House-conventicles, upon the easy Terms and Conditions contained in Our Royal Proclamation, of the Date, at *Whitehall* the 29 of June 1679. whereby We might reasonably have expected, that their Minds being eased, they might have been brought, if not to a regular and dutiful Obedience to Our Laws, yet to a quiet and peaceable Submission to Our Government: Notwithstanding whereof, and of Our gracious Indemnities, Favours and Indulgences, which have been as oft renewed, as their Insolencies, Murders and Treasons have been repeated, such hath been the Perverseness of some turbulent and sanatical Persons, that many of them continue and persist, according to their old dangerous Principles, not only to frequent seditious Field-conventicles, which, as Our Laws have declared, so in Experience have they been found to be the Rendezvous of Rebellion, (their Insurrections against Us and Our Authority in the Years 1666 and 1679. having been Nothing else but so many running and continued Field-conventicles) but also having, together with the Fear of God, shaken off the Sense of their Allegiance unto Us, and the Reverence and Regard they owe to Our Laws and Government, have entred into an execrable Plot and Conspiracy, to murder Our Royal Person, Our dear and only Brother, with Our chief Ministers of State, Our Privy Counsellors, and Bishops, and all such as are employed in any Trust and Authority under Us, to subvert Our Monarchy and Government, to destroy this Protestant Church with its Officers and Ministers, to introduce a new Model of civil and ecclesiastick Government, and to alter and innovate the fundamental Laws of this Our ancient Kingdom, being prepared and instructed to this hellish Conspiracy, by these treasonable Pamphlets, intituled, *Nephthali, Jus populi, The apologetick Narration*, &c. whereby they have been taught to take up Arms against Us, as being loosed from their Allegiance, and empowered by the mistaken Example of *Phinehas*, to kill all such as differed from them, and opposed their Covenants, and thereby allowing, not only open Rebellions, but (which is more terrible) even private Murders and Assassinations; and upon which, they have proceeded to wound, rob, and assassinate Our orthodox and Protestant Ministers, merely for preaching Protestant and loyal Doctrine, and in cold Blood (with a Cruelty exceeding that of Heathens) to murder the late venerable Primate of that Our Kingdom, as also Our Soldiers for levying the Supply granted by Law unto Us; of which hellish Plot and Conspiracy We have sufficient and convincing Evidence, particularly from their prodigious and treasonable Covenant, found with Mr. *Donald Cargil* (one of their most seditious Preachers) on the Third of June last; wherein they declare Us an Usurper, and the Devil's Vicegerent, and that the Laws and Acts of Our Parliaments were Invasions and Inroachments upon Jesus Christ, and that they would set up new Rulers, to govern by the



the judicial Law of *Moses*, from their treasonable Declaration affixed upon the Market-cross, and other Places of Our Burgh of *Sanquhar*, on the 22 of *June* last, wherein they disown Us to be their King, and calling themselves *The Representatives of the true Presbyterian and covenanted People of Scotland*, declare an open War against Us, and all Our loyal and dutiful Subjects, from a most treasonable Bond and Combination, found among the Papers of that arch Traitor, Mr. *Richard Cameron*, at his Death, at the Fight at *Airs-moss*; wherein they declare Us an Usurper, and themselves loosed from their Allegiance unto Us, because We will not promote the Ends of their seditious Covenants; which seditious Bond is signed by *Thomas Douglas*, pretended Minister of the Gospel, *Cameron* Brother to the said Mr. *Richard*, *John Vallange*, *Daniel Macmurel*, *Thomas Campbe*, *John Moodie*, *Patrick Gamil*, *James Stuart*, and many others their Accomplices; and by their unexampled and sacrilegious Excommunicating of Us, Our dearest Brother, and Our chief Ministers and Officers, by the said Mr. *Donald Cargil*, at a numerous Field-conventicle at the *Torwood* in *Stirling-shire*, in the Month of *October*. Which impious Mock-sentence of Excommunication they caused affix upon some publick Places in Our City of *Edinburgh*, and which is clearly proven by the Depositions of many of their Associates, and the judicial Confessions of some of their Ringleaders, before Our Privy Council, to have been pronounced by the said *Cargil*, Day and Place aforesaid; and by which Mock-excommunication, and the foresaid Declaration of War at *Sanquhar*, they endeavour to justify the Lawfulness of killing Us, and Our faithful Ministers and Subjects. The Originals of all which Papers herein mentioned ly in the Hands of the Clerks of Our Privy Council, and Justice-court, to be forthcoming, for the satisfying of all Our good Subjects, concerning the Truth of the Premises. Moreover, the Truth and Reality of this cruel, bloody, treasonable and horrid Plot and Conspiracy, is further evident, by the Declaration, and free Confession of *James Skene* Brother to the late Laird of *Skene*, *Archibald Stuart* in *Borrowstounness*, *John Potter* late Servant to the Lord *Cardross*, who, openly, and in the Face of Our Privy Council, have avowed and declared their owning of, and Adherence unto the treasonable Covenant aforesaid, found with Mr. *Donald Cargil*, that credible Declaration at *Sanquhar*, and Bond of Combination aforesaid, (which Bond of Combination hath been owned by the said *John Potter*, in presence of Our Privy Council, and his Subscription subjoyned to it) and that treasonable and impious Excommunication at *Torwood*, and, with bare Faces, assert the Lawfulness of killing Us their Sovereign, Our dear and only Brother, Our Ministers, Bishops and Judges; and that it is their Duty to kill Us and them, according as they shall have Power and Opportunity; and who seemed to have met together, in Our City of *Edinburgh*, on *Thursday* the 11 of this instant *November*, to consult with Mr. *Donald Cargil*, the best Methods for putting the said abominable and hellish Plot in Execution. Therefore, and to prevent the imminent Danger, to which Our Royal Person, Our dear and only Brother, Our Government, Ministers, and Laws, the Church and Protestant Religion are exposed, by the bold and incessant Attempts, and the bloody Artifices and Contrivances of these villainous and fanatical Conspirators, do hereby, with Advice of Our Privy Council, declare all these forenamed Conspirators and Plotters, to be open and notorious Traitors, and Rebels against Us and Our Authority, they having been in Arms against Us, for which they were declared Traitors, by Our Proclamation, dated the last of *June*, 1680. empowering and requiring all Our good Subjects to treat them as such. And We do hereby require and command all Our loving Subjects, as they will be answerable to Us, on their Allegiance, to do their utmost Diligence to discover and search out this fanatical and bloody Plot to the Bottom, and to seize and apprehend these Traitors, Conspirators and Plotters, and all their treacherous Associates and Accomplices, particularly such of them as are named and mentioned in this, and in Our foresaid Proclamation of the last of *June*, 1680. and to imprison them in the next convenient Prison, that they may be brought to condign and exemplary Punishment, according to the Prescript of Our Laws, and the Demerit of their prodigious and unparalleled Treasons. And We further require and command all Our Sheriffs, Stewarts, Bailies of Regalities, and Magistrates of Burghs, and other Ministers of the Law, where the said Traitors and Conspirators use to haunt or resort, to imploy their utmost Power and Vigilance, in their respective Jurisdictions, for searching, seizing and apprehending of them, that they may be presented to Justice: And if, in seizing and apprehending the foresaid Traitors and Conspirators, and their Associates and Accomplices, (they resisting, or refusing to be taken) any of Our said Magistrates, or others Our good Subjects, shall happen to kill or mutilate them, or any of them, We do hereby declare, that they, nor none assisting them, shall ever be called in question, or pursued civilly or criminally therefore, in Time coming; but that these Presents shall be as sufficient for their Exoneration, as if they had Our special Pardon and Remission; and that their doing thereof shall be reputed good and acceptable Service done to Us. And for the better Encouragement of such as shall apprehend and bring in the said Traitors and Conspirators, dead or alive, the Apprehender of Mr. *Donald Cargil* shall have, as a Reward, the Sum of Five Thousand Merks, and for Mr. *Thomas Douglas*, the Sum of Three Thousand Merks, and for each one of the rest of the said Conspirators and Plotters, the Sum of one Thousand Merks, instantly paid to them by the Lords Commissioners of Our Treasury. And We ordain these Presents to be printed, and published at the Market-cross of *Edinburgh*, and remanent head Burghs of this Our Kingdom: And also We ordain the several Sheriffs, and Stewarts, &c. to cause make Intimation hereof, at the several Parish Kirks of the Kingdom, after divine Worship, that none pretend Ignorance.

Given under Our Signet at *Edinburgh*, the Twenty second of *November*, 1680. and of Our Reign the Thirty second Year.

*Per actum Dominorum secreti concilii.*

*Will. Paterson* Cl. Secr. Concilii.

God save the King.



*Letter, Council to the King, anent Mr. Donald Cargil, Nov. 22. 1680. N<sup>o</sup>. LI.*

*May it please your sacred Majesty,*

**W**E being informed that Mr. Donald Cargil had, to the great Astonishment of all honest Men, proceeded to the Excommunication of your sacred Majesty, your Royal Brother. and some of your Servants, and that he had continued to preach that horrid Principle, of the Lawfulness of assassinating those that differed from them in their Covenant and Principles, did, after some Pains and Search, get James Skene, Archibald Stuart, Robert Hamilton, John Potter, and John Spreul brought in as Prisoners to us, and at our Bar Skene, Stuart and Potter owned the new Covenant and Declaration at *Sanquhar*, in which your Majesty is declared a Tyrant, and your People declared free from their Allegiance to you, and wherein it is declared a Duty upon all good Christians to dethrone and murder you, and such as serve under you: But because Stuart, Spreul and Hamilton refused to satisfy this your Judicature in discovering their Designs and Accomplices in Crimes of so high Importance, and which tended so much to the future Security of your sacred Person, your Royal Government, and the Preservation of your People, we did subject them to the Torture, as is usual to do here in the like Case, having first, in full Council, found, by their own Confessions, and by sufficient Proofs and Presumptions, that they were able to clear us in these weighty Questions that were to be put to them, and which Questions were, after serious Debate and Consideration, agreed to in full Council: And tho' some of them did most disingenuously conceal what was in their Power to have discovered, their Ministers having, for their own Security, taught them, that they would be damned if they discovered what concerned their Neighbours; yet Archibald Stuart, one of their Number, did freely discover their Design of killing all that were opposite to them, particularly the Judges and Bishops, and descended upon some particular Ministers and others. And we do very clearly find from their voluntary Confessions, and the Papers that we have intercepted, that those of their Principle would think it a great Duty to kill your Majesty, or any serving under you, and that they are but too much favoured by those in your other Kingdoms, who are Enemies to your sacred Person and Government, and to the just and lawful Descent of your Royal Family. And, from the whole Tract of this Affair, your Majesty may easily judge how just and necessary it was for us to endeavour to hinder the Growth of those fanatical Principles, which, tho' they seem at first to be the Sentiments of tender Consciences, yet are, in effect, but disguised Humour and Faction, tending necessarily to the Destruction of all human Society, as well as established Government. We have, for the Satisfaction of your Majesty's Subjects, emitted the Proclamation herewith sent, and what further Discoveries we can make, shall be transmitted to your Majesty, with all Care and Faithfulness, by

*Your Majesty's most faithful, most humble,*

*and most obedient Subjects and Servants*

*Subscribed ut fuderunt, except his Royal Highness.*

*Council's Letter, Nov. 2. 1680. N<sup>o</sup>. LII.*

*May it please your sacred Majesty,*

**W**E have good Reason to believe, that Your Majesty's just Commands shall never be obstructed by the Unwillingness, nor retarded by the Negligence of the Subjects of this your Majesty's ancient Kingdom, being fully convinced, that nothing is required of us, save that we may preserve our selves, by suitable and easie Means, against those formidable and imminent Dangers, which threaten us now from the same Principles, by which we were formerly ruined: So that the only Thing which is forced upon the worst of your Subjects, is, that they must unavoidably confess, that nothing can lessen their Happiness, except their being insensible of it, and unthankful for it. And your Majesty, by dispensing for our Protection, all the Revenue which is raised in this your Majesty's ancient Kingdom, lets us see, that all you crave of us, is, that we would be true to our own Interest, and all that you get by us, is the Care of governing us to our own Satisfaction. That profound Respect, and sincere Kindness, Sir, which we observe in your Majesty's Subjects here, to your Royal Brother the Duke of Albany and York, assure us, that we want nothing but Occasion to hazard for the Royal Family, these Lives and Fortunes which you have made so sweet and secure to us. And as our Esteem for his Royal Highness at his last being here, grew daily with his Stay, so our Expectations of Security and Satisfaction, return naturally with him. And therefore we are obliged with all Zeal and Sincerity to return your sacred Majesty, our most humble and hearty Thanks for securing the just and natural Descent of that Royal Family, which is the chief Glory and only Security of this Kingdom, upon which the least Invasion would be so great an Invitation to all Insolence and Arbitrariness in your Subjects, as could not but procure us a civil War in every Age; for Men of Parts and Interests being discontented or factious, would, by promoting colourable Titles and Pretences, make the Body of your People the Price of their Avarice, and the Prey of their Ambition, and rent not only these Kingdoms from one another, but amongst themselves: Nor can we see why every Man may not pretend to be King, when the lawful Successors are debarred, nor how we can be fixed in any Thing, when we loose this great Fundamental. And in the next Place, we do likewise return your Majesty most humble and hearty



heartly Thanks for sending your Royal Brother to be an Example to, as well as a Witness of our Loyalty; and affording us in him, the renewed Occasion of letting the World see that no Humour nor Jealousies shall for the future divert that Dutifulness to the Royal Line, which our Predecessors have maintained for so many Ages. Nor doubt we very shortly to let your Majesty find what happy Effects his Stay here will produce for promoting your Service, and cementing our Differences; in all which his Royal Highness shall be most obsequiously assisted, by

Edinburgh, Nov. 2. 1680.

May it please your Sacred Majesty,

Your Majesty's most faithful, most humble,

and most obedient Subjects and Servants.

Roths Chancellors  
Alexander St. Andrews,  
Athole,  
Douglas,  
Montrose,  
Glencairn,  
Winton,  
Linlithgow,  
Perth,

Strathmore,  
Roxburgh,  
Bakarras,  
Cathnes,  
Lorn,  
Jo. Edinburgen.  
Ross,  
Jam. Dalrymple,  
Charles Maitland,

Thomas Murray,  
Geo. Mackenzie,  
Rich. Maitland,  
Tho. Dalziel,  
Jam. Fowis,  
A. Ramsay,  
Jo. Wauchop,  
Geo. Gordon,  
J. Drummond.

*Proclamation against Field-conventicles, April 8. 1681. N<sup>o</sup>. LIII.*

CHARLES, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith &c.  
To Our Lyon King at Arms, and his Brethren, Heralds, Maces of Our Privy Council, Pursuivants, Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting. Forasmuch as Field-conventicles, which were in Our Laws, by the universal Consent of all the Representatives of this Our Kingdom, declared to be the Rendezvous of Rebellion, are now found, by the undeniable Experience of all sober Men, to have bred up the unwary Commons unto a most atheistical Giddiness, to the owning of those murdering Principles, which are a Reproach to the Protestant Religion, and inconsistent with the Security of every private Man, and to the contemning of their own Masters and Landlords: We therefore, with Advice of Our Privy Council, resolving to secure, not only Our Government, and such of Our Subjects as live peaceably under it, but even to restore these very Masters and Landlords to their just Rights over these their Tenants and Servants, which they so justly lost by suffering them to frequent Field-conventicles, in which they were so debauched in their Duty to them, do hereby command and ordain, that how soon soever any Field-conventicle, or other Conventicles, understood to be Field-conventicles by Construction of Law, shall be kept, the Heritor in whose Lands or House the same is kept, whether the Lands belong to them in Property or Common, if they be present, or their Bailies or Factors, if they be absent, or their Tutors or Curators, and their Bailies or Factors, if they be Minors, shall immediately advertise the Sheriff of the Shire, Lords of Regality, Stewart of the Stewartry, Bailie of Bailiary, and the Magistrates of the Burghs, within whose Jurisdiction the said Field-conventicle was kept, within three Days after the same is kept; certifying them, if they fail to give the said Advertisement, they shall be fined in the Fourth Part of their valued yearly Rent: Upon which Information, the said Sheriffs, and other Magistrates foresaid, shall be obliged, and are hereby commanded and required, to order the Heritors of the Parish to meet, and to take Trial who were at, or in Accession to the said Conventicle. And to the end they may be the better able to proceed in the said Trial, the said Heritors are hereby impowered to examine upon Oath such as they shall suspect, or who shall be best able to give Information therein, and to return to the Sheriff, or other Magistrates foresaid, the Trial so taken by them, and that with all possible Expedition; and which Trial, the said Sheriffs and Magistrates, or their Deputes, are hereby required immediately to cite before them those contained in the said Return, or any others whom they have reason to suspect to have been at the said Conventicles, and to fine such of them as compear, and amerciate such as are absent, as accords of the Law: Upon which Sentences Hornings and Captions being raised, under the Signet of Our Privy Council, by the said Sheriffs, and the other Officers foresaid, (to whom the Half of the said Fines and Amerciaments are, for their Pains and Expences, hereby declared to belong) the Heritors and Masters of the said Rebels, are hereby obliged to concur with the Sheriff or other Officers, their Deputes or others whom they shall name, to the poinding the said Rebels Goods, apprehending their Persons, and that under the Pain of being liable to the Fine and Penalties imposed upon the Delinquents. Likewise, the said Sheriffs and others foresaid, are hereby required to give an Account of their Diligence in the Premises, to Our Privy Council, upon the first Council of July and December yearly, under the Pains contained in the Eighteenth Act of the Third Session of Our Second Parliament; all which shall be without Prejudice to Us; and Our Officers of State, in Our Name, to raise Pursuits before the Lords of Our Privy Council against such who have been present at Field-conventicles (though without Arms) for an arbitrary Punishment, or to insist before Our Criminal Court, against such who have been thereat in Arms, for underlying the Crime of Treason, conform to the Fifth Act of the First Session of Our First Parliament, and Our Proclamation, dated the Thirteenth Day of May, One thousand six hundred seventy and nine Years. And to the effect Our Pleasure in the Premises may be made known, Our Will is, and We charge you strictly, and command, that incontinent, these Our Letters seen, ye pass to the Market-cross of Edinburgh,



burgh, and Market-crosses of the Head Burghs of the several Shires within this Kingdom, and other Places needful, and there in Our Name and Authority, by open Proclamation, make Publication of the Premises, that none pretend Ignorance, according to Justice, as ye will answer to Us thereupon. The which to do, We commit to you conjunctly and severally, Our full Power, by thir Our Letters, delivering them by you duly executed, and indorsed again to the Bearer. And ordain these Presents to be printed.

*Given under Our Signet at Edinburgh the Eighth Day of April, One thousand six hundred eighty and one, and of Our Reign the thirty third Year.*

*Per actum Dominorum secreti concilii.*

*Will. Paterson Cl. Secr. Concilii.*

God save the King.

*Proclamation for a Fast, June 16. 1681. N<sup>o</sup>. LIV.*

**C**HARLES, by the Grace of God, &c. Greeting. Forasmuch as almighty God, who since his wonderful restoring of Us to Our Royal Rights and Government, and Deliverance of this Our ancient Kingdom from the tyrannical Usurpation under which the late fatal Rebellion enslaved it, hath been mercifully pleased to preserve its Peace, and blest it with Plenty, doth now, by his Warnings and Judgments incumbent and impendent, manifestly discover his Anger and Displeasure against the grievous Sins thereof, committed by the Abuse of both, in permitting many who have departed from the Communion of this national Church, to give themselves over to embrace and believe sad, blasphemous, sanguinary and treasonable Delusions, to the great Scandal and Reproach of the Protestant Name and Religion, and inflicting a long scorching and threatening Drought, whereby the Fruits of the Ground, the necessary Provision for the Life of Man and Beast, are in Danger to be burnt up and consumed, the Lord, for the luxurious Abuse of our Plenty, having so long in his righteous Judgment bound up the Clouds, making the Heavens Brass and the Earth Iron, thereby threatening us with pale Famine: And now having called a Parliament to assemble at Edinburgh on the Twenty Eighth of July next, for consulting and establishing the civil and religious Interests of this Kingdom, and for suppressing, by good and wholsom Laws, such wicked Principles and Disorders, which tend to the Subversion of both; therefore We, out of Our religious Disposition, have thought fit, with Advice of Our Privy Council, by this Our Proclamation, to indict a general and publick Day of Fasting and Humiliation, that all Our loving Subjects may be moved heartily to turn speedily to God by a true Repentance, and to send up their fervent Prayers and Supplications for wise and pious Directions unto, and a Blessing upon the ensuing Parliament, for healing the Breaches, and pardoning the Sins of the Kingdom, especially the Contempt and Disobedience of the holy Gospel, the great Prevalency of Atheism, Error, Schism and Profaneness and Irreligion, together with the unthankful Abuse of Peace, with which God hath so long Time blessed Our Government; that by serious Mourning for, and sincere turning from them, the Lord may graciously pardon them, and open the Clouds for preserving the Fruits of the Ground for the Comfort of Man and Beast. Our Will is herefore, and We straitly command and charge, that the said Fast be religiously and solemnly kept throughout this Kingdom, by all Subjects and People within the same; requiring hereby the Archbishops and Bishops to be careful that the Fast be duly observed in their respective Dioceses, viz. the Archbishops of St. Andrews and Glasgow, the Bishops of Edinburgh, Dunkell, Dumblain and Brechin, to cause it to be intimated in the several Parish Churches within their Dioceses, upon Sunday the Twenty sixth Day of June instant, to be observed on Wednesday thereafter the Twenty ninth Day of the said Month; and the remanent Bishops whose Dioceses are more remote, to cause it be intimated on Sunday the Third Day of July next, and observed on Wednesday thereafter, the Sixth Day of the said Month. Which Intimation is to be made by the Ministers reading this our Royal Proclamation from the Pulpit, and in exhorting a serious and devout Performance of the Duties and Devotions becoming Fasting and Humiliation, as they tender the Favour of almighty God, the Safety and Honour of the Protestant Religion and established Government, and as they would avoid the Wrath and Indignation of God against this Kingdom; certifying all such as shall contemn such a religious and necessary Duty, they shall be proceeded against as Contemnners of Our Authority, as well as Neglecters of so religious a Duty.

*Given under Our Signet at Edinburgh, the Sixteenth Day of June, 1681.*

*Mr. Donald Cargil's last Speech, July 27. 1681. N<sup>o</sup>. LV.*

**T**HIS is the most joyful Day that ever I saw in my Pilgrimage on Earth; my Joy is now begun, which I see will never be interrupted. I see both my Interest and his Truth, and the Sureness of the one, and Preciousness of the other. It is near Thirty Years since he made it sure, and since that Time (tho' there has fallen out much Sin) yet I was never out of an Assurance of mine Interest, nor long out of Sight of his Presence; he has dandled me and kept me lively, and never left me behind, tho' I was oft-times turning back. O! he has shewed the wonderful Preciousness of his Grace, not only in the first receiving thereof, but in the



the renewed and multiplied Pardons. I have been a Man of great Sins, but he has been a God of great Mercies. And now, through his Mercies, I have a Conscience as sound and quiet as if I had never sinned. It is long since I could have ventured on Eternity through God's Mercy and Christ's Merit, but Death remained somewhat terrible, and that now is taken away; and now Death is no more to me, but to cast my self into my Husband's Arms, and to lie down with him. And however it be with me at the last, tho' I should be strained by God, or interrupted by Men, yet all is sure and shall be well. I have followed Holiness, I have taught Truth, and I have been most in the main Things; not that I thought the Things concerning our Time little, but that I thought none could do any Thing to Purpose in God's great and publick Matters, till they were right in their Conditions. And, O that all had taken this Method, for then there had been fewer Apostacies. The Religion of the Land, and Zeal for the Land's Engagements are come to nowhere People meet with Persecution, and want Heart-renewation. My Soul trembles to think how little of Regeneration there is amongst the Ministers and Professors of Scotland. O! the Ministers of Scotland, how have they betrayed Christ's Interest, and beguiled Souls! *They have not entered in themselves, and them that were entering in they hindered.* They have sold the Things of Christ and Liberties of his Church, for a short and cursed Quiet to themselves, which now is near an End. And they are more one, and at Peace with God's Enemies after they have done all their Mischiefs, nor they were at first when they had put Hand to them; and I much fear, that tho' there were not one Minister on all the Earth, he will make no more use of them; but there will be a dreadful Judgment upon themselves, and a long Curse upon their Posterity.

As to our Professors, my Counsel to them is, That they would see well to their own Regeneration, so the most Part of them has that yet to do; and yet let never one think, that he is in the right Exercise of true Religion, that has not a Zeal to God's publick Glory. There is a small Remnant in Scotland that my Soul has had its greatest Comfort on Earth from. I wish your Increase in Holiness, Number, Love, Religion and Righteousness; and wait you, and cease to contend with these Men that are gone from us, for there is nothing that shall convince them but Judgment. Satisfy your Consciences, and go forward; for the nearer you are to God, and the farther from all others, whether stated Enemies, or lukewarm Ministers and Professors, it shall be the better. My preaching has occasioned Persecution, but the Want of it will (I fear) occasion worse. However I have preached the Truths of God to others, as it is written, *I believed, and so I preached*, and I have not an ill Conscience in preaching Truth, whatever has followed; and this Day I am to seal with my Blood all the Truths that ever I preached; and what is controverted of that which I have been professing, shall ere long be manifested by God's Judgments in the Consciences of Men. I had a sweet Calmness of Spirit, and great Submission as to my Taking, the Providence of God was so eminent in it; and I could not but think that God judged it necessary for his Glory to bring me to such an End, seeing he loosed me from such a Work. My Soul would be exceedingly troubled anent the Remnant, were it not that I think the Time will be short: Wherefore hold fast, for this is the Way that is now persecuted.

As to the Cause of my Suffering, the Main is, *not acknowledging the present Authority* as it is established in the Supremacy, and explanatory Act. This is the Magistracy that I have rejected, that was invested with Christ's Power, and seeing that Power taken from Christ, which is his Glory, made the Essential of the Crown, I thought this was as if I had seen one wearing my Husband's Garments, after he had killed him. And seeing it is made the Essential of the Crown, there is no Distinction we can make that can free the Conscience of the Acknowledger from being a Partaker of this sacrilegious robbing of God. And it is but to cheat our Consciences, to acknowledge the civil Power, for it is not civil Power only that is made of the Essence of his Crown, and seeing they are so express, we ought to be plain, for otherwise it is to deny our Testimony, and consent to his Robbery.

Don. Cargil.

Mr. James Boig his Testimony, in a Letter July 27. 1681. N<sup>o</sup>. LVI.

Dear Brother,

I Have not now Time to write that which I would; but, to satisfy your Desire, and the Desire of others who are concerned in the Cause and Work of God, that is now at this Time trampled upon, I have given out my Indictment to a Friend of yours, and now I shall give an Account of the Enemy's Prosecution thereof against us. My Indictment did run upon Three Heads. 1. *That I had disowned the King's Authority.* 2dly. *That I said the Rising in Arms at Bothwell-bridge was lawful, and upon the Defence of Truth.* 3dly. *That I owned the Sanquhar Declaration in the whole Heads and Articles thereof.* And having again owned this before the Justiciary and Assizers, I held my Peace and spake no more, because I saw what was spoken by others was not regarded either by our unjust Judges or mocking Auditors; all that our speaking did was the exposing of us to the Mockery of all present. But the Reasons that were given in thus for our Defence in the first Head, were, *That we could not own the Authority as now presently established, unless we should also own the Supremacy which the King hath usurped over the Church.* By our doing of this we should rob Christ of that which is his Right, and give that unto a Man which is due to no Mortal; the Reason is, because the Supremacy is declared in their Acts of Parliament, to be essential to the Crown; and that which is essential to any Thing, is the same with the Thing it self; so that in owning the Authority, we are of Necessity obliged to justify them in their Usurpation also. But there is another Argument which to me is valid, tho' I spake it not before them, and it does not a little trouble me that I have passed it. The Advocate in his Discourse to the Assizers, among other Things, said, *That we were overturning these Acts and Laws which they (the Assizers) had consented to, and were owning.* Now, I suppose, their Consent to the present Acts and Laws, was never formally required of them, but that which is taken for their Consent is their simple Silence, when these Acts were made



made and published, and owning these Parliaments as their Representatives, so that I may clearly argue from this, that even in their own Sense, my owning of the present Authority now established as lawful, and the present Magistrates as my Magistrates, is a giving my Consent to the present Acts and Laws, and so consequently to the robbing Christ of that which is his Right. *As to the Second, it being but one particular Fact deduced from that Principle of the Lawfulness of Self-defence, and this Principle being as positively asserted by all of us, I look upon the Principle to be as expressly sealed with our Blood, as that particular Fact of rising in Arms at Bothwell-bridge is. As to the Third, it being a Deed consequential from the first, I look upon them both to stand and fall together, and he that owneth the first, must of Necessity own the last also. And as to that of the declaring of War, I did always look upon it to be one and the same, tho' differently expressed, with that contained in the Paper found at the Ferry, and that the main Design of it, was to vindicate us before the World, in our repelling unjust Violence, and clearing us of these Aspersions that were cast upon us, viz. The holding as a Principle the Lawfulness of private Assassinations (which we disown) and murdering all those who are not of the same Judgment with us. These are the Truths which we are to seal with our Blood, to Morrow in the Afternoon at the Cross of Edinburgh. As to other particular Actions, we declined to answer positively to them, as that of the Bishop's Death; we told them, we could not be Judges of other Mens Actions. As to the Excommunication, because we declined them as not competent Judges to cognosce upon an Ecclesiastick Matter, they did not proceed upon it.*

And now, dear Brother, you may see our Quarrel clearly stated, to be the same that Mr. James Guthrie laid down his Head for; beside whose mine and my other Two Friends Heads are to be set. There were many other Things past in private betwixt me and Mr. William Paterson, sometime my Regent, now Council-clerk, with some others who strongly assaulted me with their Snares; but now I hope I may say, that my Soul hath escaped like a Bird out of the Snare of the Fowler. And as to your second Desire of knowing how it went with my Soul; many and strong have been the Assaults of Satan since I came to Prison, but Glory to God who hath not been wanting to me in giving me Assistance, yea, many Times unsought, and he is yet continuing, and, I hope, shall do to the End, to carry me above the Fear of Death, so that I am in as sweet a Calm, as if I were going to be married to one dearly beloved. Alas, my cold Heart is not able to answer his burning Love! But what is wanting in me, is, and shall be made up in a Saviour, complete and well furnished in all Things, appointed of the Father for this end, to bring his straying Children to their own Home, whereof (I think I may adventure to say it) I am one, tho' feckless. Now I have no Time to enlarge, else I would give you a more particular Account of God's Goodness and Dealing with me; but let this suffice, that I am once fairly on the Way, and within the View of Emmanuel's Land, and in hopes to be received an Inhabitant there within the Space of 26 Hours at most. Farewel, all earthly Comforts, farewell, all worldly Vanities, farewell, all carnal Desires, welcome Cross, welcome Gallows, welcome Christ, welcome Heaven and everlasting Happiness, &c. I have no more spare Time. Grace, Mercy and Peace be with you. Amen.

Jam. Boig.

From Edinburgh Tolbooth, July 27. 1681.

King's Letter to the Parliament, read July 28. 1681. N<sup>o</sup>. LVII.

CHARLES R.

My Lords and Gentlemen,

Our Inclination to embrace all Opportunities to express Our constant Care of, and Affection to Our ancient Kingdom, hath moved Us to call you together at this Time, to advise with Us, what may truly conduce to the Security and Interest thereof; and as We have ever judged Our own, and the Interests of Our Subjects to be inseparable, and such as would divide them, to be, in their Hearts, Enemies to both, (Experience having sufficiently evinced, that all Invasions upon, or Diminutions of the Rights and Prerogatives of Our Crown, prove fatal and destructive to the Security and Property of Our People, which can only thereby be protected,) so are they then best managed and secured, when provided for by unanimous Counsels and joynt Resolutions. And, as it is one of Our greatest Satisfactions, that We have been always careful of that Our ancient Kingdom, with a Tendernefs suitable to Our great Interest in it: So when We remember the firm and dutiful Constancy which it hath always paid to the Royal Line and Family, and that now it is your Interest, as well as Duty, to adhere unto it, with unshaken Loyalty, as much as ever, We cannot doubt of your ready and zealous Compliance at this Time, with what shall be proposed as fit for Our Service, which can never be divided from the Happiness of Our People.

And since some (corrupted with the rebellious Principles of the last Age, or the blind Zeal of this) have at first raised Schisms and Separation in the Church, and afterwards frequent Rebellions against Us, We cannot but expect, from your prudent Consultations, effectual and adequate Remedies for curing these violent Distempers at present, and preventing them for the future; and that you will not despise or connive at the smallest Appearances of these wicked and seditious Principles, which (how plausibly soever they may be disguised, under the old Pretences and fallacious Masks of Liberty and Religion, which are ever least minded by the most clamorous Pretenders to them) yet, in the Issue, lead to such monstrous Effects, and rebellious Extravagancies, as necessarily tend to the Dissolution of all Government and Order, and of which you cannot choose but be deeply sensible.

This being once effectually done, We may reasonably hope, that Our Government in Church and State, as by Law presently established, shall receive its due Reverence and Obedience; and that all Our good Subjects shall be preserved in Peace, Tanquillity and Happiness. For promoting these great Ends so necessary



cessary to the securing the Protestant Religion, Our Authority and Government, and the common Interest of Our People, by your joynt Advice, who are so much concerned; and for enacting of such Laws, as Experience hath discovered to be wanting for Distribution of Justice in several Cases, which have emerged since Our last Parliament, We have called this. And as an eminent Expression of Our Favour to you, have named Our most dear, and most intirely beloved Brother, *James Duke of Albany and York, &c.* to be Our Commissioner therein, whom We have found so affectionate to you, and to whom you have testified so much Duty during his long Stay amongst you, which hath enabled him so well to understand the Affairs and Interest of that Our ancient Kingdom. And since his Interest is so inseparable from Ours, We shall not doubt of your ready and cheerful Concurrence, to render his Endeavours amongst you successful for securing Our Government, and your own Peace and Happiness. By doing whereof, you will answer the intire Confidence We have in your Prudence and Loyalty. And so We bid you heartily farewell.

*Given at Our Court at Windsor-castle, the Twelfth Day of July, 1681. and of Our Reign the Thirty third Year.*

*By his Majesty's Command,*

MURRAY.

### *Duke of York's Speech to the Parliament.* N<sup>o</sup>. LVIII.

*My Lords and Gentlemen,*

**A**S I have had the Honour to serve his Majesty in other Capacities, so I esteem it a great Honour and Happiness that he hath been pleased to make choice of me to serve him, as his Commissioner, in this his ancient Kingdom; since it shews to all the World, the Goodness he hath for me, as well as the Trust and Confidence he hath in me; and puts me, not only in a Capacity of serving him, as becomes a dutiful and loyal Subject, but also gives me the Opportunity of letting you all see the real Concern I have for the Good of this Country, and my Readiness to serve it, and promote its true Interests.

I do not doubt but that this will be a happy Meeting, and end to the Satisfaction of his Majesty, and all his loyal Subjects, which I say with the greater Confidence, having now been so long amongst you, and found so great a Readiness in all of you, for the advancing of his Majesty's Service.

You have heard, in his Majesty's gracious Letter, the Reasons of his calling you together at this Time, and what he doth, and may expect from this his ancient Kingdom, of whose Loyalty and Affection to his Service, he doth in no Manner doubt.

He hath commanded me to assure you, that he will inviolably maintain and protect the Protestant Religion, as now established by Law in this his Kingdom; and that he will, upon the same Account, protect and maintain the Government of the Church by Archbishops and Bishops, and will take their Persons and all other their Concerns, into his Royal Care and Protection; and doth seriously recommend to you to fall upon effectual Courses for suppressing those seditious and rebellious Conventicles, from whence proceed all Disorder and Confusion, and these horrid and extravagant Doctrines, which are a Scandal to Christianity, and tend to the Subversion of all publick and private Interests.

I am also to declare to you, in his Majesty's Name, that it is, and was always his Intention, that Law should have its due Course, for the Security of his Subjects Properties and Rights; and that he will always discountenance all Courses contrary to, and inconsistent with the Laws of this Kingdom, none being so much concerned for their due Observance as himself.

And now he doth expect, you will not be short of the Loyalty of your Ancestors, in vigorously asserting and clearing his Royal Prerogative, and in declaring the Rights of his Crown in its natural and legal Course of Descent; that you will take Care to settle and provide such seasonable and necessary Supplies, as the Support and Interest of his Government call for and require.

And now I hope, that, as the Council hath already begun to do their Parts, to promote the Trade of this Kingdom, that you will also do yours, that it may flourish.

*My Lords and Gentlemen,* As the Inclination I had to serve and promote the Interest of this Kingdom, hath been the chief Inducement to his Majesty to give me this Opportunity to convince you of it; so you may be sure, I shall do what becomes me to satisfy you of the Truth of it; and I hope you will have that Consideration and Kindness for me, as to enable me to perform his Service.

### *Parliament's Letter to the King, August 1. 1681.* N<sup>o</sup>. LIX.

*May it please your sacred Majesty,*

**T**He manifold sad Experiences of the fatal Mischiefs and Calamities which attend Rebellions, must needs, in due Proportion, dispose all your Majesty's Subjects to higher Measures of Loyalty, more particularly us in this your ancient Kingdom, being sensible, as we have a more special Interest in your Majesty's sacred Person and Family, so must we inevitably share the more deeply in all the Inconveniencies which may disturb



disturb or subvert your Royal Government. And therefore, as, by our Allegiance, we own it to be our Duty to be obedient and loyal to your Majesty, and your lawful Heirs and Successors, so your Majesty's extraordinary Kindness to such as have continued in their Duty, and your wonderful Clemency by your repeated Indemnities to such as have fallen from it, cannot but kindle in us strong and ardent Desires to serve your Majesty, with all the Courage and Alacrity of which we are capable, and to let your other Kingdoms, and all the World see, that we esteem our Lives and Fortunes to be best employed in maintaining of the just Rights and Prerogatives of your Majesty's Crown and Monarchy, the native Succession whereof cannot be invaded, without utter Subversion of the fundamental Laws of this your Majesty's ancient Kingdom. And this our Loyalty we esteem our alone Security, to avoid these Confusions and Slavery, which distracted and ruined us in the last Age, and seemeth to threaten us so apparently in this.

Sir, Tho' some rebellious and deluded People have disturbed your Majesty's Government there, yet their Principles are so extravagant, and so few Persons of any Note or Quality are engaged with them, that we may justly hope their Crimes cannot be imputed to this Kingdom, whose Representatives, in this your Majesty's Parliament, will no less for their Vindication as to what is past, than for their own Security for the Time coming, cheerfully provide suitable and sufficient Remedies; all of us being very sensible, that these Distractions and Disorders would, in the Issue, tend to the Dissolution, not only of your Majesty's Government in the Church and State, as the same is by Law established, but even of all human Society.

It is a great Satisfaction to us, to find your Majesty so concerned for the Protestant Religion, not only in your gracious Letter to us, but in the whole Conduct of your Royal Government. And we shall, with all Christian Care and Duty, endeavour to confirm it, so as it may become a solid and pious Support to your Royal Family and Monarchy, and a sure Fence, in this disturbed and divided Church, against all Usurpations and Disorders of Popery and Fanaticism, that, for the future, the Pretence of its Insecurity may not be made (as formerly) an Engine for carrying on disloyal Designs and Practices.

We offer our most humble and hearty Thanks to your most sacred Majesty, for calling us together at this Time, to consult jointly the Interests of your Majesty's Government, and of your Subjects in this your ancient Kingdom, which we trust shall never be divided: And therefore, as the Prerogatives and just Rights of the Monarchy, are absolutely necessary for the Defence of our Properties and Liberties, so, in pursuance of our own Interest, and for further clearing of our Duty and Allegiance, by positive Laws, we shall not fail to declare our humble and hearty Acknowledgments of the just Rights and Prerogatives of your imperial Crown, in its just, native and lineal Course of Descent; and to secure the just Rights and Liberties of your Subjects, so as may fully demonstrate our unalterable Resolutions, never to depart from our Duty to your Royal Family, and your lawful Heirs and Successors, to whom we are tied by so many sacred Obligations.

We do also, with all humble Gratitude, acknowledge the Grace and Honour done to this Kingdom, in naming your Royal Brother to be your Majesty's high Commissioner in this present Parliament. And indeed the beholding a Son of our ancient Monarchs, under whom we and our Ancestors have been so long and so happily governed in this Character, doth vigorously awaken in us the Remembrance of our native Kindness and Obligations, as his just Temper and steady Equality in all our Concerns, cannot but extinguish in us all Fears and Jealousies of Severity or Partiality, his Interest being inseparable from your Majesty's; and he being well acquainted with all our Concerns, and so affectionate to, and careful of them, your Majesty may justly expect from a Parliament, under the Conduct of such a Commissioner, all that can be judged necessary for the Honour and Support of your Royal Government and Authority, and for securing the just Rights and Liberties of your Subjects, and that with all the Loyalty, Readiness and Sincerity which can be expressed by us.

*Signed in Name and by Order of the Parliament, by*

*Your Majesty's most humble, most faithful,*

*and most obedient Subject and Servant,*

A THOLE I. P. D. Par.

*Act ratifying all former Acts anent Religion, August 13. 1681. N<sup>o</sup>. LX.*

*At Edinburgh, the Thirteenth Day of August, One thousand Six hundred and Eighty one.*

**T**He which Day, our Sovereign Lord, with Advice and Consent of the Estates of Parliament, ratifies and approves all and whatsoever Laws, Acts and Statutes, made by his Royal Grandfather and Father of blessed Memory, or made and past in any of his Majesty's former Parliaments, for settling and securing the Liberty and Freedom of the true Kirk of God, and the Protestant Religion presently professed within this Realm, and all Acts made against Popery; and ordains the same to stand in full Force and Effect, and to be put to Execution, according to the Tenor and Purport of these Acts, as if they were specially mentioned and set down herein.



*Act acknowledging and asserting the Right of Succession to the imperial Crown of Scotland, August 13. 1681. N<sup>o</sup>. LXI.*

**T**He Estates of Parliament, considering that the Kings of this Realm, deriving their Royal Power from God Almighty alone, do succeed lineally thereto, according to the known Degrees of Proximity in Blood, which cannot be interrupted, suspended, or diverted by any Act or Statute whatsoever, and that none can attempt to alter or divert the said Succession, without involving the Subjects of this Kingdom in Perjury and Rebellion, and without exposing them to all the fatal and dreadful Consequences of a civil War, do therefore, from a hearty and sincere Sense of their Duty, recognize, acknowledge and declare, that the Right to the imperial Crown of this Realm, is, by the inherent Right, and the Nature of the Monarchy, as well as by the fundamental and unalterable Laws of this Realm, transmitted and devolved by a lineal Succession, according to the Proximity of Blood; and that, upon the Death of the King, or Queen, who actually reigns, the Subjects of this Kingdom are bound, by Law, Duty and Allegiance, to obey the next immediate and lawful Heir, either male or female, upon whom the Right and Administration of the Government is immediately devolved; and that no Difference in Religion, nor no Law nor Act of Parliament made, or to be made, can alter or divert the Right of Succession and lineal Descent of the Crown to the nearest and lawful Heirs, according to the Degrees foresaid, nor can stop or hinder them in the full, free and actual Administration of the Government, according to the Laws of the Kingdom. Likeas, our sovereign Lord, with Advice and Consent of the said Estates of Parliament, does declare it is high Treason in any of the Subjects of this Kingdom, by writing, speaking, or any other Manner of Way to endeavour the Alteration, Suspension, or Diversion of the said Right of Succession, or the debarring the next lawful Successor from the immediate, actual, full and free Administration of the Government, conform to the Laws of the Kingdom; and that all such Attempts or Designs shall infer against them the Pain of Treason.

*Act for securing the Peace of the Country, August 29. 1681. N<sup>o</sup>. LXII.*

**O**ur sovereign Lord, and the Estates of Parliament, do ratify and approve all Laws and Acts of Parliament, made for securing the Government of the Church, as it is now established by Law. And for the further Security of the Peace of Church and State, as it is now established, they do hereby statute and ordain, That where any Persons who are Tenants, as well in Burgh as Land, or Servants, being delated upon the Oath of Calumny of the Informer, shall be found guilty, or holden as confessed, before any competent Judicatory for Field-conventicles, or for resetting Preachers who are, or shall be intercommuned, or declared Fugitives, upon a Process intended against the said Tenants and Servants, within Three Months after committing of the said Crimes, that their Names, with their Sentence, be intimate, by the Judge who pronounced the same, under Form of Instrument, to the Master, if the Delinquent be a Servant, or to the Heritor and Landlord, in whose Land and Houses he lives, if he be a Tenant or Cottar; which Master or Heritor shall be obliged, within a Month after the said Intimation, either to pay the Delinquent's Fine, there being sufficient Goods to satisfy the same, by and attour a Year's Rent to the Master, or if he have not sufficient Goods, to put him and his Family out of his Land or House, if he be a Tenant or Cottar, and if a Servant, out of his Service, or present him to Justice; providing always that the Libel, whereupon the foresaid Sentence proceeded, be special as to a certain Place, where the Field-conventicle was kept, or thereabout, and also be special as to the Time, viz. a certain Day of such a Week, or one or other of the Days of that Week. And his Majesty, with Advice and Consent of his Estates of Parliament, declares, that in this Case, it shall be lawful to Heritors, to put their Tenants out of their Lands, or out of their Houses possessed by them, at any Time of the Year, and that without any Warning or Process of removing, and that notwithstanding of any Tacks set to the Tenants for Years, or Terms to run, which, in this Case, are hereby declared to be void and null: And the Masters and Heritors, are hereby authorized and allowed to retain as much of the Goods and Gear belonging to the said Tenants, Cottars and Servants, as may satisfy and pay the last Year's Rent due by the Tenants, and relieve them of the said Fines. And his Majesty, with Consent foresaid, declares, That if any Man shall reset, or entertain any Servant, Tenant or Cottar, who is so put away, he shall be liable to pay Three Years Fee to the Master who did put him away, and Three Years Duty to the Heritor who put away his Tenant or Cottar, if the said Tenants or Cottars, so put away, be reset or harboured by any other Heritor, as said is, and shall likewise be liable in one Hundred Pounds Scots, to be paid to the King. It is also hereby statute and ordained, That the Fines imposed by former Laws upon Field-conventicles, shall be doubled, each Person being, by this Act, finable in twice as much as he was finable by the former Laws, except as to Burghesses of Burghs Royal, Regality and Barony, who, besides the incurring the same Fines for Field-conventicles, are, for the future, to lose their Burghships and Liberties, and to be banished from the Town where they lived. And to the end that all the Laws against Conventicles may be the better put to Execution, it is hereby declared, that it shall be lawful to his Majesty to nominate Sheriff-deputes, Justices of Peace, or other Commissioners for punishing Conventicles, and such as are guilty of irregular Marriages, Baptisms, and invading of Ministers.



*Act anent Religion and the Test, Aug. 31. 1681. N<sup>o</sup>. LXIII.*

THE which Day, our sovereign Lord, with his Estates of Parliament, considering, That albeit by many wholsom Laws made by his Royal Grandfather and Father of glorious Memory, and by himself, in this and his other Parliaments since his happy Restauration, the Protestant Religion is carefully asserted, established and secured against Popery and Fanaticism; yet the restless Adversaries of our Religion do not cease to propagate their Errors, and to seduce his Majesty's Subjects from their Duty to God, and Loyalty to his Vicegerent, and to overturn the established Religion, by introducing their Superstitions and Delusions into this Church and Kingdom: And knowing that nothing can more increase the Numbers and Confidence of Papists and schismatical Dissenters from the established Church, than the supine Neglect of putting in Execution the good Laws provided against them, together with their Hopes to insinuate themselves into Offices and Places of Trust and publick Employment. Therefore his Majesty, from his princely and pious Zeal to maintain and preserve the true Protestant Religion, contained in the Confession of Faith, recorded in the First Parliament of King *James VI.* which is founded on, and agreeable to the written Word of God, doth, with Advice and Consent of his Estates of Parliament, require and command all his Officers, Judges and Magistrates, to put the Laws made against Popery, and Papists, Priests, Jesuits, and all Persons of any other Order in the Popish Church, especially against Sayers and Hearers of Mass, Venders and Dispersers of forbidden Books, and Resettlers of Popish Priests, and excommunicate Papists; as also, against all fanatick Separatists from this national Church, against Preachers at House or Field-conventicles, and the Resettlers and Harbourers of Preachers who are intercommuned, against disorderly Baptisms and Marriages, and irregular Ordinations, and all other schismatical Disorders, to full and vigorous Execution, according to the Tenor of the respective Acts of Parliament thereanent provided. And that his Majesty's princely Care to have these Laws put in Execution, against those Enemies of the Protestant Religion, may the more clearly appear, he doth, with Advice and Consent foresaid, statute and ordain, That the Ministers of each Parish, give up, in *October* yearly to their respective Ordinaries, true and exact Lists of all Papists, and schismatical Withdrawers from the publick Worship in their respective Parishes; which Lists are to be subscribed by them, and that the Bishops give in a Double of the said Lists subscribed by them, to the respective Sheriffs, Stewarts, Bailies of Royalty and Regality, and Magistrates of Burghs, to the effect the said Judges may proceed against them according to Law: As also, the Sheriffs, and other Magistrates foresaid, are hereby ordained to give an Account to his Majesty's Privy Council in *December* yearly, of their Proceedings against those Papists, and fanatick Separatists, as they will be answerable at their highest Peril. And that the Diligences done by the Sheriffs, Bailies of Regalities, and other Magistrates foresaid, may be the better enquired into by the Council, the Bishops of the respective Dioceses are to send exact Doubles of the Lists of the Papists and Fanaticks to the Clerks of Privy Council, whereby the Diligences of the Sheriffs, and other Judges foresaid, may be comptrolled and examined. And to cut off all Hopes from Papists and Fanaticks, of their being employed in Offices and Places of publick Trust, it is hereby statute and ordained, that the following Oath shall be taken by all Persons in Offices and Places of publick Trust, Civil, Ecclesiastical and Military, especially by all Members of Parliament, and all Electors of Members of Parliament, all Privy Counsellors, Lords of Session, Members of the Exchequer, Lords of Justiciary, and all other Members of these Courts, all Officers of the Crown and State, all Archbishops and Bishops, and all Preachers and Ministers of the Gospel whatsoever, all Persons of this Kingdom, named, or to be named Commissioners for the Borders, all Members of the Commission for Church Affairs, all Sheriffs, Stewarts, Bailies of Royalities and Regalities, Justices of the Peace, Officers of the Mint, Commissars and their Deputies, their Clerks and Fiscals, all Advocates and Procurators before any of these Courts, all Writers to the Signet, all publick Notars, and other Persons employed in writing or agenting, the Lyon King at Arms, Heralds, Pursuivants, and Messengers at Arms, all Collectors, Sub-collectors and Farmers of his Majesty's Customs and Excise, all Magistrates, Deans of Gild, Counsellors, and Clerks of Burghs Royal and Regality, all Deacons of Trades, and Deacon-conveeners in the said Burghs, all Masters and Doctors in Universities, Colleges or Schools, all Chaplains in Families, Pedagogues to Children, and all Officers and Soldiers in Armies, Forts, or Militia, and all other Persons in publick Trust or Office within this Kingdom, who shall publickly swear and subscribe the said Oath, as follows, *viz.* The Archbishops, chief Commander of the Session, and all Members of the College of Justice, and others depending upon them, before the Session: The Lords of Justiciary, and those depending upon that Court, in the Justice Court: The Lords, and other Members of Exchequer, before the Exchequer: All Bishops, before the Archbishops: All the inferior Clergy, Commissars, Masters and Doctors of Universities and Schools, Chaplains and Pedagogues, before the Bishops of the respective Dioceses: Sheriffs, Stewarts, Bailies of Royalty and Regality, and those depending on these Jurisdictions, before these respective Courts: And Provosts, Bailies and others of the Burgh, before the Town Council: All Collectors and Farmers of the King's Customs and Excise, before the Exchequer: The Commissioners of the Borders, before the Privy Council: All Justices of Peace, before their Conveener: And the Officers of the Mint, before the General of the Mint: And the Officers of the Forces, before the Commander in Chief, and common Soldiers, before their respective Officers: The Lyon, before the Privy Council; and Heralds, Pursuivants and Messengers at Arms, before the Lyon. And his Majesty, with Consent of the Estates of Parliament, shall take and subscribe the following Oath, in one of the foresaid Offices, in manner before prescribed, betwixt and the first of *January* next, which is to be recorded in the Registers of the respective Courts, and Extracts thereof under the Clerk's Hands, to be reported to his Majesty's Privy Council, betwixt and the first of *March* next, One thousand six hundred eighty two, and thereafter in any other Courts, whereof they are Judges or Members, the first Time they shall sit, or exerce in any of these respective Courts: And ordains, that all who shall hereafter be promoted to, or employed in any of the foresaid Offices, Trusts or Employments, shall at their Entry into, and before their exercising thereof, take and subscribe the said Oath, in Manner foresaid, to be recorded in the Registers of the respective Courts, and reported



reported to his Majesty's Privy Council, within the Space of forty Days after their taking the same. And if any shall presume to exercise any of the said Offices or Employments, or any publick Office or Trust within this Kingdom ( the King's lawful Brothers and Sons only excepted ) until they take the Oath foresaid, and subscribe it, to be recorded in the Registers of the respective Courts, they shall be declared incapable of all publick Trust thereafter, and be further punished with the Loss of their Moveables and Liferent-estate, the one Half whereof to be given to the Informer, and the other Half to belong to his Majesty. And his Majesty, with Advice foresaid, recommends to his Privy Council to see this Act put to due and vigorous Execution.

*Additional Act anent the Test, Sept. 17. 1681. N<sup>o</sup>. LXIV.*

Our sovereign Lord and Estates of Parliament, do hereby statute and ordain, that the *Test* appointed by the Sixth Act of this Parliament, to be taken by all Persons in publick Trust, shall be taken by the Admiral-deputes, Judges of the High Court of Admiralty, and all Members of that Court, and all particular Admiral deputies within the Kingdom, the Director of the Chancellery, and all Writers in that Office, the Writer to, and Under-keeper of the Privy Seal, Surveyors, Waiters for the King's Customs and Excise through the Kingdom, the King's Solicitor, the Lyon Clerk, and by all such as shall be commissioned to the Convention of Burrows, at their first *Sederunts* in their Courts, and in the said Convention: And ordain all Captains and other commisionate Officers of the Train-bands in Burghs, and such as have any Voice in electing of Deacons of Trades within Burghs, and the Clerks to Trades, to take the said *Test* before the Magistrates of the respective Burghs, and the Deacons of the said Trades *respective*, before their respective Elections. And also ordain all Persons who shall be named Commissioners for Revaluations, or rectifying Valuation of Lands, to take the foresaid *Test*, under the Pains contained in the said Act of Parliament: And that all Persons who have heritable Offices from the King, not mentioned in the foresaid Act, shall take the foresaid *Test*, in Presence of the Lords of Exchequer, betwixt and the first of *January*; wherein if they fail, they shall lose their Offices, and Casualties thereof, during their Lifetime.

*Bishop and Synod of Aberdeen their Sense of the Test. N<sup>o</sup>. LXV.*

WE do not hereby swear to all the particular Assertions and Expressions of the *Confession of Faith* mentioned in the *Test*, but only to the uniform Doctrine of the reformed Churches contained therein.

2. We do not hereby prejudice the Church's Right to, and Power of making any Alteration in the said *Confession*, as to the Ambiguity and obscure Expressions thereof, or of making a more unexceptionable Frame.

3. When we swear that the King is supreme Governor over all Persons, and in all Causes, as well Ecclesiastick as Civil, and when we swear to assert and defend all his Majesty's Rights and Prerogatives, this is reserving always the intrinsic unalterable Power of the Church immediately derived from Jesus Christ, to wit, the Power of the Keys, consisting in the preaching of the Word, Administration of the Sacraments, ordaining of Pastors, Exercise of Discipline, and holding of such Assemblies as are necessary for Preservation of Peace and Unity, Truth and Purity in the Church; and withal, we do hereby think, that the King has a Power to alter the Government of the Church at his Pleasure.

4. When we swear that it is unlawful for Subjects to meet or convene, to treat or consult, &c. about Matters of State civil or ecclesiastick, this is excepting Meetings for Ordination, publick Worship and Discipline, and such Meetings as are necessary for the Conservation of the Church, and true Protestant Religion.

5. When we swear there is no Obligation on us, &c. to endeavour any Change or Alteration in Government either in Church or State, we mean by Arms, or any seditious Way.

6. When we swear that we take the *Test* in the plain and genuin Sense of the Words, &c. we understand it only in so far as it does not contradict these Exceptions.

*Bishop of Dunkeld and Clergy of Perth, their Sense of the Test. N<sup>o</sup>. LXVI.*

Because our Consciences require the publishing and declaring of that express Meaning we have in taking the *Test*, that we be not misinterpreted to swear it in these Glosses which Men, uncharitable to it, and Enemies to us, are apt to put upon it; and because some Men ill affected to the Government, who are daily Broachers of odious and calumnious Slanders against our Persons and Ministry, are apt to deduce Inferences and Conclusions from the alleged Ambiguity of some Propositions of the *Test*, that we charitably and firmly believe were never intended by the Imposers, nor received by the Takers: Therefore to satisfy our Consciences, and to save our Credit from these unjust Imputations, we expressly declare that we swear the *Test* in this following Meaning.

1. By taking the *Test* we do not swear to every Proposition and Clause contained in the *Confession of Faith*, but only to the true Protestant Religion founded on the Word of God, contained in that *Confession*, as it is opposed to Popery and Fanaticism.



2. By swearing the ecclesiastick Supremacy, we swear it as we have done formerly, without any Reference to the assertory Act. We also reserve intire unto the Church, its own intrinsick and unalterable Power of the Keys as it was exercised by the Apostles, and the pure primitive Church for the first three Centuries.

3. By swearing that it is unlawful to convocate, convene or assemble in any Council, Conventions or Assemblies, to treat, consult, &c. in any Matter of State, civil or ecclesiastick, as we do not evacuate our natural Liberty, whereby we are in Freedom innocently, without Reflection upon, or derogating to Authority, or Persons intrusted with it, to discourse on any occasional Meeting of these Things; so we exclude not those other Meetings which are necessary for the Well-being and Discipline of the Church.

4. By our swearing it unlawful to endeavour any Change or Alteration in the Government either of Church or State, we mean, that it is unlawful for us to endeavour the Alteration of the specifick Government of Monarchy in the true and lineal Descent, and Episcopacy.

5. When we swear in the genuin and literal Sense, &c. we understand it so far as it is not opposite or contradictory to the foresaid Exceptions.

*They were allowed to insert, after the Oath, before their Subscriptions, these Words, or to this Purpose:*

*We underwritten do take this Oath according to the Explanation made by the Council, approved by his Majesty's Letter. And we declare we are no further bound by this Oath.*

### *Act of Council, Nov. 3. explaining the Test. N<sup>o</sup>. LXVII.*

**F**Orasmuch as some have entertained Jealousies and Prejudices against the Oath and Test, appointed to be taken by all Persons in publick Trust, Civil, Ecclesiastick or Military, in this Kingdom, by the Sixth Act of his Majesty's Third Parliament, as if thereby they were to swear to every Proposition or Clause in the Confession of Faith therein mentioned, or that Invasion were made thereby upon the intrinsick spiritual Power of the Church, or Power of the Keys, or as if the present Episcopal Government of this national Church by Law established, were thereby exposed to the Hazard of Alteration or Subversion; all which are far from the Intention and Design of the Parliament's imposing this Oath, and from the genuin Sense and Meaning thereof: Therefore, his Royal Highness his Majesty's High Commissioner, and Lords of Privy Council, do allow, authorize and impower the Archbishops and Bishops to administer this Oath and Test to the Ministers and Clergy in their respective Dioceses, in this expresse Sense, that tho' the Confession of Faith, ratified in Parliament, One thousand five hundred sixty and seven, was framed in the Infancy of our Reformation, and deserves its due Praises, yet by the Test we do not swear to every Proposition or Clause therein contained, but only to the true Protestant Religion, founded on the Word of God, contained in that Confession, as it is opposed to Popery and Fanaticism. Secondly. That by the Test, or any Clause therein contained, no Invasion or Encroachment is made, or intended upon the intrinsick spiritual Power of the Church, or Power of the Keys, as it was exercised by the Apostles, and the most pure and primitive Church in the first three Centuries after Christ, and which is still reserved intirely to the Church. Thirdly. That the Oath and Test is without any Prejudice to the Episcopal Government of this national Church, which is declared by the first Act of the second Session of his Majesty's first Parliament, to be most agreeable to the Word of God, and most suitable to Monarchy, and which upon all Occasions his Majesty hath declared, he will inviolably and unalterably preserve: And appoints the Archbishops and Bishops to require the Ministers in their respective Dioceses, with the first Conveniency, to obey the Law, in swearing and subscribing the foresaid Oath and Test; with Certification, that the Refusers shall be esteemed Persons disaffected to the Protestant Religion, and to his Majesty's Government, and that the Punishment appointed by the foresaid Sixth Act of his Majesty's Third Parliament shall be impartially, and without Delay, inflicted upon them: Extracted forth of the Records of Privy Council, by

*Will. Paterfon Cl. Secr. Concilii.*

### *King's Approbation of it, Nov. 15. 1681. N<sup>o</sup>. LXVIII.*

CHARLES R.

**M**ost dear, and most intirely beloved Brother, right trusty and well beloved Cousins and Counsellors, right trusty and well beloved Counsellors, and trusty and well beloved Counsellors, We greet you well. Whereas by one of your Letters directed unto Us, bearing Date the Eighth instant, We do find that some having entertained Scruples and Prejudices against the Test, by mistaking the true Sense and Meaning thereof, and others having put false and unjust Glosses and Senses upon it, tending to defeat its excellent Design for the Security of Our Government; and that upon this account you found it necessary, by an Act of that Our Council (which We have seen) to declare its true and genuin Sense, and to allow and impower the Bishops to administer the same in this Sense to the Clergy in their respective Dioceses: We are so well pleased with that explanatory Act, that We will not delay to send you Our cheerful Approbation thereof, with Our hearty Thanks for your Zeal in Our Service upon all Occasions, especially in what relates to the Security of the Persons, Rights, Interests and Privileges of our orthodox Clergy, which We do now (as We have often done before) in a particular Manner, recommend to your Care, as a Matter wherein you may render unto Us the most acceptable Services; and therefore We do expect, that you will upon all fit Occasions



Occasions give them all possible Encouragement, as these whom We have received, and will constantly shelter under Our Royal Protection, against all their Enemies. So We bid you heartily farewell.

*Given at Our Court at Whitehall, the fifteenth Day of November, One thousand six hundred eighty and one, and of Our Reign the Thirty third Year.*

*By his Majesty's Command;*

Directed thus,

MURRAY.

To Our most dear, and most entirely beloved Brother, Our right trusty and well beloved Cousins and Counsellors, Our right trusty and well beloved Counsellors, and Our trusty and well beloved Counsellors, *James Duke of Albany and York*, Our High Commissioner, and the Lords of Our Privy Council of Our ancient Kingdom of *Scotland*;

### *Earl of Argyle's Explanation of his Explication.* N<sup>o</sup>. LXIX.

I Have delayed hitherto to take the Oath, appointed by the Parliament to be taken by the first of *January* next, but now being required near two Months sooner to take it, this Day peremptorily, or to refuse, I have considered the *Test*, and have seen several Objections moved against it, especially by many of the orthodox Clergy; notwithstanding whereof, I have endeavoured to satisfy my self with a just Explanation, which I here offer, that I may both satisfy my Conscience. and obey your Highness and your Lordships Commands in taking the *Test*; tho' the Act of Parliament do not simply command the Thing, but only under a Certification, which I could easily submit to, if it were with your Highness's Favour, and might be without Offence, but I love not to be singular, and I am very desirous to give Obedience in this and every Thing as far as I can; and that which clears me is, that I am confident, whatever any Man may think or say to the Prejudice of this Oath, the Parliament never intended to impose contradictory Oaths. And because their Sense (they being the Framers and Imposers) is the true Sense, and that this *Test* enjoyed is of no private Interpretation, nor are the King's Statutes to be interpreted but as they bear, and to the Intent they are made; therefore I think no Man, *that is*, no private Person, can explain it for another, to amuse or trouble him with (it may be) mistaken Glosses, but every Man as he is to take it, so is to explain it for himself, and to endeavour to understand it (notwithstanding all these Exceptions) in the Parliament, which is its true and genuin Sense. I take it therefore, notwithstanding any Scruple made by any, as far as it is consistent with it self, and the Protestant Religion, which is wholly in the Parliament's Sense, and their true Meaning, which (being present) I am sure, was owned by all to be the securing of the Protestant Religion, founded on the Word of God, and contained in the Confession of Faith, recorded *Jam. VI. Parl. 1. Cap. 4.* and not out of Scruple, as if any Thing in the *Test* did import the contrary, but to clear my self from all Cavils, as if thereby I were bound up further than the true Meaning of the Oath. I do declare, that, by that Part of the *Test*, that there lies no Obligation on me, &c. I mean not to bind up my self in my Station, and in a lawful Way, still disclaiming all unlawful Endeavours to wish and endeavour any Alteration, I think, according to my Conscience, to the Advantage of Church and State, not repugnant to the Protestant Religion and my Loyalty, I understand no other Thing than the Words plainly bear, *to wit*, the Duty and Allegiance of all loyal Subjects, and this Explanation I understand as a Part, not of the *Test* or Act of Parliament, but as a qualifying Part of my Oath that I am to swear, and with it I am willing to take the *Test*, if your Royal Highness and your Lordships allow me; or otherwise, in Submission to your Highness and the Council's Pleasure, I am content to be held as a Refuser at present.

### *Indictment against the Earl of Argyle.* N<sup>o</sup>. LXX. 1.

*Archibald Earl of Argyle,*

YOU are indicted and accused, That albeit, by the common Law of all well governed Nations, and by the municipal Laws and Acts of Parliament of this Kingdom, and particularly by the 21 and by the 43 Act, Par. 2. *Jam. I.* and by the 83 Act, Par. 6. *Jam. V.* and by the 34 Act, Par. 8. *Jam. VI.* and the 134 Act, Par. 8. *Jam. VI.* and the 205 Act, Par. 14. *Jam. VI.* all Leasing Makers, and Tellers of them, are punishable with Tinfel of Life and Goods; likeas, by the 107 Act, Par. 7. *Jam. I.* it is statuted, That no Man interpret the King's Statutes, otherwise than the Statute bears, and to the Intent and Effect that they were made for, and as the Makers of them understood, and who so does in the contrary, to be punished at the King's Will. And by the 10 Act, Par. 10. *Jam. VI.* it is statuted, That none of his Majesty's Subjects presume to take upon him publickly to declare, or privately to speak or write any Purpose of Reproach or Slander of his Majesty's Person, Estate, or Government, or to deprave his Laws, or Acts of Parliament, or misconstrue his Proceedings, whereby any Mistaking may be moved betwixt his Highness, his Nobility and loving Subjects, in Time coming, under Pain of Death, certifying them that do in the contrary, they shall be reputed as seditious and wicked Instruments, Enemies to his Highness, and to the Commonwealth of this Realm, and the said Pain of Death shall be executed against them with all Rigour, to the Example of others;



others. And by the 2 *Act, Sess. 2. Par. 1. Char. II.* it is statuted, That whosoever shall, by writing, libelling, remonstrating, express, publish, or declare any Words or Sentences, to stir up the People to the Dislike of his Majesty's Prerogative and Supremacy, in Causes ecclesiastick, or of the Government of the Church by Archbishops and Bishops, as it is now settled by Law, is under the Pain of being declared incapable to exercise any Office, civil, ecclesiastick, or military, within this Kingdom, in any Time coming. Likewise, by the fundamental Laws of this Nation, by the 130 *Act, Par. 8. Jam. VI.* is declared, That none of his Majesty's Subjects presume to impugn the Dignity or Authority of the Three Estates, or to procure Innovation or Diminution of their Power and Authority, under the Pain of Treason; and that it is much more Treason in any of his Majesty's Subjects, to presume to alter Laws already made, or to make new Laws, or to add any Part to any Law, by their own Authority, that being to assume the legislative Power to themselves, with his Majesty's highest and most incommunicable Prerogative: Yet true it is, That albeit his sacred Majesty did not only bestow on the said *Archibald Earl of Argyle*, those vast Lands, Jurisdictions and Superiorities, justly forfeited to his Majesty by the Crimes of your deceased Father, preferring your Family to those who had served his Majesty against it in the late Rebellion, but also pardoned and remitted to you the Crimes of Leasing making, and misconstruing his Majesty's and his Parliament's Proceedings against the very Laws abovementioned, whereof you were found guilty, and condemned to die therefore, by the high Court of Parliament the 25 of *August, 1662.* and raised you to the Title and Dignity of an Earl, and being a Member of all his Majesty's Judicatures. Notwithstanding of all these, and many other Favours, you the said *Archibald Earl of Argyle*, being put by the Lords of his Majesty's Privy Council to take the *Test*, appointed, by the Act of the last Parliament, to be taken by all Persons in publick Trust, you, instead of taking the said *Test*, and swearing the same in the plain genuin Sense and Meaning of the Words, without any Equivocation, mental Reservation, or Evasion whatsoever, you did declare against, and defame the said Act; and having, to the end you might corrupt others by your pernicious Sense, drawn the same in a Libel, of which Libel you dispersed and gave abroad Copies, whereby ill Impressions were given of the King and Parliament's Proceedings, at a Time especially, when his Majesty's Subjects were expecting what Submission should be given to the said *Test*; and being desired the next Day to take the same, as one of the Commissioners of his Majesty's Treasury, you did give in to the Lords of his Majesty's Privy Council, and owned twice, in plain Judgment before them, the said defamatory Libel against the said *Test*, and Act of Parliament, declaring that you *had considered the said Test, and was desirous to give Obedience as far as you could*, whereby you clearly insinuated, that you was not able to give full Obedience. In the second Article of which Libel you declare, that you were *confident the Parliament never intended to impose contradictory Oaths*, thereby to abuse the People with a Belief, that the Parliament had been so impious, as really and actually to have imposed contradictory Oaths, and so ridiculous as to have made an Act of Parliament (which should be most deliberate of all human Actions) quite contrary to their own Intentions; after which you subsumed, contrary to the Nature of all Oaths, and to the Acts of Parliament abovementioned, *That every Man must explain it for himself, and take it in his own Sense*, by which, not only that excellent Law, and the Oath therein specified, which is intended to be a Fence to the Government, both of Church and State, but all other Oaths and Laws shall be rendered altogether useless to the Government. If every Man take the Oaths imposed by Law in his own Sense, then the Oath imposed is to no Purpose, for the Legislature cannot be sure, that the Oath imposed by them will bind the Takers according to the Design and Intent for which they appointed it, and the legislative Power is taken from the Imposers, and settled in the Taker of the Oath, and so he is allowed to be the Legislator, which is not only an open and violent Depraving of his Majesty's Laws and Acts of Parliament, but is likewise a settling of the legislative Power on private Subjects who are to take such Oaths. In the Third Article of that Paper you declare, *That you take the Test, in so far only as it is consistent with it self and the Protestant Religion*, by which you maliciously intimate to the People, that the said Oath is inconsistent with it self, and with the Protestant Religion, which is not only a downright Depraving of the said Act of Parliament, but is likewise a misconstruing of his Majesty's and the Parliament's Proceedings, and misrepresenting them to the People in the highest Degree, and in the tenderest Points they can be concerned, and implying, that the King and Parliament have done Things inconsistent with the Protestant Religion, for securing of which that *Test* was particularly intended. In the Fourth Article you do expressly declare, *That you mean not, by taking the said Test, to bind up your self from wishing and endeavouring any Alteration in a lawful Way that you shall think fit for advancing of Church and State*, whereby also it was designed by the said Act of Parliament and Oath, that no Man should make any Alteration in the Government of Church and State, as it is now established; and that it is the Duty of all Subjects, in humble and quiet Manner, to obey the present Government. Yet you not only declare your self, but, by your Example, you invite others, to think themselves loosed from that Obligation, and that it is free for them to make any Alteration in either, as they shall think fit, concluding your whole Paper with these Words (*and this I understand as a Part of my Oath*) which is a treasonable Invasion upon the royal legislative Power, as if it were lawful for you to make to your self an Act of Parliament, since he who can make any Part of an Act, may make the whole, the Power and Authority in both being the same. Of the which Crimes abovementioned you, the said *Archibald Earl of Argyle*, are Actor, Art and Part, which being found by the Assize, you ought to be punished with the Pains of Death, Forfeiture and Escheat of Lands and Goods, to the Terror of others to commit the like hereafter.

### *Earl of Argyle's Speech after his Indictment. N<sup>o</sup>. LXX. 2.*

*My Lord Justice-general, &c.*

I Look upon it as the undeniable Privilege of the meanest Subject, to explain his own Words in the most benign Sense; and even when Persons are under an ill Character, the Misconstruction of Words in themselves not ill, can only reach a Presumption or Aggravation, but not any more.

But



But it is strange to alledge, as well as, I hope, impossible to make any that know me believe, that I could intend any Thing but what was honest and honourable, suitable to the Principles of my Religion and Loyalty, tho' I did not explain my self at all.

My Lord, I pray you be not offended that I take up a little of your Time, to tell you; I have from my Youth made it my Business to serve his Majesty faithfully, and have constantly, to my Power, appeared in his Service, especially in all Times of Difficulty, and have never joyned, nor complied with any Interest or Party, contrary to his Majesty's Authority, and have all along served him in his own Way, without a Frown from his Majesty these Thirty Years.

As soon as I passed the Schools and Colleges, I went to travel to *France* and *Italy*, and was abroad 1647; 1648. and till the End of 1649.

My first Appearance in the World was to serve his Majesty as Colonel in his Foot-guards, and tho', at that Time, all the Commissions were given by the then Parliament, yet I would not serve without a Commission from his Majesty, which I have still the Honour to have by me.

After the Misfortune of *Worcester* I continued in Arms for his Majesty's Service, when *Scotland* was overrun with the Usurpers, and was alone, with some of my Friends, in Arms in the Year 1652. and did then keep up some Appearance of Opposition to them; and General Major *Dean* coming to *Argyle* Shire, and planting several Garisons, he no sooner went away, but we fell upon the Garisons he had left, and, in one Day, took Two of them, and cut off a considerable Part of a Third, and carried away in all about Three hundred Prisoners. And in the End of that Year I sent Captain *Schaw* to his Majesty, with my humble Opinion how the War might be carried on, who returned to me with Instructions and Orders, which I have yet lying by me.

After which I joyned with those his Majesty did commissionate, and stood out till the last, that the Earl of *Middleton*, his Majesty's Lieutenant General, gave me Orders to capitulate, which I did without any other Engagements to the Rebels, but allowing Persons to give Bail for my living peaceably, and did, a my capitulating, relieve several Prisoners by Exchange, whereof my Lord *Granard*, out of the Castle of *Edinburgh*, was one.

It is notoriously known, that I was forfeited by the Usurpers, who were so jealous of me, that, contrary to their Faith, within Eight Months after my Capitulation, upon Pretence I kept Horses above the Value; they seized on me, and kept me in one Prison after another, till his Majesty's happy Restauration, and this only because I would not engage not to serve his Majesty, tho' there was no Oath required.

I do with all Gratitude acknowledge his Majesty's Goodness, Bounty, and Royal Favour to me, when I was pursued before the Parliament in the Year 1662. His Majesty was graciously pleased not to send me there in any opprobrious Way, but upon a bare verbal Parole, upon which I came down Post, and presented my self a Fortnight before the Day. Notwithstanding whereof I was immediately clapt up in the Castle, but having satisfied his Majesty at that Time, of my intire Loyalty, I did not offer to plead by Advocates: And his Majesty was not only pleased to pardon my Life, and to restore me to a Title and Fortune, but to put me in Trust in his Service in the most eminent Judicatories of this Kingdom, and to heap Favours upon me far beyond whatever I did, or can deserve, tho' I hope his Majesty hath always found me faithful and thankful, and ready to bestow all I have, or can have, for his Service; and I hope never hath, had, or shall have Ground to repent any Favour he hath done me. And if I were now really guilty of the Crimes libelled, I should think my self a great Villain.

The next Occasion I had to shew my particular Zeal to his Majesty's Service was in anno 1666. when the Insurrection was made, that was repress'd at *Pentland Hills*. At the very first the Intercourse betwixt this Place and me was stopt, so that I had neither Intelligence nor Orders from the Council, nor from the General, but upon a Letter from the now Archbishop of *St. Andrews*, telling me there was a Rebellion like to be in the Three Kingdoms, and bidding me beware of *Ireland* and *Kintyre*, I brought together about Two Thousand Men. I seized all the Gentlemen in *Kintyre*, that had not taken the Declaration, tho' I found them peaceable: And I sent a Gentleman to General *Dalziel* to receive his Orders, who came to him just as they were going to the Action at *Pentland*, and was with him in it, and I kept my Men together till his Return. And when I met with considerable Trouble from my Neighbours, rebelliously in Arms, and had Commissions both on publick and private Accounts, have I not carried dutiful to his Majesty, and done what was commanded, with a just Moderation, which I can prove under the Hands of mine Enemies, and by many infallible Demonstrations?

Pardon me a few Words. Did I not, in this present Parliament, shew my Readiness to serve his Majesty and the Royal Family, in asserting vigorously the lineal legal Succession of the Crown, and had a Care to have it express'd in the Commissions of the Shires and Burghs I had Interest in? Was I not for offering proper Supplies to his Majesty and his Successor? And did I not concur to bind the Landlords for their Tenants, altho' I was mainly concerned? And have I not always kept my Tenants in Obedience to his Majesty?

I say all this, not to arrogate any Thing for doing what was my Honour and Duty to his Majesty; but if, after all this, upon no other Grounds, but upon Words that were spoken in absolute Innocence, and without the least Design, except for clearing my own Conscience; and that are not capable of the ill Sense wrested from them by the Libel, I should be further troubled, what Assurance can any of the greatest Quality, Trust, or Innocence have that they are secure? especially considering that so many Scruples have been started, as all know, not only by many of the orthodox Clergy, but by whole Presbyteries, Synods, and some Bishops, which were thought so considerable, that an eminent Bishop took the Pains to write a Treatise, that was read over in Council, and allowed to be printed, and a Copy given to me, which contains all the Expressions I am charged for, and many more that may be stretched to a worse Sense.

Have I not shewed my Zeal to all the Ends of the *Test*? how then can it be imagined, that I have any sinister Design in any Thing that I have said? If I had done any Thing contrary to it all the Course of my Life, which I hope shall not be found, yet one Act might pretend to be excused by a Habit: But nothing being questioned but the Sense of Words misconstrued to the greatest Height, and stretched to imaginary Insinuations, quite contrary to my Scope and Design; and so far contrary, not only to my Sense, but my Principles;



ciples, Interest and Duty, that I hope my Lord Advocate will think he hath gone too far on in his Process, and say plainly, what he knows to be Truth, by his Acquaintance with me, both in publick and private, viz. That I am neither Papist nor Fanatick, but truly loyal in my Principles and Practices.

The Hearing of this Libel would trouble me beyond most of the Sufferings of my Life, if my Innocence did not support me, and the Hopes of being vindicated of this and other Calumnies before this publick and noble Auditory.

I leave my Defences to these Gentlemen that plead for me, they know my Innocence, and how groundless that Libel is.

I shall only say, as my Life hath most of it been spent in serving and suffering for his Majesty, so, whatever be the Event of this Process, I resolve, while I breathe, to be loyal and faithful to his Majesty. And whether I live publickly, or in Obscurity, my Head, my Heart, nor my Hand shall never be wanting where I can be useful to his Majesty's Service, and while I live, and when I die, I shall pray, that God Almighty would bless his Majesty with a long, happy and prosperous Reign; and that the lineal legal Successors of the Crown, may continue Monarchs of all his Majesty's Dominions, and be Defenders of the true Primitive, Christian, Apostolick, Catholick, Protestant Religion, while Sun and Moon endure.

God save the King.

*Sir George Lockhart's Plea for the Earl of Argyle.* N<sup>o</sup>. LXX. 3.

**S**ir George Lockhart, for the Earl of Argyle, alledgeth, That the Libel is not relevant, and whereupon he sought to be put to the Knowledge of an Inquest. For,

It is alledged in the general, That all criminal Libels, whereupon any Person's Life, Estate, and Reputation can be drawn in question, should be founded upon clear, positive, and expresse Acts of Parliament, and the Matter of Fact, which is libelled to be the Contravention of those Laws, should be plain, clear, and direct Contraventions of the same, and not argued by way of Implications and Inferences: Whereas in this Case, neither the Acts of Parliament founded upon and libelled, can in the least be the Foundation of this Libel: Nor is the Explication which is pretended to be made by the Pannel, at the Time of the taking of his Oath, (if considered) any Contravention of those Laws; which being premised, and the Pannel denying the Libel, as to the whole Articles and Points therein contained, it is alledged in special:

That the Libel, in so far as it is founded upon the 21 Chap. Stat. 1. Robert I. and upon 83 Act, Parl. 6. James V. the 43 Act, Parl. 2. James I. and upon the 83 Act, Parl. 10. James V. and upon 84 Act, Parl. 8. James VI. and upon the 10 Act, Parl. 10. James VI. and upon the 2 Act, Parl. 1. Sess. 2. of his sacred Majesty, and inferring thereupon, That the Pannel, by the pretended Explication, given in by him to the Lords of his Majesty's Privy Council, as the Sense of the Oath he had taken, doth commit the Crime of Leasing-making, and depraving his Majesty's Laws: The Inference and Subsumption is most unwarrantable, and the Pannel, tho' any such Thing were acknowledged or proved, can never be found guilty of contravening these Acts of Parliament, in respect it is evident, upon Perusal and Consideration of these Acts of Parliament, that they only concern the Cause of Leasing-making, tending to Sedition, and to beget Discord betwixt his Majesty and his Subjects, and the Dislike of his Majesty's Government, and the Reproach of the same. And the said Laws and Acts of Parliament were never understood or libelled upon in any other Sense; and all the former Acts of Parliament, which relate to the Crime of Leasing-making in general Terms, and under the Qualification foresaid, as tending to beget Discord betwixt his Majesty and his Subjects, are explained and fully declared, as to what is the true Meaning and Import thereof, by the 134 Act, Parl. 8. James VI. which relates to the same Crime of Leasing-making, and which is expressly described in these Terms, to be wicked and licentious, publick and private Speeches, and untrue Calumnies, to the Disdain and Contempt of his Majesty's Council and Proceedings, and to the Dishonour and Prejudice of his Highness and his Estate, stirring up his Highness's Subjects to Misliking and Sedition, and Unquietness; which being the true Sense and Import of the Acts of Parliament made against Leasing-makers, there is nothing can be inferred from the Pannel's alledged Explication, which can be wrested or construed to be a Contravention of these Laws: In respect,

*First.* It is known by the whole Tenor of his Life, and graciously acknowledged by his sacred Majesty, by a Letter under his Royal Hand, that the Pannel did ever most zealously, vigorously, and faithfully promote and carry on his Majesty's Service and Interest, even in the worst and most difficult Times; which is also acknowledged by a Pass under the Earl of Middleton's Hand, who had then a special Commission from his Majesty, for carrying on his Majesty's Service in this Kingdom, as Lieutenant-general under his Majesty; and by a Letter under the Earl's Hand, of the Date , both which do contain high Expressions of the Pannel's Loyalty, and of the great Services he had performed for his Majesty's Interest; and his Majesty, as being conscious thereof, and perfectly knowing the Pannel's Loyalty, and his Zeal and Faithfulness for his Service, did think fit to entrust the Pannel in Offices and Capacities of the greatest Trust in the Kingdom: And it is a just and rational Presumption, which all Laws make and infer, That the Words and Expressions of Persons, who, by the Tenor and Course of their Lives, have expressed their Duty and Loyalty to his Majesty's Interest, are ever to be interpreted and understood in *meliolem partem*; and, by way of Implication and Inference, to conclude and infer Crimes from the same, which the Ufer of such Words and Expressions never meant or designed, is both unreasonable and unjust.

2. As the foresaid Acts of Parliament made against Leasing-makers, and Depravers of his Majesty's Laws, only proceed in the Terms aforesaid, where the Words and Speeches are plain, tending to beget Discord between the King and his Subjects, and to the Reproach and Dislike of his Government, and when the same are spoke and vented in a subdolous, pernicious, and fraudulent Manner, so they never were, nor can be un-



understood to proceed in the Case of a Person, offering, in the Presence of a publick Judicature, (whereof he had the Honour to be a Member) his sincere and plain Meaning and Apprehension of what he conceived to be the true Sense of the Act of Parliament imposing and enjoining the *Test*; there being nothing more opposite to the Acts of Parliament made against Leasing-making, and venting and spreading abroad the same upon seditious Designs, than the foresaid plain and open Declaration of his Sense and Apprehension, what was the Meaning of the said Act of Parliament: And it is of no Import to infer any Crime, and much less any of the Crimes libelled, albeit the Pannel had erred and mistaken in his Apprehension of the Act of Parliament. And it were a strange Extension of the Act of Parliament made against Leasing-makers, requiring the Qualifications foresaid, and the Acts against depraving his Majesty's Laws, to make the Pannel or any other Person guilty, upon the Mistakes and Misapprehensions of the Sense of the Laws, wherein Men may mistake and differ very much, and even eminent Lawiers and Judges; so that the Acts of Parliament against Leasing-making, and depraving his Majesty's Laws, can only be understood in the express Terms and Qualifications foresaid. Likeas, it neither is libelled, nor can be proven, that the Pannel before he was called and required by the Lords of his Majesty's Privy Council to take the Oath, did ever, by Word or Practice, use any reproachful Speeches of the said Act of Parliament, or of his Majesty's Government; but being required to take the Oath, he did humbly, with all Submission, declare what he apprehended to be the Sense of the Act of Parliament enjoining the *Test*, and in what Sense he had Freedom to take the same.

3. The Act of Parliament enjoining the *Test*, does not enjoin the same to be taken by all Persons whatsoever, but only prescribes it as a Qualification, without which Persons could not assume or continue to act in publick Trust; which being an Oath to be taken by so solemn an Invocation of the Name of almighty God, it is not only allowable by the Laws and Customs of all Nations, and the Opinion of all Divines and Casuists, Popish or Protestant, but also commended, that where a Party has any Scrupulosity, or Unclearness in his Conscience, as to the Matter of the Oath, that he should exhibit and declare the Sense and Meaning in which he is willing and able to take the Oath. And it is not at all material, whether the Scruples of a Man's Conscience, in the Matter of an Oath, be, in themselves, just or groundless, it being a certain Maxim, both in Law and Divinity, that *conscientia, etiam erronea, ligat*. And therefore, tho' the Pannel had thought fit, for the clearing and Exoneration of his own Conscience, in a Matter of the highest Concern as to his Peace and Repose, to have expressed and declared the express Sense in which he could take the Oath, whether the said Sense was consistent with the Act of Parliament or not; yet it does not in the least import any Matter of Reproach or Reflection upon the Justice or Prudence of the Parliament in imposing the said Oath, but allenarly does evince the Weakness and Scrupulosity of a Man's Conscience, who neither did, nor ought to have taken the Oath, but with an Explanation that would have saved his Conscience to his Apprehension; otherwise he had grossly sinned before God, even tho' it was *conscientia errans*: And this is allowed and prescribed by all Protestant Divines, as indispensably necessary, and was never thought to import any Crime, and is also commended even by Popish Casuists themselves, who tho' they allow, in some Cases, of mental Reservations and Equivocations, yet the express Declaration of the Sense of the Party is allowed and commended, as much more ingenuous; and *tutius remedium conscientia ne illaqueetur*, as appears by *Bellarmino de juramento*, and upon the same Title *de interpretatione juramenti*. And *Lessius* that famous Casuist, *de justitia & jure, dubitatione 8, 9. utrum si quis salvo animo aliquid juramenta promittat, obligetur, & quale peccatum hoc sit*. And which is the general Opinion of all Casuists, and all Divines, as may appear by *Amesius*, in his Treatise *de conscientia*, *Sanderson de juramento, pralectione secunda*. And such an express Declaration of the Sense and Meaning of any Party, when required to take an Oath, for no other End but for the clearing and Exoneration of his own Conscience, was never in the Opinion of any Lawier, or any Divine, construed to be the Crime of Leasing-making, or of defamatory Libels, or depraving of publick Laws, or reproaching or misconstruing of the Government, but the contrary. By the universal Suffrage of all Protestant Divines, there is expressly required, in Cases of a scrupulous Conscience, an Abhorrence and Detestation of all reserved Senses, and of all Amphibologies and Equivocations, which are in themselves unlawful and reprobate, upon that unanswerable Reason, that *juramentum* being the highest Act of Devotion and Religion, *in eo requiritur maxima simplicitas*, and that a Party is obliged, who has any Scruples of Conscience, publickly and openly to clear and declare the same.

4. Albeit it is not controverted, but that a Legislator imposing an Oath, or any publick Authority, before whom the Oath is taken, after hearing of the Sense and Explication which a Person is willing to put upon it, either reject or accept of the same, if it be conceived not to be consistent with the genuin Sense of the Oath; yet tho' it were rejected, it was never heard of, or pretended, that the offering of a Sense does import a Crime, but that notwithstanding thereof, *habetur pro recusante*, and as if he had not taken the Oath, and to be liable to the Certification of Law, as if he had been a Refuser.

5. The Pannel having publickly and openly declared the Sense in which he was free to take the Oath, it is offered to be proved, that he was allowed, and did accordingly proceed to the taking of the Oath, and did thereafter take his Place, and sit and vote during that *Sederunt* of Privy Council; so as the pretended Sense and Explication, which he did then emit and give, can import no Crime against him.

6. It is also offered to be proved, that before the Pannel was required to take the Oath, or did appear before his Royal Highness, and Lords of Privy Council, to take the same, there were a great many Papers spread abroad from Persons and Ministers of the orthodox Clergy, and, as the Pannel is informed, some thereof presented to the Bishops of the Church, in the name of Synods and Presbyteries, which did, in down-right Terms, charge the *Test* and Oath with alledged Contradictions and Inconsistencies. And, for Satisfaction whereof, some of the learned and reverend Bishops of the Church did write a learned and satisfying Answer, called, *A Vindication of the Test, for clearing the Scruples, Difficulties and Mistakes that were objected against it*. And which Vindication and Answer was exhibited, and read before the Lords of his Majesty's Privy Council, and allowed to be printed, and from which the Pannel argues.

1mo. That it neither is, nor can be pretended in this Libel, that the alledged Explication wherein he did take the Oath, does propose the Scruples of his Conscience in these Terms, which were proposed by the Authors of these Objections, which do flatly and positively assert, that the Oath and *Test* do contain Matters of Inconsistency and Contradiction, whereas all that is pretended in this Libel, with the most absolute Violence



lence can be put upon the Words, is arguing Implications and Inferences, which neither the Words are capable to bear, nor the Sincerity of the Earl's Intention and Design, nor the Course of his bypast Life can possibly admit of. And yet none of the Persons, who were the Authors of such Papers, were ever judged or reputed criminal or guilty, and to be prosecuted for the odious and infamous Crimes libelled, of Treason, Leasing-making, Perjury, and the like.

2<sup>do</sup>. The Pannel does also argue, from the said Matter of Fact, that the alledged Explication libelled, can neither in his Intention and Design, nor in the Words infer and import any Crime against him, because, before his being required, or appearing to take the Oath, there were spread abroad such Scruples and Objections by some of the orthodox Clergy and others, so that the Earl can never, in any Sense, be construed in his Explication, wherein he took the Oath, to have done it *animo infamandi*; and to declaim against the Government, for the Scruples and Objections that were spread abroad by others, were a fair and rational Occasion why the Earl, in any Sense or Explication which he offered, might have said, that he was confident the Parliament never intended to impose contradictory Oaths; and this is so far from importing the Insinuation and Inference made by the Libel, that thereby the Parliament were so impious as to impose contradictory Oaths, as on the contrary, considering the Circumstances forementioned, that there were Papers spread abroad, insinuating, that there were Inconsistencies and Contradictions contained therein, the said Expression was an high Vindication of the Honour and Justice of the Parliament against the Calumnies and Misrepresentations which were cast upon it, and was also a just Rise for the Pannel, for the clearing and Exoneration of his own Conscience, in the various Senses and Apprehensions which he found were going abroad, as to the said Test, humbly to offer his Sense in which he was clear, and satisfied to take the Oath.

7. To the Libel, in so far as it is founded upon the Act of Parliament, viz. Act 130. Par. 8. Jam. VI. declaring, That none should presume to impugn the Dignity or Authority of the Three Estates of Parliament, or procure any Invasion or Diminution thereof, under the Pain of Treason; as also, in so far as it is pretended in the Libel, that the Pannel, by offering the Sense and Explication libelled, has assumed the legislative Power, which is incommunicable, and has made a Law, or a Part of a Law.

It is answered, The Libel is most groundless and irrelevant, and against which the Act of Parliament is opposed, which is so plain and evident, upon the Reading thereof, that it neither is nor can be subject to the least Cavillation, and the plain Meaning whereof is nothing else, but to impugn the Authority of Parliaments, as if the King and Parliament had not a legislative Power, or were not the highest Representative of the Kingdom, or that any of the Three Estates were not essentially requisite to constitute the Parliament. And besides, there is nothing more certain, than that the Occasion of the said Act its being made, was in relation to the Bishops and Clergy, and there is nothing in the pretended Explanation, that can be wrested to import the least Contravention of the said Act, or to be an Impugning of the Three Estates of Parliament, or a Seeking any Innovation therein. And it is admired with what Shadow of Reason it can be pretended, that the Pannel has assumed a legislative Power, or made a Part of a Law, seeing all that is contained in the alledged Explication libelled, is only a Declaration of the Earl's Sense, in which he was satisfied to take the Oath, and so respected none but himself, and for the clearing of his own Conscience, which justly indeed the Word of God calls a Law to himself, without any Inroaching upon the legislative Power. And where was it ever debated, but that a Man in the taking of an Oath, if, as to his Apprehensions, he thought any Thing in it deserved to be cleared, might declare the same; or that his exhibiting, at the Time of the taking of the Oath, his Sense and Explication, wherein he did take it, was ever reputed or pretended to be the assuming of a legislative Power, it being the universal Practice of all Nations to allow this Liberty? and which Sense may be either rejected or accepted, as the Legislator shall think fit, importing no more but a Party's private Sense, for the Exoneration of his own Conscience. And as to that Member of the Libel, founded upon Act 19. Par. 3. Queen Mary, it contains nothing but a Declaration of the Pain of Perjury, and there is nothing in the Explication libelled, which can in the least be inferred as Contravention of the said Act, in respect, if it should be proved, that the Pannel, at the Time of the taking of the Oath, did take it in the Words of the said Explication, as his Sense of the Oath, it is clear, that the Sense being declared at the Time of taking the Oath, and allowed as the Sense wherein it was taken, the Pannel can only be understood to have taken it in that Sense. And altho' publick Authority may consider whether the Sense given by the Pannel does satisfy the Law or not, yet that can import no more, tho' it was found not to satisfy, but to hold the Pannel as a Refuser of the Oath; but it is absolutely impossible to infer the Crimes of Perjury upon it, being, as is pretended by the Libel, the Pannel did only take it with the Declaration of the Sense and Explication libelled.

8. As the Explication libelled does not at all import all, or any of the Crimes contained in the said Libel, so, by the common Principles of all Law, where a Person does emit Words for the clearing and Exoneration of his own Conscience, altho' there were any Ambiguity, or Unclearness, or Involvedness in the Tenor or Import of the Expressions or Words, yet they are ever to be interpreted *interpretatione benigna & favorabili*, according to the general Principles of Law and Reason. And it never was, nor can be refused to any Person to interpret, and put a congruous Sense upon his own Words, especially the Pannel being a Person of eminent Quality, and who hath given great Demonstration and undeniable Evidences of his fixt and unalterable Loyalty to his Majesty's Interest and Service, and, at the Time of emitting the said Explication, was invested and intrusted in publick Capacities. And it is a just and rational Interpretation and Caution, which *Sanderfon*, that judicious and eminent Casuist, gives *Prælect. 2. that dicta & facta principum, parentum, rectorum*, are ever to be looked upon as *benigna interpretationis*, and that *dubia sunt interpretanda in meliorem partem*. And there is nothing in the Explication libelled, which, without Detortion and Violence, and in the true Sense and Design of the Pannel, is not capable of this benign Interpretation and Construction, especially, Respect being had to the Circumstances wherein it was emitted and given, after a great many Objections, Scruples and alledged Inconsistencies, were owned, vented and spread abroad, which was a Rise to the Earl, for using the Expressions contained in the pretended Declaration libelled.

9. These Words whereby it is pretended the Pannel declares, *he was ready to give Obedience as far as he could*. 1<sup>mo</sup>. Do not in the least import, that the Parliament had imposed any Oath which was in it self unlawful, but only the Pannel's Scrupulosity and Unclearness in Matter of Conscience. And it is hoped it cannot be a Crime, because all Men cannot go the same Length. And if any such Thing were argued, it might be argued



gued Ten times more strongly, from a simple Refusing of the Oath, as if any Thing were enjoined, which were so hard, that it is not possible to comply with it: And yet such Implications are most irrational and inconsequential, and neither in the Case of a simple and absolute Refusing of the Oath, nor in the Case of an Explication of the Party's Sense, wherein he is willing to take the Oath, is there any Impeachment of the Justice and Prudence of the Legislator who imposeth this Oath, but singly a Declaration of the Scrupulosity and Weakness of the Party, why he cannot take the Oath in other Terms; and such Explications have been allowed by the Laws and Customs of all Nations, and are advised by all Divines of whatsoever Principles, for the Solace and Security of a Man's Conscience.

2<sup>do</sup>. As to that Point of the Explication libelled, *That I am consistent the Parliament never intended to impose contradictory Oaths*; it respects the former Answer, which, considering the plain and downright Objections that were spread abroad, and made against the Oath, as containing Inconsistencies and Contradictions, was an high Vindication of the Justice and Prudence of the Parliament.

3<sup>tio</sup>. As to these Words, *And therefore I think no Body can explain it but for himself*. The plain and clear Meaning is nothing else, but that the Oath being imposed by Act of Parliament, it was of no private Interpretation; and that therefore every Man, who was to take it, behoved to take it in that Sense, which he apprehended to be the genuine Sense of the Parliament: And it is impossible, without impugning common Sense, that any Man could take it in any other Sense, it being as impossible to see with another Man's Eyes, as to see with his private Reason. And a Man's own private Sense, and Apprehension of the genuine Sense, was the only proper Way wherein any Man could rationally take the Oath.

And as to these Words, *That he takes it as far as it is consistent with it self and the Protestant Religion*, the Pannel neither intended nor exprest more, but that he did take it as a true Protestant, and he hopes all Men have taken it as such.

And as to that Clause wherein the Pannel is made to declare, *That he does not bind up himself in his Station, in a lawful Way, to wish and endeavour any Alteration, he thinks, to the Advantage of Church or State, not repugnant to the Protestant Religion and his Loyalty*.

It is answered. There is nothing in this Expression that can import the least Crime, or give the least Umbrage for any Mistake: For,

1. It is most certain, it is impossible to elicit any such Thing from the Oath, but that it was the Intention of the Parliament, that Persons, notwithstanding of the Oath, might concur in their Stations, and in a lawful Way, in any Law, to the Advantage of Church and State: And no rational Man ever did or can take the Oath in other Terms, that being contrary to his Allegiance and Duty to his sacred Majesty and Prince.

2. There is nothing in the said Expression which does touch in the least Point, at any Alteration in the Fundamentals of Government, either in Church or State, but, on the contrary, by the plain and clear Words and Meaning, rather for its Perpetuity, Stability and Security, the Expression being cautioned to the utmost Scrupulosity, as that it was to be done in a lawful Manner, that it was to be to the Advantage of Church or State, that it was to be consistent with the Protestant Religion, and with his Loyalty, which was no other but the Duty and Loyalty of all faithful Subjects, and which he has signally and eminently expressed upon all Occasions: So that how such an Expression can be drawn to import all, or any of the Crimes libelled, passeth all natural Understanding.

And as to the last Words, *This I understand as a Part of my Oath*, which is libelled to be a treasonable Invasion, and assuming of the legislative Power; it is answered, it is most unwarrantable, and a Party's declaring the Sense and Meaning, in which he was free to take an Oath, does not at all respect or invade the legislative Power, of which the Pannel never entertained a Thought, but has an absolute Abhorrence and Detestation of such Practices: But the plain and clear Meaning is, that the Sense and Explication was a Part of his Oath, and not of the Law imposing the Oath, these being as distant as the Two Poles; and which Sense was taken off the Earl's Hands, and he accordingly was allowed to take his Place at the Council-board, and therefore repeats the former general Defences.

And to convince the Lords of Justiciary, that there is nothing in the pretended Explication libelled, which can be drawn to import any Crime, even of the lowest Size and Degree, and that there is no Expression therein contained, that can be detorted or wrested to import the same, is evident from the learned Vindication published and spread abroad, by an eminent Bishop, and which was read in the Face of the Privy Council, and does contain Expressions of the same Nature, and of the same Import contained in the pretended Explication libelled, as the Ground of this Indictment libelled against the Pannel. And it is positively offered to be proven, that these Terms were given in, and read, and allowed to be printed, and (without taking Notice of the whole Tenor of the Vindication, which the Lords of Justiciary are humbly desired to peruse and consider, and compare the same with the Explication libelled) the same acknowledgeth, that Scruples had been raised and spread abroad against the Oath; and also acknowledgeth, that there were Expressions therein that were dark and obscure; and likewise takes Notice, that the Confession, ratified *Par. 1. Jam. VI.* to which the Oath relates, was hastily made, and takes Notice of that Authority that made it; and acknowledges in plain Terms, that the Oath does not hinder any regular Endeavour to regulate or better the established Government, but only prohibits irregular Endeavours and Attempts to invert the Substance or Body of the Government; and does likewise explain the Act of Parliament anent his Majesty's Supremacy, that it does not reach the Alteration of the external Government of the Church. And the Pannel and his Procurators are far from insinuating in the least, that there is any Thing in the said Vindication, but what is consistent with the exemplary Loyalty, Piety and Learning of the Writer of the same. And tho' others perhaps may differ in their private Opinion, as to this Interpretation of the Act of the same. And tho' others perhaps may differ in their private Opinion, as to that Point, that such Mistake were upon the Interpretation of the Writer, or the Sense of others, as to that Point, that such Mistakes or Misapprehensions, upon either Hand, should import or infer against them the Crimes of Leasing-making, or depraving his Majesty's Laws; for if such Foundation were laid, Judges and Lawiers had a dangerous Imployment, there being nothing more ordinary than to fall into Differences and Mistakes of the Sense and Meaning of the Laws and Acts of Parliament: But such Crimes cannot be inferred, but with and under the Qualifications abovementioned, of malicious and perverse Designs, joyned with licentious, wicked and



reproachful Speeches spread abroad to move Sedition and Dislike of the Government : And the said Laws were never otherwise interpreted, nor extended in any Case ; and therefore the Explication libelled, neither as taken complexly, nor in the several Expressions thereof, nor in the Design of the Ingiver of the same, can, in Law, import against him all or any of the Crimes libelled.

In like Manner the Pannel conjoyns, with the Grounds abovementioned, the Proclamation issued forth by his Majesty's Privy Council, which acknowledges and proceeds upon a Narrative, that Scruples and Jealousies were raised and spread abroad against the Act of Parliament enjoining the *Test*, for clearing and Satisfaction whereof, the said Proclamation was issued forth, and is since approved by his sacred Majesty.

*The Advocate's Argument and Plea. N<sup>o</sup>. LXX. 4.*

**H**IS Majesty's Advocate, for the Foundation of his Debate, does represent, that his Majesty, to secure the Government from the rebellious Principles of the last Age, and the unjust Pretexes made use of in this, from Popery and other Jealousies, as also to secure the Protestant Religion and the Crown, called a Parliament ; and that the great Security resolved on by the Parliament was this excellent *Test*, in which, that the old juggling Principles of the Covenant might not be renewed, wherein they still swore to serve the King in their own Way, the Parliament did positively ordain, that this Oath should be taken in the plain genuine Meaning of the Words, without any Evasion whatsoever. Notwithstanding whereof the Earl of *Argyle*, by this Paper, does invent a new Way, whereby no Man is at all bound to it. For how can any Person be bound, if every Man will only obey it as far as he can, and as far as he conceives it consistent with the Protestant Religion, and with it self, and reserve to himself, notwithstanding thereof, to make any Alteration that he thinks consistent with his Loyalty ? And therefore his Majesty's Advocate desires to know, to what the Earl of *Argyle*, or any Man else, can be bound by this *Test* ? what the Magistrate can expect, or what Way he can punish his Perjury ? for if he be bound no further than he himself can obey, or so far as this Oath is consistent with the Protestant Religion, or it self, *quomodo constat*, to whom or what is he bound ? and who can determine that ? or against what Alteration is the Government secured, since he is Judge of his own Alteration ? so that that Oath which was to be taken without any Evasion, is evaded in every single Word or Letter, and the Government as unsecure, as before the Act was made, because the Taker is no further bound than he pleases. From which it cannot be denied, but his Interpretation destroys, not only this Act, but all Government, since it takes away the Security of all Government, and makes every Man's Conscience, under which Name there goes ordinarily, in this Age, Humour and Interest, to be the Rule of the Taker's Obedience. Nor can it be conceived to what Purpose Laws, but especially Oaths, needed to be made, if this were allowed ; or how this cannot fall under the 197 *Act*, *Par. 7. Jam. VI.* whereby it is statuted, *That no Man interpret the Statutes otherwise than the Maker understood.* For what can be more contrary to the taking of them in the Maker's Sense, than that every Man should obey as far as they can, and be allowed to take them in a general Sense, so far as they are consistent with themselves and the Protestant Religion, without condescending wherein they do not agree with the Protestant Religion ? and that they are not bound not to make any Alteration, which they think good for the States ; for all these make the Rule of Obedience in the Taker, whereas the positive Law makes it to be in the Maker. Or how could they be punished with Perjury after this Oath ? for when he were quarrelled for making Alterations against this Oath, and so to be perjured, he might easily answer, that he took this Oath only in so far as it was consistent with the Protestant Religion, and with a *salvo*, that he might make any Alteration that he thought consistent with his Loyalty. And as to these Points upon which he were to be quarrelled, he might say, he did not think them to be inconsistent with his Loyalty, think we what we pleased, and so needed not be perjured, except he pleased to decide against himself ; for in these Generals he reserves to himself to be still Judge ; and this were indeed a fine Security for any Government. And by the same Rule, that it looses this Oath, it shews a Way of loosing all Oaths and Obedience, and consequently strikes at the Root of all Laws as well as this : Whereas, to shun all this, not only this excellent Statute 107. has secured all the rest, but this is common Reason ; and in the Opinion of all Divines, as well as Lawiers in all Nations, *verba juramenti intelliguntur secundum mentem & intentionem ejus cui fit juramentum*, which is set down as the grand Position by *Sanderfon* ( whom they cite ) p. 137. and is founded upon that Mother Law, *L. 10. cui interrogatus, ff. de interrogationibus in jure faciendis*, and without which no Man can have Sense of Government in his Head, or practise it in any Nation. Whereas, on the other Hand, there is no Danger to any tender Conscience, since there was no Force upon the Earl to take the Oath, but he took it for his own Advantage, and might have abstained.

2<sup>do</sup>. It is inferred from the abovementioned Matter of Fact, that the Earl is clearly guilty of Contravention of the 10 *Act*, *Par. 10. Jam. VI.* whereby the Lieges are commanded not to write any Purpose of Reproach of his Majesty's Government, or misconstrue his Proceedings, whereby any Misliking may be raised betwixt his Highness, his Nobility, or his People. And who can read this Paper without seeing the King and Parliament reproached openly in it ? For who can hear, that the Oath is only taken as far as it is consistent with it self and the Protestant Religion, but must necessarily conclude, that in several Things it is inconsistent with it self and the Protestant Religion ? For if it were not inconsistent with it self and the Protestant Religion, why this Clause at all, but it might have been simply taken ? For the only Reason of hindring it to be taken simply, was because of the Inconsistency, *ergo*, there behoved necessarily to be an Inconsistency. And if there be any Inconsistency with the Protestant Religion, or any Contradiction in the Oath it self, can there be any Thing a greater Reproach on the Parliament, or a greater Ground of Mislike to the People ? And whereas it is pretended, that all Laws and Subsumptions should be clear, and these are only Inferences ; it is answered, that there are some Things which the Law can only forbid in general ; and



and there are many Inferences which are as strong and natural, and reproach as soon, or sooner than the plainest Defamations in the World do; for what is openly said of Reproach to the King, does not wound him so much as many seditious Insinuations have done, in this Age and the last: So that whatever was the Earl's Design (albeit it is always conceived to be unkind to the Act against which himself debated in Parliament) yet certainly the Law, in such Cases, is only to consider what Effect this may have amongst the People, and therefore the Acts of Parliament, that were to guard against the misconstruing of his Majesty's Government, do not only speak of what was designed, but where a Disliking may be caused, and so judgeth *ab effectu*: And consequentially to the same emergent Reason, it makes all Things tending to the raising of Dithke, to be punishable, by the *Act 60. Par. 6. Q. Mary*, and the *9. Act. Par. 20. James VI.* so that the Law designed to deter all Men, by these indefinite and comprehensive Expressions; and both in this and all the Laws of Leasing-making, the Judges are to consider what falls under these general and comprehensive Words: Nor could the Law be more special here, since the Makers of Reproach and Slander are so various, that they could not be bound up, or express in any Law. But as it evidently appears, that no Man can hear the Words express, if he believe this Paper, but he must think the Parliament has made a very ridiculous Oath, inconsistent with it self and the Protestant Religion, the Words allowing no other Sense, and having that natural Tendency; ven as a Man would say, I love such a Man only in so far as he is an honest Man, he behoved certainly to conclude, that the Man was not every way honest: So if your Lordships will take Measures by other Parliaments, or your Predecessors, you will clearly see, that they thought less than this a defaming of the Government, and misconstruing his Majesty's Proceedings. For in *Balmerino's Case*, the Justices find an humble Supplication made to the King himself, to fall under these Acts now cited; albeit, as that was a Supplication, so it contained the greatest Expressions of Loyalty, and Offers of Life and Fortune, that could be express; yet because it insinuates darkly, That the King, in the preceding Parliament, had not favoured the Protestant Religion, and they were sorry he should have taken Notes with his own Hands of what they said, which seems to be most innocent, yet he was found guilty upon those same very Acts, and the Parliament 1661. found his Lordship himself guilty of Leasing-making, tho' he had only written a Letter to a private Friend, which requires no great Care nor Observation; (but this Paper, which was to be a Part of his own Oath, does) because, after he had spoken of the Parliament in the first Part of his Letter, he thereafter added, *That the King would know their Tricks*; which Words might be much more applicable to the private Persons therein designed, than that the Words now insisted on can be capable of any such Interpretation: And if either Interpretations, upon pretext of exonerating of Conscience, or otherwise, be allowed, a Man may easily defame as much as he pleases. And have we not seen the King most defamed by Covenants entred into, upon pretence to make him great and glorious, by Remonstrances made to take away his Brother and best Friend, upon pretence of preserving the Protestant Religion, and his sacred Person? And did not all who rebelled against him in the last Age, declare, That they thought themselves bound in Duty to obey him, but still as far as that could consist with their Respect to the Protestant Religion, and the Laws and Liberties, which made all the rest ineffectual? And whereas it is pretended, That by these Words, *I take the same in as far as it is consistent with itself, and the Protestant Religion*, nothing more is meant, but that he takes it as a true Protestant. His Majesty's Advocate appeals to your Lordships, and all the Hearers, if, upon hearing this Expression, they should take it in this Sense, and not rather think that there is an Inconsistency; for if that were possible to be the Sense, what need he say at all, *as far as it is consistent with itself*? Nor had the other Part, *as far as it is consistent with the Protestant Religion*, been necessary; for it is either consistent with the Protestant Religion, or otherwise they were Enemies to the Protestant Religion that made it; nor are any Lawiers or others in Danger, by pleading or writing, for these are very different from, and may be very easily pleaded, without defaming a Law and an Oath, when they go to take it: But if any Lawier should say in pleading or writing, That the *Test* was inconsistent, or, which is all one, that it were not to be taken by any Man, but so far as it was consistent with it self and the Protestant Religion, no doubt this would be a Crime even in Pleading, tho' Pleading has a greater Allowance than deliberate Swearing has; and as there is nothing wherein there is not some Inconveniency, so the Inconveniency of defaming the Government, is much greater than that of any private Man's Hazard, who needs not err except he please.

Whereas it is pretended, That before the Earl gave in his Explication, there were other Explications spread abroad, and Answers read to them in Council, and that the Council it self gave an Explication. It is answered, That if this Paper be Leasing-making, or misconstruing his Majesty's Proceedings, and treasonable, as is contended, then a Thousand of the like Offences cannot excuse it; and when the King accused Noblemen, Ministers and others, in the Year 1661. for going on in the Rebellions of that Age, first with the Covenanters, and then with the Usurpers, it was found no Defence, That the Nation was overgrown with those Crimes, and that they were thought to be Duties in those Days; yea, this were to invite Men to offend in Multitudes: And albeit, sometimes, these who follow the Example of Multitudes, may thereby pretend this as an Excuse to many, yet this was never a formal Defence against Guilt, nor was ever the Chief of the Offenders favoured on that Head. And it is to be presumed, That the Earl of *Argyle* would rather be followed by others, than that he would follow any Example. But his Majesty's Advocate does absolutely decline to debate a Point that may defame a constant and standing Act of Parliament, by leaving upon Record a Memory of its being opposed; nor were this relevant, except it could be said, the Council had allowed such Explications which reflected upon the King and the Government: For the writing an Answer is no Allowance but a condemning; nor can the Council allow any more than they can remit. And though it may justly be denied, that the Council heard even the Earl's own Explanation, yet the hearing or allowing him to sit, is no relevant Plea, because they very justly might have taken a Time to consider how far it was fit to accuse upon that Head; and it is both just and fit for the Council to take Time, and, by express Act of Parliament, the Negligence of the King's Officers does not bind them: For if this were allowed, leading Men in the Council might commit what Crimes they pleased in the Council, which certainly the King may quarrel many Years after; and tho' all the Council had allowed him that Day, any Officer of State might have quarrelled it the next Day. As to the Opinion of *Bellarmino*, *Sanderson*, and others, it is ever contended, that the Principles of the Covenant agree very well with these of the Jesuits, and both do still allow Equivocations and Evasions; but no solid orthodox Divine ever allowed, that a Man who



was to swear without any Evasion, should swear so as he is bound to nothing, as it is contended the Earl is not, for the Reasons represented. And as they still recommend, that when Men are not clear they might abstain, as the Earl might have done in this Case, so they still conclude, that Men should tell in clear Terms, what the Sense is by which they are to be bound to the State: Whereas the Earl here tells only in general, and in most ambiguous Terms, That he takes it as far as he can obey, and as far as it is consistent with the Protestant Religion, and that he takes it in his own Sense, and that he is not bound by it from making Alterations, but as far as he thinks it for the Advantage of Church or State; which Sense is a Thousand times more doubtful than the *Test*, and is, in effect, nothing but what the Taker pleases himself.

As to the Treason founded on, his Majesty's Advocate founds it first upon the fundamental and common Laws of this and all Nations, whereby it is Treason for any Man, to make any Alteration he shall think for the Advantage of Church or State, which he hopes is a Principle cannot be denied in the general. And whereas it is pretended, That this cannot be understood of mean Alterations, and of Alterations to be made in a lawful Way; it is answered, That as the Thing it self is Treason, so this Treason is not taken off by any of those Qualifications, because he declares, he will wish and endeavour any Alteration he thinks fit; and any Alteration comprehends all Alterations he thinks fit: *Nam propositio indefinita aequipollet universali*. And the Word *any* is general in its own Nature, and is in plain Terms, a reserving to himself to make Alterations both great and small; and the Restriction is not, all Alterations the King shall think fit, or are consistent with the Laws and Acts of Parliament, but he is still to be Judge of this, and his Loyalty is to be the Standard: Nor did the Covenanters in the last Age, nor do these who are daily executed, decline that they are bound to obey the King simply, but only that they are bound to obey him no otherwise, than as far as his Commands are consistent with the Law of God, of Nature, and of this Kingdom, and with the Covenant; and their Treason lies in this: And when it is asked them, who shall be Judge in this, they still make themselves Judges; and the Reason of all Treason being, that the Government is not secure, it is desired to be known, what way the Government can be secured after this Paper, since the Earl is still Judge how far he is obliged, and what is his Loyalty; and if this had been sufficient, the Covenant had been a very excellent Paper, for they are there bound to endeavour, in their several Stations, to defend the King's Person; but when the King challenged them, how they came to make War against him, their great Refuge was, That they were themselves still Judges as to that: And for illustrating this Power, the Lords of Justiciary are desired to consider, *quid juris*, if the Earl or any Man else should have reserved to himself in this Oath, a Liberty to rise in Arms, or to oppose the lineal Succession, tho' he had added, *in a lawful Manner*, for the Thing being in itself unlawful, this is but sham, and *protestatio contraria facto*: And if these be unlawful, notwithstanding of such Additions, so much more must this general Reservation, of making any Alterations, likewise be unlawful, notwithstanding of these Additions: For he that reserves the general Power of making any Alteration, does *a fortiori* reserve Power to make any Alteration, tho' never so fundamental; for all Particulars are included in the General, and whatever may be said against the Particulars, may much more strongly be said against the General.

2. The 130 *Act*, Par. 8. *Jam*. VI. is expressly founded on, because nothing can be a greater Diminution of the Power of the Parliament, than to introduce a Way or Means, whereby all their Acts and Oaths shall be made insignificant and ineffectual, as this Paper does make them, for the Reasons represented: Nor are any of the Estates of Parliament secure at this rate, but that they who reserved a general Power to make all Alterations, may, under that General, come to alter any of them.

3. What can be a greater Impugning of the Dignity and Authority of Parliaments, than to say, That the Parliament has made Acts for the Security of the Kingdom, which are in themselves ridiculous, inconsistent with themselves and the Protestant Religion?

And as to what is answered against invading the King's Prerogative, and the legislative Power in Parliaments, in adding a Part to an Oath or Act, is not relevantly inferred, since the Sense of these Words, and *this I understand as a Part of my Oath*, is not to be understood, as if any thing were to be added to the Law, but only to the Oath, and to be an Interpretation to the Oath. It is replied, That after this no Man needs to add a Caution to the Oath in Parliament; but when he comes to take the Oath, do the Parliament what they please, he will add his own Part: Nor can this Part be looked upon as a Sense; for if this were the Sense before this Paper, he needed not understand it as a Part of it, for it wanted not that Part; and in general, as every Man may add his own Part, so the King can be secure of no Part. But your Lordships of Justiciary are desired to consider, how dangerous it would be in this Kingdom, and how ill it would sound in any other Kingdom, that Men should be allowed to reserve to themselves Liberty to make any Alteration they thought fit, in Church or State, as to the Legality of which they were themselves to be Judges; and how far, from Degree to Degree, this at last may come to absolute Anarchy, and how scandalous a Thing, as well as unsecure, this new Way may look, in an Age wherein we are too much tracing the Steps of our rebellious Progenitors in the last, whose great Defection and Error was, that they thought themselves and not the King, the Authors of Reformation in Church and State: And no Man ever was barred by that, that the Way he was upon was not a lawful Way; for if it be allowed to every Man to take his own Way, every Man will think his own Way to be the lawful Way.

As to the Perjury, it is founded on this, *First*. That Perjury may be committed not only by breaking an Oath, but even in the swearing of it, *viz.* to swear it with such Evasions as make the Oath ineffectual; for which *Sanderfon* is cited, Page 138. *Alterum perjuria genus est, novo aliquo excogitato commento, juramenti vim declinare, aut eludere, & jurans tenetur sub pœna perjuria, implere secundum intentionem deferentis*; both which are here: For the Earl being bound by the very Oath, to swear in the genuin Meaning, without any Evasion, he has sworn so as he has evaded every Word, there being not one Word to which it can be said particularly he is bound, as is said. And it is undeniable, that he has not sworn in the Sense of the Makers of the Law, but in his own Sense, which is Perjury, as is said: And consequentially, whatever Sense may be allowed in ambiguous Cases, yet there can be none where the Paper clearly bears Generals; and where he declares, that he takes it in his own Sense, his Majesty's Advocate declares, he will not burden himself, that Copies were dispersed, tho' it is certain, since the very Paper it self, by the giving in, is chargeable with all that is above charged upon it.



*Sir John Dalrymple's Reply to the King's Advocate. N<sup>o</sup>. LXX. 5.*

**S**ir John Dalrymple replies for the Pannel, That since the solid Grounds of Law, adduced in the Defences, have received no particular Answers, in relation to the common Consent of all Casuists, viz. That a Party who takes an Oath, is bound in Conscience to clear and propose the Terms and Sense in which he does understand the Oath, nor in relation to the several Grounds adduced, concerning the legal and rational Interpretation of dubious Clauses; and since these have received no Answers, the Grounds are not to be repeated: But the Procurators for the Pannel do further insist on these Defences.

1. It is not alledged, That any Explanation was given in by the Pannel to any Person, or any Copy spread before the Pannel did take the *Test* in Council; so that it cannot be pretended, that the many Scruples that have been moved concerning the *Test*, did arise from the Pannel's Explication; but on the contrary, all the Objections that are answered and obviated in the Pannel's Explication, were not only privately muttered, or were the Thoughts of single or illiterate Persons, but they were the Difficulties proposed by Synods and Presbyteries, long before the Pannel came from home, or was required to take the *Test*: So that the general Terms of the Acts of Parliament, founded upon in the Libel, are not applicable in this Case; for as these Laws in relation to Leasing-makers, are only relative to atrocious wilful Insinuations, or Misconstructions of his Majesty's Person or Government, or the open depraving of his Laws, so the restrictive Clause, whereby Seditious or Misconstructions may be moved, raised, or engendred, betwixt his Majesty and his Lieges, cannot be applied to this Case, where all these Apprehensions and Scruples were on foot, and agitated long before the Pannel's Explanation.

As it cannot be pretended, That any new Dust was raised by the Pannel's Explanation, so it is positively offered to be proved, that there is not one Word contained in this Explanation, but that either these individual Words, or much worse, had been publicly proposed, and *verbatim* read in Council, without the least Discouragement, or the least Objection made by any Member of the Council; and where a Writing, *ex proposito*, read in so high a Court, was universally agreed upon, without the Alteration of a Syllable, how can it be pretended, that any Person thereafter using the said individual Terms in any Explanation, and far easier Terms, that they shall incur the high and infamous Crimes libelled? And the Question is not here, whether the Council was a proper Judicature to have proposed or imposed a Sense, or allowed any Explanation of the *Test* to be published; but that it is impossible that a Sense they allowed, or being publicly read before them, and which the King's Advocate did not controul, that this should import Treason or any Crime: And tho' the Pannel's Advocate will not pursue or follow the Reply that has been made to this Point, yet certainly no Man of sober Sense will think, that it is fit to insinuate, that so high a Judicature might have authorized or acquiesced in such Explanations, as the Lieges thereafter should be intrapped to have used.

If the Pannel had officiously or ultroneously offered a Sense or Explanation of his Majesty's Laws, which the Laws themselves could not have born, it might justly have been alledged, that he was *extra ordinem*, and meddling in a Matter he was not concerned in; but where the Act of Council did enjoin, and he was required and cited to that effect, it could neither be constructed as Ostentation, or to move or encourage Scruples or Resistance, but it was absolutely necessary either for to have refused the *Test*, or else to have declared what he thought to be the true and genuin Meaning of it; and there being so many Objections publicly moved and known, his Explanation was nothing else but to clear, that he did not look upon those Scruples and Objections moved by others, as well founded and rational in themselves, and therefore he was able to take the *Test* in that Sense the Council had heard or allowed; and it is not controverted, that the Sense of the Legislator is the genuin Sense both of Laws and Oaths: And if a Person were only interpreting the Meaning of either Law or an Oath imposed, he should deprave and misconstrue the Law and Oath, if he rendered it wittingly and willingly in Terms inconsistent with the Meaning of the Imposer: But there is a great Difference betwixt taking of Oaths, and interpreting Oaths; for when a Man comes to take an Oath, except his particular Sense did agree with the genuin Meaning of the Imposer, he cannot take that Oath, tho' he may very well interpret and declare what is the Sense of the Legislator, which he may know, and yet perhaps not be able to take the Oath.

And therefore, when there is any Doubtfulness in an Oath, and a Party is bound to take it, if then he gives in an Explication of the Sense, which he, in his private Judgment, doth apprehend to be the genuin Meaning, if that private Sense be disconform to the Legislator's Sense in the Oath, then the Imposer of the Oath, or he that has Power to offer it to the Party, if he consider the Party's Sense disconform, he ought to reject the Oath, as not fulfilling the Intent of the Law imposing it.

But it is impossible to state that as a Crime, that a Party should neither believe what is proposed in the Oath, nor be able to take it; and he can run no farther Hazard, but the Penalty imposed upon the Refuser; and therefore, in all Oaths, there must be a Concourse both of the Sense imposed by Authority, and of the private Sense, Judgment, or Conscience of the Party. And therefore, if a Party should take an Oath in the Sense proposed by Authority, contrary to his own Sense, he were perjured: Whereby it is evident, that the Sense of Authority is not sufficient, without the Acquiescence and Consent of the private Person; and therefore it is very strange, why that Part of the Pannel's Explanation should be challenged, that he takes it in his own Sense, the posterior Words making it as plain as the Light, that that Sense of his own is not what he pleases to make of the Oath, for it bears expressly, that no Body can explain it but for himself, and reconcile it as it is genuin, and agrees in its own Sense; so that there must be a Reconciliation betwixt his own Sense and the genuin Sense, which upon all Hands is acknowledged to be the Sense of Authority: And if the Pannel had been of these lax and debauch'd Principles, that he might have evaded the Meaning and Energy of the Oath, by imposing upon it what Sense he pleased, certainly he would have contented himself in the general Refuge of Equivocation, or Mental Reservation; and he would never have exposed his Sense to the World, in which he took this Oath, whereby he became absolutely fixed and determined to the



Oath, in that particular Sense, and so had no Latitude of shuffling off the Energy or Obligation of the Oath. And it is likewise acknowledged, That the Cases alledged in the Reply are true, *viz.* That the Person is guilty of Perjury, *si aliquo novo commento* he would elude his Oath, or who doth not fulfil the Oath in the Sense of the Imposer; but that does not concern this Case: For in the foresaid Citation, a Person after he has taken an Oath, finding out some new Conceit to elude it, he is perjured: But in this Case, the Pannel did, at and before his taking the *Test*, declare the Terms in which he understood it; so that this was not *novo aliquo commento* to elude it. And the other Case, where a Party takes it in the Sense of Authority, but has some Subterfuge, or concealed Explanation, it is acknowledged to be Perjury; but in this Case, there was no concealed Explanation, but it was publicly exprest, and an Explanation given, which the Pannel designed and understood as the Meaning of Authority, and had Ground to believe he was not mistaken, since, upon that Explanation, he was received and allowed to sit and vote in Council.

And as to that Part of the Reply that explains the Treason, there can be no Treason in the Pannel's Case, because the exprest A& of Parliament founded upon, doth relate only to the Constitution of the Parliament; and I am sure, his Majesty's Advocate cannot subsume in these Terms: And therefore, in the Reply, he recurs to the general Grounds of the Law, That the usurping of his Majesty's Authority, in making a Part of the Law, and to make Alterations in general, without the King, are high and treasonable Words or Designs, and such as the Party pleases, and such Designs as have been practised in the late Times; and that even the Adjection of fair and safe Words, as in the Covenant, does not secure from treasonable Designs; and that it was so found in *Balmerino's Case*, tho' it bear a fair Narrative of an humble Supplication.

It is replied, That the Usurpation of making of Laws is undoubtedly treasonable; but no such Thing can be pretended or subsumed in this Case: For albeit the Pannel declares his Explanation to be a Part of his Oath, yet he never meant to impose it as even a Part of the Law, or that his Explanation should be a Thing distinct, or a separate Part of his Oath; for this Explanation being but exegetick of the several Parts of the Oath, it is no distinct Thing from the Oath, but declared to be a Part of the Oath, *de natura rei*. And it was never pretended, That he that alledged any thing to be *de natura rei*, did say that that was distinct and separate, which were a Contradiction; and therefore the Argument is retorted. The Pannel having declared this Explanation was *de natura rei*, implied in the Oath, he necessarily made this Explanation no Addition or Extension of the Oath; so that for all this Explanation, the Oath is neither broader nor longer than it was.

And as to these Words, *I do not mean to bind up my self in my Station, and in a lawful Way, to wish and endeavour any Alteration I think to the Advantage of Church or State, not repugnant to the Protestant Religion, and my Loyalty.* It is a strange Thing how this Clause can be drawn in question, as treasonable, when it may, with better Reason, be alledged, that there is not a good Subject but is bound to say it. And albeit the Words, *to endeavour in my Station*, be Words contained in the Covenant, yet that is no Reason, why Two Words in the Covenant, may not be made Use of in another very good and loyal Sense: And there is no Man that shall have the Honour either to be entrusted by his Majesty in his Council, or any other Judicature, or to be a Member of Parliament, but he is bound by his Loyalty to say the same Thing; and there was never a Clause more cautiously exprest, for the Words run, *to endeavour any Alteration I shall think to the Advantage of Church and State.* And though that was sufficient, yet the Clause is so cautiously conceived, that it contains another Restriction, *not repugnant to Religion and his Loyalty.* So that except it could be alledged, that a Man, by lawful Means, to the Advantage of Church and State, consistent with his Religion and Loyalty, could make treasonable Alterations and Invasions on the Government and Monarchy, which are the highest Contradictions imaginable, there can be nothing against the Pannel. And albeit the Clause, *any Alterations*, might, without the Restrictions and Qualifications foresaid, be generally extended, yet the preceeding Words of *lawful Way*, and the rational Interpretation of the Emission of Words, especially before a solemn Judicatory, leaves no other Place or Shadow to doubt, that these Alterations were no fundamental or treasonable Alterations, but such as the Frailty of human Affairs and Constitutions, and Vicissitude of Things and Circumstances, do constantly require, in the most exact Constitutions under Heaven. And the Clause does not so much as import, that there is a present Necessity of Alteration, but it was a necessary and rational Prospect, that albeit at present, all Things under Heaven had been done to secure the Religion and Government, yet there might occur Cases that might require new Helps, Alterations, and Remedies. And it is not pretended in this Case for the Pannel, that he desires to alleviate or take off Words truly treasonable, or having an ill Design, by the mixing of fair and safe, dutiful and submissive Expressions, which indeed are Protestations *contraria facto*: For there is nothing in his Explanation, that either in his Design, or in the Words themselves, being rationally and naturally interpreted, can infer the Crimes libelled, or any of them; and the Pannel's known Principles and known Practices, do not only clear that Loyalty that he has profest before the Lords of Justiciary, and instructed by unquestionable Documents, but they put him far from the Suspicion of these damnable Principles related in the Reply, of which the whole Tract of his Life hath been an entire Evidence of his *Abhorrency and Detestation*. And in the last Place, it is thought strange, why that should be represented as an Affront or Disgrace to the Government, that the Parliament imposed a *Test*, which the Pannel is not able to take simply: And it is not pretended, that he hath defamed, written, or spoken against the *Test* it self, or for the Inconveniency of it, but only that he hath not been able to see the good Ground upon which it may be simply taken; and this were to condemn him for Want of Sight or Sense, when the Law hath punished no Man for not taking the *Test*, but only turned him out of the Government. And it is as strange an Inference, that because the Pannel declares, he believes the Parliament meant no Contradiction, and would take the *Test*, in as far as it is consistent, that therefore he said, the Parliament imposed Contradictions; which is so far from a rational Induction, that the Contradiction of these Subsumptions, in all Congruity of Language and Sense, is necessarily true; and therefore the last Part of that Clause, *in so far as it is consistent*, is a Consequence inferred upon the former, *viz.* I believe the Parliament designed to impose no Contradictions, *ergo* I take the *Test* as consistent, and in so far as it must be consistent, if the Parliament did not impose Contradictions, as certainly they have not; and to convince the World, that in this Sense this Explanation is receiveable, it was proposed in Council, and allowed; and therefore, without the highest Reflection, it cannot now be quarrelled.



Sir George Lockhart's Reply to the King's Advocate. N<sup>o</sup>. LXX. 6.

Sir George Lockhart duplies, that the Defender repeats and oppones his former Defences, which are noway solid nor satisfied by the Reply made by his Majesty's Advocate. And altho' it be easy for the King's Advocate, consistent with the Pannel's Designs, nor with his Words and Expressions, yet there cannot be a more dangerous Foundation laid, for the Security and Interest of the Government, and the Security and Protection of the Subjects, than that Crimes should be inferred but from clear, evident and exprefs Laws, and plain palpable Contravention of these Laws, it being both against the Laws of God and Man, that a Man should be made an Offender for a Word, and especially for Expressions, which, according to Sense and Reason, and considering the Time and Place where they were spoken by the Pannel, viz. as a Member of his Majesty's Privy Council, and in Presence of his Royal Highness and the Members of Council, and when required to take the *Test*, were safe and innocent: And it were against all Law and Reason to suppose, that the Pannel either did, or designed to do any Thing which may, or did import the Crimes libelled against him. And whereas it is pretended, that the Oath required and imposed by Act of Parliament was for the Security of the Government; and that the Pannel, by his Explanation, does evade the Oath, by taking it only so far as it is consistent with the Protestant Religion, and his own Loyalty, whereof he was Judge. It is answered; that the Pretence is most unwarrantable, and the Security of his Majesty's Government is not at all endangered, (as God forbid it should) tho' the Pannel and a Thousand more had simply refused the *Test*, or had taken it in a Sense which does not satisfy the Law, it being competent to publick Authority to consider, whether the Pannel's Oath, in the Terms of the Explication wherein he did take it, does satisfy the Act of Parliament or not; and if not, there can be no rational Consequence inferred thereupon, but that he is holden as a Refuser of the Oath, and liable to the Certification of the Act of Parliament, of not assuming and continuing in any publick Trust; and no more was intended or designed by the Act of Parliament it self, than strictly to make the Oath, in the true and genuin Sense and Meaning of the Parliament, an indispensable Qualification of Persons admitted to publick Trust; so that it is not at all material to dispute, whether the Pannel's Explication can be looked upon as a full Satisfaction of the Act, which, whether it should or not, it can import no Crime against him, it not being consistent with Sense and Reason, that a Person, who absolutely refuseth the *Test*, upon the Scrupulosity of his Conscience, albeit he be not capable of publick Trust, should be, notwithstanding, looked upon as guilty of no Crime: And yet another, who was willing to go to a greater Length, albeit he did demur and scruple as to the full Length, that he should be reputed Criminal, and guilty of a Crime.

2. The Pannel repeats, and conjoyns with this, the Grounds abovementioned, contained in his Defences, viz. That neither the Crimes libelled, nor any other Crime, were ever pretended or made Use of against any others, who did spread abroad Objections of an high Nature, which yet were so favourably looked upon, as to be construed only to proceed from Scrupulosity of Conscience; as also the Satisfaction endeavoured, is in such Terms, and by such Condescensions, as do take in, and justify the whole Terms of the Explication libelled.

It is of great Moment, and whereof the Lords of Justiciary are desired to take special Notice, both for clearing the absolute Innocence of the Pannel's Meaning and Intention, and to take off all possible Misconstruction, that can be wrested or detorted from the Tenor and Expressions of the libelled Explication; That the Pannel was put to, and required to take the Oath, before the Lords of his Majesty's Privy Council did pass, or publish their Proclamation explaining the Oath, and declaring the genuin Sense and Meaning thereof, namely, that it did not ty to the whole Articles of the *Confession of Faith*, ratified by Act of Parliament, Jam. VI. and which, as to several Articles thereof, had occasioned the Scruples and Difficulties, and alledged Inconsistency and Contradiction betwixt the last Part of the Oath, and the said *Confession*, and betwixt some of these Articles and the Current of the Protestant Doctrine, received and contained in the *Synagma* of the Protestant Confessions. And therefore, if the Pannel, at that Time, did think fit, for the clearing and Exoneration of his own Conscience, to use the Expressions in the Explication libelled, and yet, with so much Duty and Confidence of the Parliament's Justice, as to their Meaning and Intention, That the Parliament never intended to impose contradictory Oaths, and that he did take it so far as it was consistent with it self, and the Protestant Religion, not knowing then whether the whole Confession was to be reputed a Part of the Oath, and doubting thereanent; and which the Lords of his Majesty's Privy Council, and his sacred Majesty, by his Approbation since, have thought a Difficulty of so great Moment, as it was fit to clear the same by a publick Proclamation: How now is it possible that any Judicatory under Heaven, which proceeds upon the solid Grounds of Law and Reason, and who (it cannot be doubted) will have a just Regard to the intrinsic Principles of Justice, and to all Mens Security, that they can now believe all or any of the Crimes libelled, should be in the least inferred from all, or any of the Expressions contained in the said Explication? but that, on the contrary, it was a warrantable Allowance, and Christian Practice, condemned by the Law and Custom of no Nation, that having Scruples in the Matter of an Oath, which should be taken in Truth, Judgment and Righteousness, and upon full Deliberation, and with a full Assurance and Sincerity of Mind, that he did plainly, openly and clearly declare the Sense in which he was willing to take it; and if Authority did allow it as the genuin Sense of the Oath, the Pannel to be holden as a Taker of the Oath: And if, upon further Consideration, Authority think not that, *habetur pro recusante*, and a Refuser of the Oath, but no ways to be looked upon as a Criminal, and guilty Person.

And the Pannel repeats, and conjoyns with this Point of the Reply, that Point in his Defence, whereby he positively offers to prove, 1<sup>mo</sup>. That his Explication, and the Sense wherein he took the Oath, was heard and publicly given and received in Council, and the Pannel thereafter allowed to take his Place, and sit and vote in that *Sederunt*.



2<sup>do</sup>. The Pannel also offers positively to prove, that the Tenor and Terms of his Sense and Explication, wherein he did take the Oath, is contained in that solid, learned and pious Vindication, written by the Bishop of *Edinburgh*, in answer to the Objections and alledged Inconsistencies and Contradictions in the Oath, and which Vindication was publickly read in Council, and so far approved, that it was allowed to be printed and published, and was accordingly dispersed and spread abroad. And it is not of the least Import, that the Proclamation of the Lords of Privy Council, altho' it does oft allow the same to be taken by the Clergy, yet, at the same Time, they expressly declare the genuin Sense and Meaning of the Parliament, not to comprehend the whole Articles of the *Confession*, which was not cleared before the Pannel's taking his Oath.

And whereas it is pretended, that the Acts of Parliament, libelled upon, against Leasing-makers, Depravers of his Majesty's Laws, do obtain and take Place, wherever there are any Words or Expressions that have a Tendency, in themselves, or by a natural Consequence, and rational Inferences, to reflect upon the Government, or misconstrue his Majesty's Proceedings; and that the Explication libelled is such, and that it was found so in the Case of *Balmerino*, albeit it was drawn up by way of humble Petition and Address to his Majesty, and with great Protestations and Expressions of Loyalty. It is answered, the Acts of Parliament libelled upon are opposed, and the 43 *Act, Par. 8. Jam. VI.* and the other Acts making the depraving of his Majesty's Laws to be Crimes, do expressly require, that Speeches, so judged, be perverse and licentious Speeches, *ex natura sua probrosa*, and reproachful, and spoke *animo defamandi*, and which could not receive any other rational Construction, which cannot, in the least, be applied to, or subsumed upon the Words or Explication given in by the Pannel; and Law and Reason never infers or presumes a Crime, where the Thing is capable of a fair and rational Construction, and where it was done *palam* and publickly, and in presence of his Majesty's high Commissioner, and Lords of his Majesty's Privy Council, whereof the Pannel had the Honour to be a Member. Persons committing and designing to commit Crimes, making use of Times and Places, and Companies of another Nature, on whom their Suggestions and Insinuations may prevail: But it is a Violence to the common Reason of Mankind, to pretend, that a Person of the Pannel's Quality, having the Honour to serve his Majesty in most eminent Capacities, and devoted to his Majesty's Interest and Service, beyond the strictest Ties of Duty and Allegiance, by the transcendent Favours he had received, that the Pannel, in those Circumstances, and in the Presence of his Royal Highness and Lords of Privy Council, should design to declaim, and *de facto* declaim against, and defame his Majesty's Government; to suppose this is absolutely contradictory to the common Principles and Practices of Law, and common Topicks of Reason.

And as to *Balmerino's* Case, it is answered, that the Lords of Justiciary are humbly desired to call for, and peruse the said Petition and Books of Adjournal, which was certainly a defamatory Libel of his Majesty's Father of blessed Memory, and of the States of Parliament, in the highest Degree, being expressly, that there was nothing designed but an Innovation of the Protestant Religion, and the Subversion and Overturning the Liberties and Privileges of the Parliament, and the Constitutions of the Articles, and other Things of that Kind, which made certainly, of it self, a most villainous and execrable Libel, containing the highest Crimes of Treason and Perduellion, and was not capable of any good Sense or Interpretation, but was absolutely pernicious and destructive; so that it is in vain to pretend, that the said Libel did contain Prefaces and Protestations of Loyalty, which no Law regards, even in *simplici injuria & maledicto*, tho' committed by a private Person, *cum prafatione, salvo honore*, or the like, and which were certainly ridiculous to sustain in a Libel concerning Crimes of Treason.

And whereas it is pretended, That tho' others were guilty of these Crimes, it does not excuse the Earl; that the Lords of Privy Council cannot remit Crimes, and the Negligence of the King's Officers cannot prejudice his Interest: It is answered, the Pannel is very confident, that neither the Lords of his Majesty's Privy Council, consisting of Persons of eminent Loyalty and Judgment, nor his Majesty's Officers were capable of any such Escape, as is pretended: And if the Tenor of the Pannel's Explication did, in the least, import the high and infamous Crimes libelled, as beyond all peradventure it does not, it were strange, how the same being contained in the aforesaid Vindication, and the whole Clauses thereof justified, that this should have been looked on as no Crime, and allowed to be published. And the Pannel neither does, nor needs to make further Use thereof, but to convince all disinterested Persons, that his Explication can import no Crime.

And whereas it is pretended, That the Crime of Treason is inferred from the fundamental Laws of the Kingdom, and from that Clause of the Pannel's Explication, whereby he declares, he is *not bound up by any Thing in this Oath not to endeavour any Alteration in a lawful Way*; which being an indefinite Proposition, is equipollent to an universal, and is, upon the Matter, coincident with a Clause, which was rebellious in its Consequences, contained in the *solemn League and Covenant*. It is answered, that it is strange how such a plain and innocent Clause, whereby, beyond all question, he does express no more than was naturally imported in the Crime of Treason, which no Lawier ever allowed, except where it was founded upon express Law, and *luc meridiana clarior*: And indeed if such Stretches and Inferences can make Men guilty of Treason, no Man can be secure. And the Words in the Pannel's Declaration are plain and clear (yet *non sunt cavilanda*) and import no more, but that, in his Station, and in a lawful Way, and consistent with the Protestant Religion and his Loyalty, he might endeavour any Alteration to the Advantage of Church and State. And was there ever any loyal or rational Subject, that does, or can doubt, that this is the natural Import of the Oath? And indeed it were a strange Oath, if it were capable of another Sense, and being designed for the Security of the Government, should bind up Mens Hands to concur for its Advantage. And how was it possible, that the Pannel, or any other in the Capacity of a Privy Counsellor, or a Member of the Parliament, would have satisfied his Duty and Allegiance in other Terms? And whereas it is pretended, that there was the like Case in the pretended *League and Covenant*; it is answered, the Assertion is evidently a Mistake, and tho' it were, the Argument is altogether inconsequential: For that *League and Covenant* was treasonable in it self, as being a Combination entred into without his Majesty's Authority, and was treasonable in the Glosses that were put upon it, and was imposed by absolute Violence on the Subjects of this Kingdom. And how can the Pannel be in the least supposed to have had any Respect to the said *League and Covenant*, when he had so often taken the Declaration, disowning and renouncing it as an unlawful and sinful Oath, and



and concurred in the many excellent Laws and Acts of Parliament, made by his Majesty, condemning the same as seditious and treasonable? And whereas it is pretended, that the Pannel is guilty of Perjury, having taken the Oath in another Sense than was consistent with the genuin Sense of the Parliament, and that, by the Authority cited, he doth *commento eludere juramentum*, which always ought to be taken in the Sense of him that imposeth the Oath; it is answered, the Pretence is most groundless, and Perjury never was, nor can be inferred, but by the Commission, or Omission of some thing directly contrary to the Oath. And altho' it is true, that where an Oath is taken, without any Declaration of the express Sense of the Persons who take it, it obliges *sub pœna perjurii*, in the Sense, not of the Taker, but of the Imposer of the Oath; because expressing no Sense, Law and Reason presumes there is a full Acquiescence in the Sense and Meaning of the Imposer of the Oath; and then, if an Oath be not so taken, he that takes it is guilty of Perjury: Yet there was never Lawier nor Divine, Popish or Protestant, but agree in this, that whatever be the Tenor of the Oath, if, before the taking thereof, the Party, in express Terms, does publicly and openly declare the Sense in which he takes it, it is impossible it can infer the Crime of Perjury against him in any other Sense, this not being *commentum excogitatum*, after the taking of the Oath: And if this were not so, how is it possible, in Sense and Reason, that ever any Explication or Sense could solve the Scruples of a Man's Conscience? for it might be always pretended, that, notwithstanding of the express Sense wherein he took it, he should be guilty of Perjury from another Sense: And that this is the irrefragable Opinion of all Divines of whatever Perswasion, is not only clear from the Authority abovementioned, even those who allow reserved Senses, but more especially by the universal Suffrage of all Protestant Divines, who, tho' they do abominate all Thoughts of Subterfuges, or Evasions after taking of the Oath, yet they do always allow and advise, for the Safety and Security of a doubting and scrupulous Conscience, that they should express and declare, before the taking of the Oath, the true Sense and Meaning wherein they have Freedom to take it, and for which Sanderfon, *de juramento*, is cited, *Prælect. 6. Sect. 10. Page 75.* where his Words are, *Sane ut inter jurandum omnia recte fiant, expedit ut de verborum sensu, inter omnes partes quarum interest, liquido constet, quod veteribus dictum, liquido jurare.* And an Oath being one of the highest Acts of Devotion, containing *cultum patriæ*, there is nothing more consonant to the Nature of all Oaths, and to that Candor, Ingenuity, and Christian Simplicity, which all Law and Religion requires in such Cases.

*The King's Advocate's Triplies.* N<sup>o</sup>. LXX. 7.

**H**IS Majesty's Advocate conceives he has nothing to answer as to Depraving, Leasing-making, and Misinterpreting, &c. save that this Oath was only designed to exclude Recusants; and consequently the Pannel may thereby be debarred from his Offices, but not made guilty of a Crime. To which he triplies, 1<sup>mo</sup>. If ever the Earl had simply refused, that had been true, but that did not at all excuse from defaming the Law, for a Defamer is not punished for refusing, but for defaming.

2<sup>do</sup>. If he had simply refused, the Government had been in no more Hazard: But if Men will both retain their Places, and yet take the same in such Words as secure not the Government, it were strange to think, that the Design of the Law, being to secure against Mens possessing who do not obey, that yet it should allow them Possession who do not obey. Nor is the Refuser here in a better Case than the Earl and others, who offered to obey, because it is the defaming the Law, as ridiculous and inconsistent with that Protestant Religion, and Leasing-making betwixt the King, and the Nobility, and the People, the misconstruing and misrepresenting, as hath been formerly urged, that puts the Earl in a worse Condition. And all these Arguments might be as well urged for any who had uncontrovertedly contravened these Acts, as for the Pannel.

Whereas it is pretended, that the King emitted a Proclamation to satisfy Dissenters: It is answered, that the Proclamation was designed for none who had been Members of Parliament, and so should have known the Sense; but it was designed for mere Ignorants, not for such as had defamed the Law, which is still here charged upon the Pannel.

As to the Article of Treason, it is conceived, that it is unanswerably founded on the common Law, discharging all Men to make Alteration of the Government; as to which there needs no express Statute, that being the very Essence of Government, and needing no Laws: Likeas it falls under all the Laws that discharge the assuming the royal or legislative Power; for to alter the Government is inseparably united to the Crown. Likeas the Subsumption is as clear, the express Words not bearing, that the Earl reserves to himself a Power to propose to his Majesty any Alterations, or to concur to serve his Majesty in making Alterations; but owning, in most general and arbitrary Terms, to wish and endeavour any Alteration he should think fit for the Advantage of Church or State, and not determining any Thing that could bind him otherwise, than according to his own Pleasure, for the Word (*lawful*) is still subjected to himself, and has subjoyned to it, *as he should think fit*, which governs the whole Proposition; and in that Sense, and as the Words are here set down, the greatest Rebel in Scotland will subscribe that Explanation, for there is no Man but would restrict himself to a lawful Obedience, provided he be Judge of the Lawfulness. And seeing all Oaths, proposed for the Security of Government, require a certain Dependence upon the Legislator, and not upon the Taker, it is impossible that that End could be attained by any Qualification, how special soever, which is made to depend absolutely upon the Taker, and not upon the Legislator. And we have often seen how little Security there is in these specious Words, the very Covenant it self having not only the Words above repeated, but attesting all the World to be Witnesses to their Loyalty and Sincerity. And as to the former Instances, *viz.* rising in Arms, or opposing the lawful Successor, there is no Covenanter in Scotland but will say, he will do neither, but in a lawful Way and in his Station, and in a Way consistent with his Loyalty, for a Man were mad to say otherwise: But yet, when they come to explain this, they will only do it as they think fit, and will be Judges themselves, and then will tell us, that defensive Arms



are lawful, and that no Popish Successor should succeed, nor no Successor unless he subscribe the Covenant. And whereas it is pretended, that no Clause in the *Test* does exclude a Man from making Alterations: It is answered, that the Alterations which the *Test* allows are none at all, but in Subordination to Authority. And as to the Two Points abovementioned, it excludes all Alterations as to these Points. And as to the making fundamental Alterations, this Reservation allows to make any Alteration, and consequently fundamental Alterations. To preclude which Libertinism, this excellent Law was invented.

Whereas it is pretended, that the Pannel designs not to add any Thing as a Part of the Law, but as a Part of his Oath: It is duplied, since the Oath is a Part of the Law, whoever adds to the Oath adds to the Law.

Whereas it is pretended, that the Crime of Perjury cannot be inferred here, because all Divines allow, that the Taker of an Oath is still allowed to declare in what Sense he takes the Oath, and that this is clear from *Sanderfon*, Page 175. It is triplid, that there are Two dubious Senses. Lawiers and Divines allow, that the Taker should clear himself which of the Two he should take, which is very just, because, to which soever of the Two he determines himself, the Legislator, in that Case, is sure of him: But here it is not pretended, that there are Two Senses, nor does the Pannel declare in which of the Two he takes it, or in what clear Sense at all he takes it, which is indeed *liquido jurare*: But here the Pannel neither condescends what particular Clause of the *Test* is unclear; nor, after he has condescended upon the Articles, does he condescend upon the Sense, but in general mysterious Words where he can neither be followed or found out, he only takes it in so far as it is consistent with it self and the Protestant Religion, reserving the squaring all by his own Loyalty, as he did in the Beginning declare, that he took it in his own Sense, by which general Sense, neither is the Government secure of any Thing it does enjoyn, nor could he be punished if he transgressed. Nor can it be doubted but Perjury may be inferred by any equivocal or evading Sense, *interjurandum*, as well as by breaking an Oath afterwards, which is very clear from *Sanderfon*, Page 138. the Words whereof are, *alterum perjurii genus est interjurandum, detorquere verba*. And which is further clear by the 28 Page. but above all, from the Principles of Reason, and the Necessity of Commerce and Government: For if Men may adhibit such Glosses, even whilst they swear, as may make the Oath useles, what way will either Government or Commerce be maintained? And he deceives as much that deceives in swearing *salvis verbis*, as he who, after he has sworn, does break the Oath: Nay, and more too, because the breaking may come from Forgetfulness, or other Accidents; but the evading by general Clauses, which bind no Man, does, from the first Instance, originally make all Oaths useles and dangerous, and that this Interpretation elides the Oath absolutely, is very clear from what hath been formerly debated: For it may be argued, that the Earl broke the Oath in so far as, the first Day he swears the Oath, which bears to be without any Evasion (and must be so notwithstanding of whatever he could say) and the next Day he gives in this Evasion, which is a downright Violation of that Oath, and inconsistent with it; nor was this Oath forced, but voluntarily emitted to keep his own Places. And it was the greater Crime, that it was done in the Council, because that was to make it the more publick, and consequently the more to misrepresent the Government.

*Proclamation anent the Earl of Argyle, December 21. 1681. N<sup>o</sup>. LXXI.*

CHARLES, by the Grace of GOD, King of Great Britain, France and Ireland, Defender of the Faith: To  
Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, and to all and sundry Our good and loving Subjects, Greeting: Forasmuch as *Archibald Earl of Argyle*, being (for a treasonable Paper, wherein he had defamed Our Parliament and Laws) found guilty, by the Verdict of an unanimous Jury, of Leasing-making betwixt Us, Our Parliament, and People, of reproaching Our Laws, misrepresenting Our Government, and of the Crime of high Treason, in usurping Our Authority, he was notwithstanding kept at large, without any such Restraints as are usual to Persons so found guilty. And now he having, upon the Twentieth Day of *December* instant, escaped, adding the Breach of Prison to his other Crimes, and without waiting for that Clemency which he might have relied more upon, if he had not been conscious to himself of Guiltiness that required such an Escape, We having, by Our Royal Letter, ordained all Execution to be sifted, until We understood the Nature of his Crime; and Our Privy Council having, after the Verdict, interposed with Us, that notwithstanding he was found guilty, and that it was usual for completing the Process, that Sentence should be once pronounced, that yet We might, in Our Clemency, ordain Execution to be stopped, during Our royal Pleasure: Our Will is herefore, and We charge you straitly and command, that incontinent, these Our Letters seen, ye pass to the Market-crosses of *Edinburgh, Stirling, Perth, Dumbarton*, and other Places needful, and thereat, in Our Name and Authority, by open Proclamation, command and charge all Our Sheriffs, Stewarts, Magistrates of Our Burghs of Regality and Royalty, and all others in Jurisdiction, to pass, pursue, take, apprehend, imprison, and present to Justice, the Person of the said *Archibald Earl of Argyle*, wherever he can be found, within the Bounds of their Jurisdictions; and if he happen to flee out of one Jurisdiction into another, that they pursue him within the same: And We hereby require and command all Our good and loving Subjects, to concur with, aid, fortifie and assist Our said Magistrates, in the Prosecution of this Our Service. And if the said *Earl of Argyle* shall happen to flee to Strengths, or Houses for Refuge, that Our said Magistrates, and others assisting them, assiege and take the same in by Force of Arms: And if it shall happen, that the said *Earl of Argyle*, or any of his Complices, (resisting to be taken) be killed, mutilate, or slain by Our said Officers, or any assisting them, We declare they are hereby indemnified, and shall never be brought in question therefore, civilly nor criminally, in all Time coming. And further, that ye, in our Name and Authority foresaid, prohibit and discharge all Our Subjects of this Our Kingdom, to refer, supply, or intercommune



mune with the said Earl, or his Accomplices, or to furnish him Meat, Drink, House, Harboury, or any other Thing necessary or comfortable to him, or to transport him to or from Ferries, under the Pain of Treason.

*Given under Our Signet at Holy-rood-house, the Twenty first Day of December, One thousand six hundred and eighty one, and of Our Reign the Thirty third Year.*

*Per actum Dominorum secreti Concilii,*

*Will. Paterson Cl. Secr. Concilii.*

*Council's Act about the College of Edinburgh, February 1. 1681. N<sup>o</sup>. LXXII.*

**F**Orasmuch as there being a Petition presented to his Majesty's Privy Council, by the Magistrates and Council of *Edinburgh*, and Principal, Masters, and Regents of the College thereof, desiring, that upon the Considerations therein contained, and upon the Obligements offered by them, they might be allowed to make open Classes, and receive the Scholars, notwithstanding of the late Act and Proclamation of Council: The Lords of his Majesty's Privy Council, upon Consideration of the foresaid Petition, and of a Report made by a Committee of their own Number, in the said Matter, do allow the Magistrates of *Edinburgh*, Principal, Masters, and Regents of the College thereof, to make open the said College, notwithstanding of the late Act and Proclamation; and do ordain the said Magistrates, before Re-entry of the Students, or any other Students to be entred for this Year, to take their Fathers, Tutor, or Friend, Cautioner for them, by Bond, for their orderly and peaceable Behaviour, in Time coming, and according to the Bond, and under the Penalties aftermentioned, *viz.* a Nobleman's Son, under the Penalty of Four thousand Merks, a Baron or chief Gentleman, Two thousand Merks, a Merchant or Burges's Son, One thousand Merks, the Son of a Tradesman, or Person of other inferior Quality, Five hundred Merks Scots Money; and that the said Magistrates be answerable for the Sufficiency of the Cautioner, and report an Account of their Diligence once every Month, until the ordinary Time of the Rising of the College. *Follows the Tenor of the Bond abovementioned.* I bind and oblige me, my Heirs and Successors, as Cautioner and Surety, acted in the Books of Privy Council, for Student in the College of *Edinburgh*, that the said shall, during the whole Time and Space that he shall remain a Student in the College of *Edinburgh*, and a Member of that Society, live orderly and peaceably, and that he shall not be accessory to the Breach of the publick Peace, neither by his Knowledge, causing, sending, hounding out, or Rathabitation; and that he shall engage himself in no unlawful Bonds or Combinations, or shall be accessory to any Tumults or unlawful Convocations, under the Penalty of in case of Failie: Consenting thir Presents be registrate in the Books of Privy Council, that Letters of Horning on Six Days, and others, may be direct hereupon, and constitutes my Procurators, &c. And further, the said Lords do ordain the Principal and Regents of the said College, before they receive any of the Students of the Three upper Classes, being the Semi, Batchelor, and Magistrand Classes, into their said respective Classes, to see them take the Oath of Allegiance, in Presence of the Bishop of *Edinburgh*, which is not to hinder the taking of the said Oath by such as shall receive Degrees. And the said Lords declare, that in case the Principal or Regents shall re-enter any of the said Students, or receive others, without giving in the Security, and taking the Oath of Allegiance, as aforesaid, then and in that Case, the Principal and Regents shall, *ipso facto*, be deprived of their said Offices and Function in the said College, and their Places ordained to be declared vacant, by the Magistrates of *Edinburgh*, Patrons of the College, and they allowed to appoint others to supply the same. And the said Lords do ordain, that before the said Students re-enter, or new Students be received in the said College, such Students first engage under their Hands, before the Bishop of *Edinburgh*, (when they take the Oath of Allegiance) that they shall keep the Church, and wait upon divine Worship, according to Law, which the said Principal and Regents are hereby ordered to see done, and not to receive into the said College, any such Students, entred or to be entred, without doing of the same, under the Certification aforesaid. And the said Lords do ordain and appoint, that at the Visitations of the other Universities of the Kingdom, the foresaid Rules for taking the Oath of Allegiance, and Engagements to keep the Church, be put in Execution in these respective Universities, and that the Principal, Masters, and Regents thereof, return to his Majesty's Privy Council, an Account of what Obedience has been given to their Act, enjoining the Students to take the Oath of Allegiance at their Laureation: And the said Lords do discharge any of the rest of the Universities, to receive any such Students as have left or shall leave the College of *Edinburgh*, upon the account of their Refusal of the Engagements abovementioned, as they will be answerable.

*Gib's blasphemous Paper, May 1. 1681. N<sup>o</sup>. LXXIII.*

**W**E Undersubscribers, now Prisoners for the Truth in the *Canongate* Tolbooth Iron-house, though most vile, yet it pleased the Holy Ghost to work on our Spirits of a Time past, in clearing Causes of Wrath, and shewing us Duty from Day to Day, that now in some Time past we are, and have been called mad Men and Devils, and now there is none in the Kingdom, in Prison or out of Prison, that we can converse



verse with as Christians: And Yesterday, being the 26 Day of the 5 Month, it seemed good to the Holy Ghost and to us, to take out of our Bibles the Psalms in Metre, for several Causes mentioned afterwards; for the Book of the Revelation says, *If any Man should add unto these Things, God shall add unto him the Plagues which are written in this Book*; and we did burn them in our Prison-house, and sweep away the Ashes. Likewise, in the Holy Scriptures, we renounce Chapters and Verses, and Contents, because it is only done by human Wisdom, and the changing of the Books after the Holy Ghost had placed them. We being pressed to this Work by the Holy Ghost, do renounce the Impression and Translation of both the Old and New Testaments, and that for Additions put unto them by Men, and other Causes; as first, putting in horrid Blasphemy, making a Tyrant Patron of the Church, when the Scriptures hold of none but of God, and need no Patronage from any King, Prince, or Rulers, and the writing of that blasphemous, sacrilegious, (as some call it) the *Exile dedicatory*, filled with such Language as, *Dread Sovereign, Highness, most high and mighty, most sacred Majesty*; and likewise the horrid unparalleled Blasphemy, making a Triangle with these Hebrew Letters in it, thus, יהוה *Jehovah*, representing the Trinity; and likewise putting in horrid Pictures in several Places of the holy Scripture, and likewise drawing Scores betwixt the Books of the Bible, and other superfluous Traditions. Likewise, we renounce the Catechisms larger and shorter, and Confession of Faith, against which we have many Causes: One Cause is, in the 23 Chap. for the Scripture Proofs that they cite prove the contrary of that they write. We renounce the Acts of the General Assembly, and all the Covenants, and acknowledging of Sins, and Engagement to Duties, and that which they call Preaching-books, and all their Works, Way, Form, and Manner of Worship, Doctrine, Discipline, and Government, and the studying on their Books the Thing they call their Preaching; for, instead of going to God for his Mind to the People, they go to their Books, and so make their Books their God and their Leader, and so all following that way, go to Hell together: The Cause of this is, we find none of their Works but they are like themselves, carnal and corrupt, according to that Scripture, *Hate the Garment spotted with the Flesh*. We renounce the limiting of the Lord's Mind by Glasses, and their Ordination of Men only learned, and their saying, that Learning is the Essential of a Minister, without Grace. Likewise, we renounce their Manner of renewing Covenants, pressing Mens Consciences to take a Covenant, and by so doing, have filled the Kirk and State with Tyrants and incarnate Devils, as we find this Day: They knew the Men to have no Marks of Grace, but, on the other Hand, to be profane, as them they call King and Rulers, Captains and Commanders in State and Armies, and all Kirk-officers, whom we call Tyrants and Judases; for, by so doing, they have corrupted both Kirk and State; as this Day, Kirkmen and Statesmen, whom we call Judases and Tyrants, are studying, in opposition to Holiness and the Work of Reformation, who entered in by the same Covenants, are now pursuing our Lives for a Christian Walk. And likewise, we renounce the Covenant taken at Queensferry, commonly called Cargil's Covenant, and likewise Hamilton Declaration, yet, and Sanquhar Declaration, because they may and have owned these, and are owning these who are Enemies to Holiness, and were Enemies to us, and some of them said, we should suffer Kirk Censure, for giving over the old apostate Ministers to the Devil; and some of them counted us their Enemies for the Truth's sake, and sent us Word they would protest against us, and so we justify our Lord in breaking them at Ayr-moss; we justify the Lord likewise, in taking away that they call Field-preachings, or Mockings, because they were nothing but Rebellion against the high Lord, as we find now when our Lord is come to the Cross, there is neither Minister nor People to bide by him, of the many Thousands have flocked to the Thing they call Preachings or Mockings; and therefore now all are found void of saving Grace; and so we see that Word is accomplished, *Narrow and strait is the Way that leadeth unto Life, and few there be that find it*: And that other Word, *Many shall strive and shall not be able*. We finding all former Actions to be such as Devils have and can creep in at, (as Declarations and Covenants) and get the Name of Saints: Therefore, this Day, it seemed good to the Holy Ghost and to us, to renounce and burn the former Covenants and Declarations, because they are not strait enough, according to Scripture, and all their Works suchlike; and therefore we will own none of their Works, till it please the Lord to give us teaching from himself. By this all may know and understand, we overturn, and formally burn all the former Works of the Clergy of Scotland, and throughout all the whole World, that are in opposition to Holiness. Dated the 6 Day of the Week, being the 27 of the Fifth Month, 1681. about Mid-day.

We renounce and decline all Authority throughout the World, and all that are in Authority, and all their Acts and Edicts, from the Tyrant Charles Stuart, to the lowest Tyrant, and burn them the same Day, being the sixth Day of the Week, the 27 Day of the fifth Month, 1681. at Canongate Tolbooth Iron-house.

We renounce the Names of Months, as January, February, March, April, May, June, July, August, September, October, November, December, Sunday, Munday, Tuesday, Wednesday, Thursday, Friday, Saturday, Martinmas, Holy-days, for there is none holy but the Sabbath Day, Lammas Day, Whitsunday, Candlemas, Beltan, Cross Stones and Images, Fairs named by Saints, and all the Remnants of Popery, Yule or Christmas, old Wives Fables and By-words, as Palm-sunday, Carlin-sunday, the 29 of May, being dedicate by this Generation to Profanity, Pasch-sunday, Hallow-even, Hogmynae Night, Valentine's Even, no marrying in the Month they call May, the innumerable Reliques of Popery, Atheism and Sorcery, and New-year's Day, and Hansel-munday, Dirgies and Lykewakes, Valentine's Fair, Chapels and Chaplains; likewise Sabbath Days Feakings, Blyth-meats, Banquetings, Revelling, Piping, Sportings, Dancings, Laughings, singing profane and lustful Songs and Ballads, Table Lawings, Monk Lands, Friar Lands, Black-friar Lands, Kirks and Kirk-yards, and Market-crosses, Font-stones, Images, Registers of Lands and Houses, Register Bonds, Discharges, and all their Law Works, Inhibitions, Hornings, Letters of Adjudications, Ships Passes, Profanity, and all unchaste Thoughts, Words and Actions, Formality and Indifferency, Story Books and Ballads, Romances and Pamphlets, Comedy-books, Cards and Dice, and all such like, we disown all of them, and burn them the sixth Day of the Week, being the 27 Day of the fifth Month, 1681. at the Canongate Tolbooth Iron-house.

We renounce all the Customs and Fashions of this Generation, their Way and Custom of eating and drinking, sleeping and wearing, and all our own former Ways, as well religious as moral, in so far as they have been squared and casten in this Generation's Mould, and all our iniquous Courses, Lightness and Unconcernedness with the Glory of God, the only End wherefore we were sent into the World, the seventh Day of the Week, being the 27 of the fifth Month.



We renounce all that are now in Prison-houses or Correction-houses, Men and Women; for none of them are with us in this Work: And when we sent them a Copy of this Our Renunciation, they called us Devils. The Copy of this we burnt, instead of the Books and Works of this apostate Generation, and buried the Ashes in our and covered it with Dust.

Notwithstanding of our burning Covenants and Declarations, and renouncing of them and their Works, be it known to all, that we do neither vindicate the cursed Murderers, of their Bloodshed on Fields, and Scaffolds, and Seas, and other horrid Cruelties, such as Torturings, Imprisonments, Pillagings, Banishments, Scourgings, Stigmatizings, &c. nor condemn we the worthy Martyrs, and the Sufferings of others, only we give the Lord Justice, and vindicate his tarrying; for now the Furnace has brought forth a more pure Cause, which we term, *Holiness to be built upon the Word of God.*

That all may know and see our Innocency, and know our End is and was the Glory of God, in all we did, though we came far short; and, in the Months past, we could get none to shew us Kindness for Meat or Lodging, though we could pay for it our selves: That Word in *Malachi*, *Ye are cursed with a curse, for ye have robbed me, even the whole Nation:* And likewise in *Deuteronomy*, *We seeing the Land all thus cursed, and all justifying themselves in that Iniquity, were afraid to eat, or drink, or sleep under a Roof with them.* Though there were many that would have sheltered us, yet we could not eat, drink, converse, or pray with them, lest we had come under the Curse; so many times our Beds have been in the open Fields, and we have come to Houses, and they would not sell us Meal to make Pottage of, and we have found Meal and Water a rare Dish, because the Curse was off it, and it was blessed to us, according to that Scripture, *The Blessing of the Lord maketh rich.* We are not murmuring in this, but when the Weather has been worst, Winds and Rain, cold Frost and Snow, and when we had fasted most, we were best satisfied, according to that Scripture, *All shall work together for their Good that truly seek the Lord:* When we had outward Straits, then we had most inward Peace, we had Joy in the Holy Ghost; so the Thing the World calls the worst of our Life, as Reproaches, Imprisonments, Nakedness, Hunger, and Cold, &c. we had rather be suffering for our Lord's sake, than be Kings of the whole Earth; for our Joy no Man can take from us, and our Prison is so pleasant through our Lord, that we care for no Company, for we know no Company but all are cursed, and we know not what it is to weary; but, according to that Scripture, *Eat and drink, my beloved, yea, eat and drink abundantly,* we are rather in Paradise.

These Things were cleared to us when fasting and praying, and we were pressed to do this by the Holy Ghost. We had many Fasts about this Thing, and this Week we took some Milk and Bread, in the third Day of the Week, in the Morning, being the 24 Day of the fifth Month, 1681. and tasted neither Meat nor Drink, nor any other Kind of living, till the sixth Day of the Week, at Four after Noon, (and then we took a little Milk and Bread) for to find out the Causes of his Wrath, we have wandered, mourned, wept many a Night and Day, in Houses and Fields, for we have, and have had no other End but his Glory, that the Elect, such as should be saved, might be brought in; and it is only Conscience that keeps us from giving Men Reverence in Word and Behaviour, though some call us dumb Devils, and unlearned Brutes; and one of us, when coming before them they call Rulers, was called a Blockhead. Notwithstanding of all that came on us, we know, and are taught by the Holy Scriptures, to give Honour unto whom Honour is due, and to salute one another; but it has been our Work of a Time, to renounce the filthy vile Imbracings, Salutations, and Compliments of this Generation, which they call Court-breeding; our Carriage, professing to follow the Lord Jesus, should be staid and circumspect, according to that Scripture, *Let us walk circumspectly, not as Fools, but as wise Men,* as it is written in *Matthew*, *Let your Light so shine before Men, that they may see your good Works, and glorify your Father which is in Heaven.*

Curled are they that say Peace to a Land, who are in the place of Watchmen, when the Lord says no Peace; which Practice we silly unlearned Creatures renounce, for we bless him, he has kept us from resting till the Ark rest: And as for these they call Watchmen, that cry Peace, or keep Silence, we shall refer them to the Prophet *Ezekiel*, which ye may read at leisure, which we think shall be *Scotland's Doom*; for we have heard tell of few of them they call Ministers, but they have all said Peace, when brought before the Enemies to witness their Practice, being most unconscionable, on Hill-sides and Muir-sides, before several Thousands, they called them Tyrants, and intolerable Oppressors, and their Government Tyranny and Oppression, and that the Crown of Supremacy that *Charles Stuart* had usurped over the Kirk, would weigh him down from the Throne, and all that Race with him; and when they are brought before them, and into Prisons, nothing but in with the other Supplication, to the honourable Lords of his Majesty's secret Council, beek and bing, and please your Lordships Grace, &c. and now they are all at Peace with his Enemies, save one whom we disown; and so ere long the Enemies shall curse them, when the Lord awakens their Consciences, (though we confess we have had some special Witnesses of Ministers) and we think, ere long, the Malignants shall pursue these Ministers to Death for Unfaithfulness; for the vilest Creatures in the Land, high and low, rich and poor, noble and ignoble, must give account for Works done in the Flesh; then the Dogs, Sorcerers, Whoremongers, and Murderers, and Idolaters, False-swearers, Cursers, Sabbath-breakers, idle loose Livers, and all that are unchaste in Thoughts, Words and Behaviour, and all that make no Conscience of their Way, and whosoever loveth and maketh a Lie, shall tremble that Day when they shall enter into Eternity; when it shall be said, as it was to *Dives*, *Thou in thy Lifetime hadst thy good Things, and Lazarus his bad Things; for except a Man be born again, he can in no ways enter into the Kingdom of Heaven.*

We take up the Book of the Holy Scripture, at the Lord's Command; and, for a Testimony of our Dissatisfaction at the abounding Corruptions both of Translators and the Press, and likewise for a Testimony of our Desires and Intentions for a new Translation and Impression, free of the foresaid and other Abuses, we, to our Power, reform our own Books, and say, that the Word of God needs no human Art: We hold, that the Word of God is laid the Foundation of this new Building, and shortly it shall become the head Corner-stone of the Building, over both Kirk and State, Kirkmen, and Statesmen: So that Scripture, towards the End of the Revelation of *John*, shall be fulfilled: *And I saw Heaven opened, and behold, a white Horse, and he that sat upon him was called, Faithful and true, and in Righteousness he doth judge and make War, his Eyes were as a Flame of Fire, and on his Head were many Crowns, and he had a new Name written that no Man knew but he himself, and he was clothed with a Vesture dyed in Blood, and his Name is called, The Word of God.*



And first, to shew that we take the Word of God, in every Point, to be our Rule, the Sum and End of our so much reproached and mocked at Exercise, ( Fasting and Prayer ) will be found in the Book of *Psalms*, *Be thou exalted, O God, above the Heavens; and let thy Glory be above all the Earth.* It is written in the *Acts* of the Apostles, *It seemed good to the Holy Ghost and to us; but, they usurping Supremacy, say, By the Authority of the General Assembly, allow these Psalms to be sung in Congregations, &c.* which we renounce. And more, we think the *Psalms* Book in Metre, and no other Thing, ought to be within the Bounds of the Bible, but the simple Scriptures of Truth; the *Psalms* may be had in a Book by themselves.

We are so reproached and calumniated, that we are forced to make our Defence, and shew that we have mourned, fasted, and prayed, many a Day and many a Night, this last Winter, many times in the open Fields, in Frost and Snow, while our Clothes were frozen upon us, and our Feet frozen in our Shoes, as the Town of cursed *Borrowstounness* can witness; and all this to find out the Causes of our Lord's tarrying, when those who are now calling us Devils, were turning themselves upon their ivory Beds, like a Door upon the Hinges, eating the Fat and drinking the Sweet, at their own Ease: And when we were driven thence by Persecution, we took our selves to the Fields, holding still by our Duty, where many Women did offer themselves to the Work, with whom our Spirits were many a Time burdened, whom we could not put away ( as our blessed Lord dealt with *Judas*, whom he knew would betray him ) without manifest Causes: We stayed not with them but on solemn Days, such as *Sabbaths*, and appointed Times for publick Meeting; but when they took their Rest betwixt Hands, we continued still in Fields, Nights and Days, fasting and praying, for Two or Three Days together, several Times; and it was always their Fear we should propose some Question, to try them for Separation, and that Night before we were taken, we warned them that the Soldiers would come, and told them to use their Freedom: We saw them also a Mile off, an Hour before they came, and none of them would go away; and after we were brought in hither, after some several Days Fasting and Prayer, we being warned by the Holy Ghost, followed *Esther's* Advice, and continued from 8 a Clock of the Morning, the 24 Day of the 5 Month, till the 27 at 4 after Noon, fasting and praying: We sent them Word likewise to fast and pray, and when we sent them the Answer of our Prayers in Writ, they called us Devils; thence we fasted till the 28 Day at Night, and thence till the 30 at Night, waiting still to see if they would recover, but they waxed still worse, and we were forced to write this to vindicate our Carriage towards them.

Walter Ker,  
John Gib,

David Jamison,  
John Young.

*This is exactly compared and collated with the principal Copy, by me*

Will. Paterson Cl. Secr. Concilii.

*Mr. Cargil's Letter to the Prisoners in the Canongate Tolbooth.* N<sup>o</sup>. LXXIV.

*Dear Friends,*

I Think ye cannot but know that I am both concerned and afflicted with your Condition, and I would have written sooner, and more, if I had not feared that you might have been jealous ( under your Dissemblers ) that I had been seducing you to follow me, and not God and Truth. It has been my earnest and frequent Prayer to God ( as he himself knows ) to be led in all Truths, and I judge I have been in this graciously answered; but I desire none, if they themselves judge it not to be Truth, to adhere to any Thing that I have either preached, written, or done, to any Hazard, much more to the Loss of Life: But I have been afflicted with your Condition, and could not but be more if God's great Graciousness, in this begun Discovery, and your Sincerity and Singleness gave me not Hope that God's Purpose is to turn this to the great Mercy of his poor Church, and yours, if ye mar it not; and yet the great Sin and Pillar of Satan, that is in this Snare, makes me tremble. It was God's Mercy to you, that gave you such Convictions, that made you, at least some of you, once to part with these Men; and it was undoubtedly your Sin that you continued not so, but, after Convictions, did cast your selves in new Temptations, for Convictions ought to be tenderly guided, lest the Spirit be grieved from whom they came: But this second Discovery, tho' it be with a sharper Rebuke, as it makes God's Mercy wonderful, so it shall render your Perseverance in that Course, sinful, and utterly inexcusable, for God has broken the Snare, and it will be your great Sin if you go not out with great Haste, Joy and Thankfulness, when God's wonderful Discovery has made such a Way for your Delivery: For God having now shewn you the Ringleaders and Authors of these Opinions to be Persons of such Abominations, calls you, not only to deny Credit to them, but also to make a serious Search of their Tenets, which will, I know, by his Grace, bring you undoubtedly to see that these Things are contrary, both to God's Glory, and Truth that they so much pretend to.

And now, *dear Friends*, as I cannot be tender enough of you, who, in your Zeal and Singleness have been misled; for tho' this did bewray a great Simplicity and Unwatchfulness, yet it did also betoken some Zeal and Tenderness, that being beguiled, it was in Things that were veiled and busked with some Pretences to God's Glory, and publick Reformation. And, on the other Hand, I cannot have great enough Abhorrence of the Persons, who, knowing themselves to be of such Abominations, did give out themselves to be of such Familiarity with God, and of so clear Illumination to make their Delusions more passing with devout Souls. Let nothing make you think this is Malignity, or natural Enmity against the Power of Godliness,  
or



er Progress in Reformation, that is venting it self in me: For tho' I cannot win forward, as I ought, yet I have joyced to see others go forward. And I am sure there lies, in this Bed, within you, a Viper and a Child: Satan transforming himself into an Angel of Light, hath put these Two together, to make it passing with some, and to be spared of others who are of Tenderness; but my Soul's Desire is to kill the Serpent, and keep the Child alive; and God is calling you loudly to sever the good from the bad, that the Wit of Satan's Subtily has mixed together, and deliver your selves speedily as a Roe from the Hand of the Hunter; and not only return, but bitterly mourn for your high provoking of God, in offering such foul Sacrifices to his Glory, and sowing your old Clouts upon that new Garment; in your making the Enemy more to despise that Cause and Company, who are enough despised already, and discouraging those who were following, and going forward with you in that which was right, so that now, neither have they the Heart or the Hand for the Work, nor can they look out till God recover them again. There is much in the whole of those that may, and do weigh and overwhelm some Spirits, but there is nothing in all their Cogitations about it, that they found comfortable, unless it be, that he is cleared in afflicting us, and continuing to afflict, because there were such Persons among us. I speak this but of some of you, and beloved by us, tho' ignorantly; and we wish that this be the last and great Stop, that was to be removed before his coming to revenge himself, and reign. I would not say, but, by this also, he shewed his Tenderness of preserving Integrity of Doctrine and sound Reformation, and his Purpose not to suffer Errors and Heresies to prosper. This I told you when I met with you, that there were some Things ye were owning, which were highly approved of God, such as, an inward heart Love and Zeal to God's Glory, which I perceived to be in some of you, so far as can be perceived, and setting up of that before you as your End, in pursuing it always as your Work, and a forgetting of all other Things in regard of it, excepting only these Things without which we cannot glorify him (as a Workman, that intends his Work, must mind his Tools) even our own Salvation, and the Salvation of all others, as if there were not Things wherein he is greatly glorified, for his Glory is in Righteousness and Mercy, and in and by these is the Salvation of Man infallibly advanced, and to these it is inseparably connected.

Next, I would advise you to set apart more, yea, much more of your Time, for Humiliation, Fasting and Prayer in such an Exigence, when the Judgments of God appear to be so near, and so great, so that it be done without Sin, for God cannot be glorified by Sin; for if my Lie hath more abounded to his Glory, why am I judged as a Sinner? I was against such as deny Nature, and others, their right Dues; for he that allows Dues to others, allows them to be paid also: And we must be like Prisoners who are of great Debt, and honest Hearts, who know they cannot pay every one their full Sums, yet are resolved to give every one some, and to the greatest most, and to the rest accordingly; and as there cannot be a total Abstinence from Meat without Self-murder, so there cannot be a total Denying others their Dues, such as the Benevolence of Husband to Wife, and a total Abstaining from Work, without a Transgression of God's Commandments and Laws, which can never be a glorifying of him, which the more impartially they are kept, the more he is glorified. Next, Ways are allowed of him that ye may make your selves free, so much as in you lies, of all the publick Defections. Whatever may involve you in these, or contribute to their Upholding, without either an overpowering Force, or an indispensable Necessity; for I may buy Meat and Drink in Necessity, whatever Use the Seller make of that Money I give for my Meat and Drink. Next, he allows these Particulars of Reformation, such as Change of the Names of Days, of Weeks, of Terms of the Year, and such like, warranted by the Word, and Example of the Christians in Scripture, that have been neglected before in our Reformation; so that there be not too much Religion placed in these Things, and other Things more weighty (which undoubtedly have more moral Righteousness in them) made little in regard of them; but, in these good Things, Satan will quickly (if it be not already) overdrive you in your Progress, and leave you only to hug a spurious Birth: But there are other Things ye maintained, when I spoke with you (and the Viper has more since appeared) as Truths and Parts of God's Glory, that are utterly contrary to, and inconsistent with the Glory of God, as *first*, laying aside of publick Preaching, some of them saying no less nor they had no missing of it, so that ye thought ye had reigned as Kings without us, and would to God ye had reigned. Your flourishing should have delighted, tho' we had not been the Instruments and Means thereof: But, alas! this your Liberty, that you so much bragged of, would have lasted but a little while, and was among your other Beguiles, and was nothing else but Satan stirring you about to Giddiness, and raising of fantastick Fumes to the tickling of the Imagination, but leaving you altogether without Renovation of Heart, or Progress in Sanctification; so that I cannot compare this your Liberty to any Thing else, but to an enchanted Fabrick, where the poor Guests, only placed in Imagination, imagine themselves to be in a pleasant Place, and at royal Entertainment: But when God comes, and Delusion evanisheth, they will find themselves cast in some remote Wilderness, and they left full of Astonishment and Fears.

I told you while I was with you, that the Devil was sowing Tares amongst your thin Wheat; but I was not long from you, exercised in Thoughts about you, but I saw clearly there was Sorcery in the Business, and now, I tell you, I fear Sorcerers also. I know I have spoken this against my own Life, if they get the Power they desire, but I am in a Defiance of them, and, I know also, in a Defence by him who hath preserved, and, I know, will preserve me till my Work be finished: But if your Liberty that you talked of, had been true, it would, at least, have stayed till it had brought you to other Thoughts, other Works, and other Comforts; and it might have been easily discerned, not a true Liberty, but a Temptation that led you from publick Preaching, the great Ordinance of God's Glory, and Mens Good. As the Apostle has that Word, forbidding us to preach to the *Gentiles*; but especially to leave publick Ordinances at this Time, when they are the only Standards standing, which shews Satan's Victory against Christ's Kingdom in Scotland, not to be complete.

Yet, dear Friends, when you hear this, let not Satan cast you as far to the other Side, for it is rare to see the most devout Souls altogether out from under his Delusions and Temptations, as to make you believe, that it is impossible to attain to any Thing of Certitude, of Truth, Liberty, Manifestations and Communion with God, if that, which seemed to be so firm, be Delusions; but shall Satan have such Power to make Men believe Lies, and shall not God go infinitely beyond him in making Men to see and believe Truth? There were many that thought themselves at the Height of Assurance, when under the greatest Temptations,



as *Psal. lxxiii. Verily I have cleansed my Hands in vain.* And yet they have a greater Certainty, when they come to see that there is no such Unquietness of Spirit under this, as they found in the former: And seeing it is so, rest not till ye attain that Assurance of your own Interest, and of his main Truths, which is both above Doubt and Defect, that ye may be able to say, *Now we believe and are sure.*

But, in the next Place, ye will joyn with none in publick Worship, but these who have infallible Signs of Regeneration: This seems fair, but it is both false and foul; false, because of its false Foundation, viz. that the Certainty of one's Interest in Christ, may be known by another; whereas the Scripture says, that none knows it but he that has it; foul also, for this Disdain hath Pride in it, and Pride is always foul; and tho' there be a Difference amongst Men, and that we should have Regard of Repentance and Brokenness of Heart; yet these who have well sought, and seen their own Filthiness, will judge themselves the Persons, of any that should be thrust out of the Assemblies of God's People, and that not only in regard of what they have been, but also in regard of what they daily are. Next, ye would have all to be prayed to eternal Wrath, who have departed and made Defection in this Time; alas! we need not blow them away, the great Part is going fast enough that Way, but this, I am sure, is not to give God his Glory, but to take from him, and limit him in his Freedom and Choice in the Greatness of his Pardon. It is remarkable, that the Angels, in their Glory to God, joyned also with it, Good-will to Men. Next, you have rejected the *Psalms*, with many other Things, by a Paper come from some of you, and I cannot see upon what account, unless it be because it is Man's Work, in turning the *Psalms* out of Prose into Metre: Then ye must reject all the other Scriptures, because the Translation of them is of Man's Work; ye have not yet learned the original Languages, ye must betake your selves altogether to the Spirit, and what a Spirit will that be that is not to be tried by the Scriptures! I told some of you, when I last saw you, that ye were too little led by the Scriptures, and too much by your own Thoughts and Suggestions, which indeed opens a wide Door to Delusion, and alas! lays your selves open to Satan's Temptations.

As for the rest, of your denying all your former Covenants and Declarations, this cannot be from God, they containing nothing but lawful and necessary Duties; and suppose they did not contain and include a complete Reformation, yet they did not exclude it: So that still holding them, we might have passed on to more Perfection, and they might be inviolable Obligations with us. And next, your cutting off all that were not of your Mind, and delivering them up to Devils, was not Justice and Religion, it being done neither in Judgment nor Righteousness, upon Conviction of their Crimes, but unbridled Rage and Fury; but these Things I cannot fully speak to now: Yet there is somewhat I cannot pass, but must tell you, that I fear there shall remain some of the Leaven within, that shall not only spoil an orthodox Protestant, but also a true, tender and humble Christian, and give us nothing instead of it, but a blown Bladder; for I am perswaded, if *Satan* should have the Tutorship but a while, he should bring it to this: For it has been his Way with some, first to make them Saint-like, and afterwards to settle them at Atheism, like a cunning Fisher, running a Fish upon an Angle, who at last casts it on dry Ground. God is my Witness, my Soul loves to see Holiness, Tenderness and Zeal, in such a Generation, where there is nothing but Untenderness, Unconcernedness, and Lukewarmness; and, by his Grace, I shall ever cherish it. I desire you then, in the Bowels of Christ, to retain your Zeal, but see well to this, that it be for his Glory. Indeed the more that you are zealous, and the further ye go forward, so that the Word of God direct your Course, ye are the more pleasing to God, and shall be the dearer to us: And perswade your selves, that tho' I cannot equal or go before, yet it is the sincere Desire of my Heart to follow such; and my Soul wishes you well, tho' it may be I cannot here point nor lead you the Way to well-being: Yet this I must say, that if I could lead you the Way that he has led me, I should let you see eternal Life, without these Things that I am desiring you to relinquish. Hold Truth, glorify God, be zealous to have him glorified, but think not, to desire the Condemnation of any Man, simply on that account, that they dare not come and continue where you are, or to put a Bar by Prayer, between them and a Return, is a glorifying of God. We glorify him in this Kind, when, as he himself desires, we acquiesce in his Sentence when it is past, tho' we wrestle against it before it be known to us.

I cannot bid you go forward in all, but I desire you to go forward in that which is surer and better; and, dear Friends, let not the World have that to say, that when ye are become right, ye are become the less zealous, only take the right Object, and let your Zeal grow. O! let not your Sufferings be stained with such Wildness, and think it not strange that ye have not such Liberty in your Return, as ye seemed to have before; if ye take the right Way and hold on, ye shall find it in his Time, greater, and better, and surer. I shall only add, that there must be an express disowning of your Errors and Evils, and an express owning of his Truths, whereof ye have been perswaded before now, which now are either denied or doubted, otherwise you will come to nothing of Religion, or worse. This will either state your Sufferings right, or be a Mean to obtain a cleanly Liberty from God, in his due Time. *Grace, Mercy, and Peace be with you. Amen.*

### *Council's Letter about the Earl of Argyle's Jurisdictions, Jan. 31. 1682. N<sup>o</sup>. LXXV.*

*May it please your Majesty,*

THE Estate of *Argyle* being now in your Majesty's Hands, by Forfeiture, we thought it our Duty (your Majesty living at a Distance, and your royal Interest being so much forgot in the last Restoration of that Family) to offer humbly, as our faithful Advice to your sacred Majesty, that the Offices, Jurisdictions and Superiorities, belonging to the late Earl, should for ever remain with the Crown, as necessary for the Support, and for the Maintenance of your Royal Government; both which must suffer very much by



by the Want of such extraordinary Powers, and by raising a Subject in those remote Places to so formidable Capacities; nor seems it prudent or just to us, that so many loyal Families who have suffered by his, for your Majesty's Royal Father and your self, during the late Rebellion, should now again, for the second Time, be subjected to his Jurisdiction, whereby all honest Men might be discouraged to continue firm in a hopeless Loyalty: And tho' it may seem reasonable, that the Lands, which your Majesty designs to bestow upon that Family, should hold of your Majesty immediately, yet that others should hold their Lands of it, seems neither necessary nor legal to us, who have considered the Laws whereby hereditary Jurisdictions are prohibited; and by which it is declared unlawful to interpose a Superior betwixt your Majesty and those who are, by the Forfeiture, become your Majesty's immediate Vassals, the Dependence of which Vassals will certainly very much contribute to the securing your Majesty's Government, they being so many, so great, and so loyal; nor doubt we but your Majesty (whose Justice hath been still as eminent as your wonderful Clemency) will be careful to see the poor Creditors of the late Marquis and Earl of Argyle, satisfied out of their Estate, it being very hard that honest Men, whereof many have suffered for the Crown, should be forfeited for the Crimes committed by them against it; and to restore them to the others Prejudice, were to take an Estate from the innocent to gratify the Posterity of those who are guilty: For which Reason also, and to encourage such as resolve to be loyal, in this Age that needs so much Encouragement, we do, with all humble Confidence, intreat, that some Respect may be had to such as have been eminent Sufferers for the Monarchy, Suffering being as just, and as to your Majesty a more meritorious Debt than lending. We hope the Interests of the Bishops of the Isles and Argyle, and the retaining many Patronages, which belonged to that Family, will not need our Recommendation, being so just in themselves, and so fit for the Crown, that we could not omit the remembring of these also. This having been the unanimous Opinion of us your Majesty's Privy Council, will, we hope, prove not only a great Testimony of our Duty to your sacred Person, but will remain upon record to after Ages, as a Testimony of our Concern for the imperial Crown in this Kingdom, which shall in all Cases be faithfully observed, by

*Your Majesty's most humble, most faithful,  
and most obedient Subjects and Servants.*

Subscribed *ut in Sederum*, except his Royal Highness and Dalziel, with the Advocate and Lundin.

*Letter, Scots Bishops about the Duke of York, March 9. 1682. N<sup>o</sup>. LXXVI.*

*May it please your Grace,*

**H**IS Royal Highness having passed from hence on *Munday* last, being called by the King to attend his Majesty at *New-market*, we should prove very defective in Duty and Gratitude, if, upon this Occasion, we should forget to acknowledge to your Grace, how much this poor Church, and our Order do owe to his princely Care and Goodness, that his Majesty, and the worthy Bishops of *England*, may, from you, receive the just Account thereof.

Since his Royal Highness's coming to this Kingdom, we find our Case much changed to the better, and our Church and Order (which, through the Cunning and Power of their Adversaries, were exposed to extreme Hazard and Contempt) sensibly relieved and rescued; which, next to the watchful Providence of God (that mercifully superintends his Church) we can ascribe to nothing, so much as to his Royal Highness's gracious Owning, and vigilant Protection of us.

Upon all Occasions he gives fresh Instances of his eminent Zeal, against the most unreasonable Schism, which, by renting, threatens the Subversion of our Church and Religion, and concerns himself as a Patron to us, in all our publick, and even personal Interests; so that all Men take notice of his signal Kindness to us, and observe, that he looks on the Enemies of the Church, as Adversaries to the Monarchy itself: Nor did we ever propose, or offer to his Royal Highness, any rational Expedient, which might conduce for the Relief or Security of the Church, which he did not readily embrace and effectuate.

The Peace and Tranquillity of this Kingdom is the Effect of his prudent and steady Conduct of Affairs; and the Humours of our wicked Fanatics, are much restrained from dangerous Eruptions, upon their Apprehensions of his Vigilance and Justice; for they dread nothing so much, as to see him upon the Head of his Majesty's Councils and Forces against them.

We hope your Grace will make our dutiful Acknowledgment to his Royal Highness for all his princely Favours to us, and give him the most firm Assurance of our most sincere Endeavours to serve him, and of our most fervent Prayers for his temporal and eternal Happiness, as the bound Duty of us,

*May it please your Grace,*

*Your Grace's most humble,  
and faithful Servants.*

*Alexander St. Andrews,  
Jo. Edinburgen.  
Andr. Dunkelden.  
Arch. Glasquen.*

*Jam. Gallovidien.  
George Brechin.  
Jam. Dumblanen,*

*Council's*



*Council's Letter to the King about the Duke of York, May 20. 1682. N<sup>o</sup>. LXXVII.**May it please your sacred Majesty,*

**T**He great Satisfaction we had in hearing the many Demonstrations of your Majesty's Kindness to your Royal Brother, whilst he was so happy as to be with you, was much heightened by seeing him after his miraculous Escape at his Return to us, in which the Enemies of your Royal Family and Government may clearly discover, by what divine Care it is assisted and protected, and tho' the Kindness, Justice, and Moderation, and exemplary Loyalty, which he has evidenced during his Stay here, his compescing all our Disorders, his filling the orthodox Clergy, and such as had suffered for your sacred Majesty and your blessed Father, his filling all Places of publick Trust, and your Majesty's other Judicatures, with Persons fitted for the Employments to which they were designed, and the laying sure Foundations for a future Peace amongst us, make us unwilling to part with so kind, so wise, and so careful a Prince: Yet since your Majesty does, by your gracious Letter, dated the 29 of April, tell us, that your Majesty's brotherly Affection to him, moves you not to dispense longer with his Absence, than our Need did require; we do therefore dutifully acquiesce in your Majesty's Resolutions, and shall, with all possible Zeal and Assiduity, follow these excellent Patterns of Government which he has left us, hoping that your Majesty will receive from him most full Assurances of our Duty, which should very much increase upon our receiving so favourable an Acceptance from your Majesty, of our mean Endeavours for your Service, and that you will, by him, inform us of your Royal Inclinations and Commands, which shall be carefully obeyed by us. Such as are commisionate by your Majesty, for enquiring into the Counts of the Exchequer, and the Affairs of the Mint, have returned, to his Royal Highness, an Account of their Diligence, and why the same are stopped, which we humbly desire your sacred Majesty to consider, if his Royal Highness shall not be arrived before these Letters come to your Majesty's Hands, and in which we expect such speedy Returns, as may best answer to the Exigence of your Majesty's Service in these great Concerns. We are

*Your Majesty's most humble, most faithful,**and most obedient Subjects and Servants.*

*Geo. Gordon Chancellor,  
Queensberry,  
Athole,  
Montrose,  
Errol,*

*Marishall,  
Strathmore,  
Southesk,  
Perth,  
Tweddale,  
Kintore,  
Livingstone,  
Geo. Mackenzie,  
A. Ramsay,  
W. Drummond.*

*French King's Edict, March 1682. N<sup>o</sup>. LXXVIII.*

**L**EWIS, by the Grace of GOD, King of France and Navarre: To all present and to come, Greeting. Although it be a certain and uncontested Truth, established upon the Words of Christ himself, that our Crown is independent of any Power but that of God alone, we have however received, with Satisfaction, the Declaration which the Deputies of the Clergy of France, assembled by our Permission, in our good City of Paris, have presented to us, containing their Opinion touching the ecclesiastical Power: And we have so much the more willingly hearkned to the Request which the said Deputies have made to us, to cause the said Declaration to be published; for that, it being made by an Assembly, composed of so many Persons equally recommendable for their Virtue and Learning, and who have, with so much Zeal, employed themselves in whatever may be of Advantage to the Church, and our Service, the Wisdom and Moderation with which they have expressed the Opinion that ought to be had on this Subject, may very much contribute to the confirming our Subjects in the Respect which they, as well as we, ought to have for the Authority which God has given to the Church, and to the taking away, at the same Time, from the Ministers of the pretended Reformed Religion, the Pretext they take from the Books of some Authors, to render the Power of the visible Head of the Church, and the Centre of ecclesiastical Unity, odious. For these Causes, and other good and weighty Considerations us thereunto moving, after having caused the said Declaration to be examined in our Council, we have, by this our present, perpetual, and irrevocable Edict, said, established and ordained, do say, establish and ordain, we will, and it pleaseth us, That the said Declaration of the Opinion of the Clergy, concerning the ecclesiastical Power, hereunto affixed, under the Seal of our Chancery, be registred in all our Courts of Parliament, Bailiwicks, Senechalshies, Universities and Faculties of Divinity, and the Canon Law, in our Kingdom, Countries, Lands, and Seigniories under our Obedience.

I.

**W**E forbid all our Subjects, and all Strangers being in our Kingdom, as well Seculars as Regulars, of what Order, Congregation, or Society they are, to teach in their Houses, Colleges or Seminaries, or to write any thing contrary to the Doctrine contained in the same.

II.

We command that those which shall for the future be chosen to teach Divinity in the Colleges of every University.



niversity, whether they be Seculars or Regulars, shall, before they perform that Function, in the Colleges, or Houses Secular or Regular, subscribe the said Declaration in the Registers of the Faculties of Divinity, and promise to teach the Doctrine therein contained; and that the Syndicks of the Faculties of Divinity, shall present to the Ordinaries of the Places, and to the Attorneys-general, Copies of the said Subscriptions, signed by the Registers of the said Faculties.

## III.

That in all the Colleges and Houses of the said Universities, where there shall be many Professors, whether Seculars or Regulars, one of them shall be obliged every Year, to teach the Doctrine contained in the said Declaration; and in the Colleges, where there shall be only one Professor, he shall be obliged to teach the same every third Year.

## IV.

We command the Syndicks of the Faculty of Divinity, to present every Year, before the opening of the Lectures, to the Archbishops or Bishops of the Places where they are established, and to send to our Attorneys-general, the Names of the Professors who shall have the Charge of teaching the said Doctrine; and we command the said Professors to present to the said Prelates, and to our Attorneys-general, the Writings which they shall dictate to their Scholars, when they shall be by them thereto required.

## V.

We will, that no Batchelor, whether Secular or Regular, shall, for the future, be licensed in Divinity, or the Canon Law, nor received a Doctor, till he has maintained the said Doctrine, in one of his Theses, which he shall make appear to those that have Right of conferring the said Degrees in the Universities.

## VI.

We exhort, and also enjoin all Archbishops and Bishops of our Kingdom, Countries, Lands, and Seignories under our Obedience, to imploy their Authority, in causing the Doctrine contained in the said Declaration of the said Deputies of the Clergy, to be taught in their Dioceses.

## VII.

We command the Deans and Syndicks of the Faculties of Divinity, to take Care of the Execution of these Presents, on Pain of answering the contrary in their own and private Capacities.

So we give Charge to our Well-beloved and Trusty holding our Courts of Parliament, that they cause these our present Letters, in Form of an Edict, to be read, published, and registred, together with the said Declaration of the Clergy, in the Registers of our said Courts, Bailiwicks, Senechalities, and Universities, within their Jurisdiction, and that they see the same observed, without suffering any Contrivention therein, directly or indirectly; and that they proceed against the Offenders in such Manner as they shall think fit, according to the Exigency of the Case; for such is our Pleasure. And that the same may remain firm and established for ever, we have caused our Seal to be put to these Presents.

*Given at St. Germain in Laye, in the Month of March, in the Year of Grace, 1682. and of our Reign the Thirty ninth.*

Signed LOUIS.

And lower, *By the King, Colbert, Visa le Tellier*, and sealed with the great Seal, on green Wax.

Registred, the Attorney-general being heard, and requiring it, that they may be put in Execution, according to their Form and Tenor, pursuant to the Order of this Day. At *Paris*, in Parliament, the Twenty third of *March*, 1682.

Signed DONGOIS.

### *The Declaration of the Clergy of France, concerning the ecclesiastical Power.*

Many there are who endeavour to invade the Decrees and Liberties of the Gallican Church, (with so much Zeal contended for by our Ancestors) and even to undermine the Foundation of them, which is built upon the holy Canons, and the Tradition of the Fathers; nor are those wanting, who, under pretence of those Liberties, are not afraid to lessen the Supremacy of St. Peter, and his Successors the Popes of Rome, instituted by Christ, the Obedience due to them from all Christians, and the Majesty of the Apostolick See, (revered by all People) wherein the Faith is preached, and the Unity of the Church preserved: Neither do the Hereticks omit any thing, whereby they may render the Power, by which the Peace of the Church is preserved, grievous and odious to Princes and their Subjects; and, by these Frauds, they withdraw the simple from the Communion of their Mother the Church, and of Christ. To prevent which Evils, we the Archbishops and Bishops, met at *Paris* by the King's Command, representing the Gallican Church, with other ecclesiastical Persons deputed together with us, have, after mature Deliberation, thought fit that the following Articles should be established and declared.

## I.

That the Power of Things spiritual, and such as belong to our eternal Salvation, was given by God to St. Peter, and his Successors Christ's Vicars, and to his Church, but not that of Things civil and temporal, our Lord saying, *My Kingdom is not of this World*: And again, *Render therefore unto Cesar the Things that are Cesar's, and unto God the Things that are God's*; and this is meant by the Words of the Apostle, *Let every Soul be subject to the higher Powers; for all Power is from God, and all Powers are ordained by God*: He therefore that resisteth, resisteth the Ordinance of God. That therefore Kings and Princes are not, by the Command of God, subject in Things temporal, to any ecclesiastical Power, neither can they, directly or indirectly, be deposed by the Power of the Keys of the Church, nor their Subjects be freed from their Duty and Obedience, and Oath of Allegiance: And that this Opinion, necessary for the publick Peace, and no less useful to the Church than the State, is to be maintained, as altogether agreeable to the Word of God, the Tradition of the Fathers, and the Examples of the Saints.



## II.

But that this full Power of Things spiritual, is so in the Apostolical See, and St. Peter's Successors the Vicars of Christ, as that with all the Decrees of the holy oeconomic Council of *Constance*, made in the fourth and fifth Sessions, concerning the Authority of general Councils, which have been approved by the Apostolical See, and confirmed by the Practice of the Popes of *Rome*, and of the whole Church, and always religiously observed by the *Gallican* Church, are in full Force, and continue unalterable; and that the *Gallican* Church condemns those that would take from the Force of those Decrees, as if their Authority was doubted, or less approved, or would apply them only to the Times of Schisms.

## III.

That therefore the Use of this Apostolical Power, is to be moderated by the Canons made by the Spirit of God, and consecrated by the Reverence of the whole World; that likewise the Orders, Customs, and Statutes, received by the Crown and the *Gallican* Church, are of Force, and that the Bounds fixed by the Fathers ought to remain unremoved; and that it concerns the Greatness of the Apostolical See, that the Statutes and Customs, confirmed by the Consent of so great a See, and of the whole Church, should be established upon a firm Foundation.

## IV.

That in Questions concerning Faith, the Pope has the chief Part, and that all and singular Churches are concerned in his Decrees; but that however his Decisions are not unreformable, without the Consent of the Church.

## V.

Which Doctrines we have received from the Fathers, do decree to be sent to all the *Gallican* Churches, and to the Bishops, by the holy Spirit presiding over them, that we may all say the same Thing, and be all of the same Mind.

*Signed by the Archbishop of Paris, President, the Archbishop of Rheims, Six other Archbishops, by Twenty six Bishops, and the rest of the Deputies of the Clergy.*

*Registered in the Parliament of Paris, the 23 of March, 1682.*

*Protestatio Cleri Gallicani, May 6. 1682. N<sup>o</sup>. LXXIX.*

**E**cclēsia Gallicana suis se regit legibus, propriasque consuetudines inviolate custodit, quibus Gallicani pontifices majoresque nostri, nulla definitione, nullaque autoritate derogatum esse voluerunt, & quas ipsi summi pontifices agnoscere & laudare dignati sunt; prope tamen est ut perfringantur leges justæ, quas prisca Galliarum religio, reverendaque vetustas, inconcussas fecerunt; ecce etenim, quod sine acerbissimo animi sensu dici non potest, hisce annis superioribus, per provincias Galliarum & civitates, literæ apostolicæ seminatæ sunt, quibus antiqua Gallicanæ ecclesiæ jura & patriæ instituta aperte violantur; ex his scilicet intelligimus, de regni ecclesiarumque nostrarum negotiis, contra mores nostros usurpatam esse cognitionem, inauditis partibus, pronunciata judicia, jurisdictionem episcoporum conculcatam; denique contra canonem ecclesiasticum, & contra consuetudines illustrissimæ Gallicanæ ecclesiæ metropolitæ, gladium excommunicationis intentatum esse.

Delet clerus Gallicanus, queriturque ex his & aliis quæ exinde facta sunt, oppressas libertates ecclesiarum, perturbatam ecclesiæ formam, illatum dedecus pontificali ordini, terminosque perruptos quos patres nostri constituerant, & ne officium & causam suam deferere, aut prævaricari suæ dignitati, ecclesiarumque suarum commodis videatur publica contestatione obloqui contra, & inertis silentii a se movere culpam decrevit, ut exemplo patrum suorum in posterum provisum sit, ne quid nocere possit juribus & libertatibus ecclesiæ Gallicanæ, eoque magis inclinatur in eam sententiam, quod summus pontifex Innocentius II. morum antiquorum & canonicæ disciplinæ severus actor, non patietur fieri injuriam decretis suorum predecessorum ex canonibus promulgatis, qui rescindebant quicquid subreptum contra privata provinciarum jura, nolebant siquidem ecclesiarum privilegia, quæ semper conservanda sunt, confundi; præterea clerus idem Gallicanus professus antea omnem reverentiam obedientiamque quam semper exhibuit, perpetuoque exhibiturus est cathedræ Petri, in qua potentior agnoscit principatum coram clarissimo domino Joanne Baptista lauro protonotario apostolico, & nunciaturæ apostolicæ Galliarum auditori, protestari constituit, sicut de facto protestatur per præsentem, ne literis pontificiis datis ad episcopum Apamiensem die secundo Octobris, 1680. ad ecclesiæ Apamienensis capitulum, eodem secundo Octobris, ad episcopum Tolosanum, die primo Januarii, 1681. ad moniales seu canonicas regulares congregationis beatæ Mariæ virginis, monasterii de Charonne, die septimo Augusti, & quindecimo Octobris, 1680. vel aliis exinde & illarum virtute actis & secutis quibuscunque, damnum aliquod seu prejudicium juribus ecclesiæ Gallicanæ fieri possit, neve quis in aliis locis & temporibus, hoc in exemplum & in auctoritatem trahat, aut antiquos ecclesiæ canones, avitas regni consuetudines, receptosque mores ecclesiæ Gallicanæ oppugnare audeat, aut propterea quidquam sibi licere existimet, immo vero nemo nesciat hoc nihil obviare, quominus canones, consuetudines, jura & libertates ejusdem ecclesiæ pristinam vim & integram auctoritatem retineant & custodiant.

Hoc clerus Gallicanus sibi suisque privilegiis cautum consultumque voluit, & omnibus notum esse, ne quis ignorantia causam prætexat.

Datum in comitiis generalibus cleri Gallicani, Lutetiæ habitis, 1682. die sexto Maii.



*Commission to Claverhouse for Wigtoun, Jan. 31. 1682. N<sup>o</sup>. LXXX.*

**C**HARLES, by the Grace of GOD, &c. Greeting. Forasmuch as We having already thought fit to give and grant to *John Graham of Claverhouse*, a Commission to be Sheriff of the Shire of *Wigtoun*, fallen in Our Hands, with the haill Powers, Privileges, and Casualties belonging to the said Office, during Our Pleasure; and considering, that several Persons of disaffected and seditious Principles, in the Shires of *Wigtoun* and *Dumfries*, and the Stewartries of *Kirkcudbright* and *Anandale*, have, for Disquiet and Disturbance, of the Peace, for divers Years past, not only deserted the publick Ordinances in their Parish Churches, haunted and frequented rebellious Field-conventicles, and committed divers other Disorders of that Nature, to the great Scandal of Religion, and Contempt of Our Government, but lately did break forth into, and joyned in an open and most treasonable Rebellion, and notwithstanding of the many reiterated Offers of Our gracious Indemnity to them, they continue in their former wicked and rebellious Practices, being encouraged therein by the not due Execution of our Laws, and Hopes of Impunity, by their skulking from one Place to another, when they are cited before Our Judicatories, and pursued and sought for by Our Forces: And We being fully resolved, that Our Laws shall be put to due and vigorous Execution against these Delinquents, and these Rebels brought to publick Punishment and Example, in the Places where they have been guilty thereof, do, with Advice of Our Privy Council, require and command the said *John Graham of Claverhouse*, to call before him his Deputes and Substitutes, the Persons frequenting and residing in the said Shire of *Wigtoun*, guilty of withdrawing from the publick Ordinances, in their Parish Churches, since Our late Act of Indemnity, as also the Persons guilty of Conventicles, disorderly Baptisms and Marriages, harbouring and resetting of Rebels during the said Space, and to impose and exact the Fines conform to the Acts of Parliament, and to do and perform every Thing requisite and necessary, for putting the same to due and vigorous Execution; and considering, that the Persons guilty of these Disorders, do remove from one Jurisdiction to another, when they are called in question and pursued; and that We find it necessary for Our Service, in this Exigent, that the Persons guilty of these Disorders, in the Places adjacent, within the said Shire of *Dumfries*, and Stewartries of *Kirkcudbright* and *Anandale*, to be brought to Justice, in order to the reducing that Country to the due Obedience of Our Laws, and the securing the Peace of Our Government, We, with Advice foresaid, do hereby nominate and appoint the said *John Graham of Claverhouse*, to be Our Depute within the said Jurisdictions, for putting in Execution Our Laws against Transgressors and Delinquents, in the Cases foresaid, and to uplift and exact the Penalties incurred by them thereby. It is hereby declared, that this Commission is no ways to be prejudicial to the Right of Jurisdiction, belonging to the Sheriff of *Dumfries*, and Stewarts of the Stewartries of *Kirkcudbright* and *Anandale*, and that the said *John Graham* is only to proceed and do Justice in the Cases foresaid, when he is the first Attacker. And further. We, with Advice foresaid, have thought fit to give and grant, and do hereby give and grant to the said *John Graham of Claverhouse*, Our full Power, Authority, and Commission, as Justice in that Part, to call before him any Person, not being Heritor, who shall be apprehended for being in the late Rebellion, and have not in due Time taken the Benefit of Our gracious Act of Indemnity; and for that effect, to fence and hold Courts, create Clerks, Sergeants, Dempsters, and other Members of Court needful, and to call Assizes and Witnesses as often as Need be's, Absents to amerciate, Unlaws and Amerciaments to uplift and exact, and, in the said Courts, to put the said Persons to Knowledge and Trial of an Assize, and, according as they shall be found innocent or guilty, that he shall cause Justice to be administrate on them, according to the Laws and Acts of Parliament of this Realm; *promitten*. to hold firm and stable whatsoever Things he shall lawfully do in the Premises. Given under Our Signet at Edinburgh, the last Day of January, 1682. and of Our Reign the Thirty fourth Year.

*Commission to Aitchison for Renfrew, June 8. 1682. N<sup>o</sup>. LXXXI.*

**C**HARLES, by the Grace of GOD, &c. Greeting. Forasmuch as *Alexander Earl of Eglintoun*, Sheriff-principal of the Shire of *Renfrew*, being, for the present, forth of this Kingdom, and he having given a Deputation to *Andrew Aitchison* Writer in *Edinburgh*, to serve as Sheriff-depute of the said Shire, who being a Person that hath not any Interest therein, and finding it necessary for the Good of Our Service, that he should be advised and assisted in his Procedure, in Matters concerning the Government and publick Peace of the Shire, by the Persons underwritten, in whose Fidelity We have special Confidence: Therefore, We do hereby grant full Power and Commission to *Alexander Lord Montgomery*, *Sir Archibald Stuart of Blackhall*, *William Hamilton of Orbistoun*, *James Ballantyne of Kelly*, and *Hugh Crawford* younger of *Jordanhill*, or any Three of them, to meet amongst themselves, at such Times and Places as they shall think expedient, and to consider, propose, and set down in Writ, such Rules, Orders, and Directions, as they shall think fit to give to the Sheriff-depute of the said Shire, in his Procedure against Persons guilty of Conventicles, withdrawing from the publick Ordinances, disorderly Baptisms and Marriages, for delating, seizing upon, and apprehending such Rebels as do haunt within the said Shire, and vagrant Preachers, and for the pursuing and punishing of the Resetters of them; and to call before them the said Sheriff-depute, and to deliver to him their Instructions and Directions in the said Matter, who is hereby ordered to proceed according thereto, as he will be answerable; ordaining hereby Our said Commissioners, to give an Account from Time



to Time of their Procedure, and the Procedure and Diligence of the said Sheriff-depute, in the Execution of Our Laws within the said Shire; and do hereby recommend to the Commanders of Our Forces, to assist Our said Commissioners, with such Parties as they shall think fit to call for, from Time to Time. And We do declare, that We will remember kindly the Service Our said Commissioners shall do Us, in the Execution of this Our Commission, and requite the same when Occasion shall offer; and this Our Commission is to continue until We think fit to recal the same. *Given under Our Signet at Edinburgh, the Eighth Day of June, and of Our Reign the Thirty fourth Year, 1682.*

*Proclamation, July 8. 1682. N<sup>o</sup>. LXXXII.*

**C**HARLES, by the Grace of GOD, King of Great Britain, France and Ireland, Defender of the Faith: To  
 Our Lyon King at Arms, and his Brethren, Heralds, Macers of Our Privy Council, Pursevants, and Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Albeit, by the Blessing of almighty God upon Our royal Endeavours, the many Attempts of His and Our Enemies, (made most impiously under pretence of Religion and Zeal, against the Laws of God, of Nature, of Nations, and of this Our Kingdom, designing the Overthrow of Religion, Government, Liberty and Property) have been frequently disappointed and defeated, and their Malice turned upon their own Heads; and that the many Acts, both of Mercy and Justice, exerc'd by Us, conform to the Laws of God and the Kingdom, and the great Prudence, Vigilance, Moderation and Justice of Our dearest and only Brother, during his Abode in, and Government under Us, of this Our ancient Kingdom, have had such happy Success, as to bring Our good Subjects to further Abhorrence of Fanaticks and their Impieties; and most of these who were misled by the lying Spirit of some of their pretended Ministers, are shrunk from these Ways, whereof they are justly ashamed, so that Our People are brought nearer to that dutiful and peaceable Deportment, which becomes Christians and Subjects. Yet some are so indefatigable in Malice, as to continue and stir up others to disturb that Peace and Tranquillity, which Our People may enjoy under Our Reign: Infomuch as of late, some Traitors, Runnagates, and Fugitives, have convocate towards the Number of Eighty, with forbidden Weapons, and in unlawful Manner, near to Talla-lin, in the Shire of Peebles; and the People in that Country have been so defective in the Duties of loyal Subjects, or good Countrymen, as to neglect giving timeous Notice of such Meetings or Actings, either to Our Council, the Sheriff of the Shire, or the Commanders of Our Forces, who were nearest to them; and this Neglect of theirs, being not only a Breach of Duty in them, but of very bad Example, and dangerous Consequence, if practised by others on such Emergents: We therefore, by Our Royal Authority, and also in Conformity to the whole Course of Our Laws, particularly to the 144 Act of the 12 Parl. King James VI. and 7 Act, Parl. 1. King James I. do hereby strictly require and command all the Subjects and Inhabitants within this Our Kingdom, whether in Burgh or Land, upon Knowledge or Information that any Number of Men do convocate unlawfully in Arms, or appear in Company in any Place, or where any one or Two of such, as are declared Traitors or Fugitives from Our Laws, on treasonable Accounts, shall repair, that they shall with all Diligence give Intimation thereof to Our Chancellor, and such others of Our secret Council, as shall be at Edinburgh: As also, without Delay, that they give Information to any Commander of Our Forces, who shall be nearest to the Place where the said unlawful Convocation, or such Traitors and Fugitives are, and to the Sheriff of the Shire, Stewart of the Stewartry, Bailie of the Regality, or Magistrates of Burrows, where the said Meeting or Persons appear, or are informed to be, and that within the Space of one Hour at most, for every Three Miles Distance they are at the Time from Edinburgh, or from the nearest Commander of the Forces, Sheriffs and other Magistrates foresaid. And further, We do hereby require and command Our said Sheriffs, Bailies and Magistrates, upon any such Information given to them, that they call together competent Numbers of Our good Subjects, and with these do exact Diligence, at the utmost of their Power, to search, seek and apprehend these who are so met, and to present them to Justice, and to follow them until they be apprehended, or expelled out of their Jurisdiction, and on their Flight, they are immediately to acquaint the Magistrates of the next Shire, whither they are fled; who are hereby required to do the like Diligence, and so from Shire to Shire, until they be apprehended, or expelled forth of this Realm: And in case any Hurt or Skaith fall out in the Pursuit, or in apprehending of these so unlawfully convocate, the Actors thereof are to be free, and unpunished in any manner of way; with Certification, that these who ever fail in their said respective Duties, whether it be the Magistrates, in not Pursuance, or Our other Subjects, in not giving timeous Information, within the Space foresaid, or in not rising with, and assisting the Magistrates in their forementioned Duties, they shall be held and repute as disaffected to Our Government and Service, and as Art and Part, and Connivers with them in their said unlawful Designs and Convocations, and undergo the Punishment due to these who were of the said unlawful Convocation, by the Laws of this Our Kingdom. And We hereby of new intimate to all Our Subjects, that whoever shall intercommune with, refet, supply, shelter, or give any Comfort to any declared Traitors or Fugitives, or who shall conceal, refet or shelter any who do convocate, in manner foresaid: that such Refetters or Assisters shall be proceeded against, as if they were guilty of the Crimes whereof these Traitors and Fugitives are guilty, according to the just Rigour of Our Laws. Our Will is herefore, and We charge you straitly and command, that incontinent, these Our Letters seen, ye pass to the Market-crofs of Edinburgh, and the hail Market-crofses of the Head-burghs, and hail Parish Kirks of this Kingdom, and other Places needful, and there, in Our Name and Authority, by open Proclamation, make Publication of Our Royal Will and Pleasure, in the Premises, that none may pretend Ignorance, but give cheerful and punctual Obedience thereto.



thereto. The which to do We commit to you conjunctly and severally, Our full Power by these Our Letters, delivering them by you duly execute, and indorsed again to the Bearer.

*Given under Our Signet at Edinburgh, the Eighth Day of July, One thousand six hundred eighty two Years, and of Our Reign the Thirtieth and fourth Year.*

*Per actum Dominorum secreti concilii.*

*Pat. Menzies Cl. Secr. Concilii.*

God save the King.

*Appendix, N<sup>o</sup>. LXXXIII. being Mr. Home's Speech, is insert in the Body of the History, and so is not here.*

*Proclamation about Pedagogues, June 4. 1683. N<sup>o</sup>. LXXXIV.*

**C**HARLES, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith i  
To  
or Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting.  
Forasmuch as, in the whole Course of Our Government, We have manifested Our pious and princely Care, and Zeal to maintain and promote the sacred Interests of the established Religion, together with the Order and Unity of the Church; and considering the Danger arising to the Church, to Religion, and to Our Government, by the undutiful Practices of some of Our Subjects, in entertaining disaffected and irregular Persons, in the Offices of Chaplains, Pedagogues and Schoolmasters, who are apt to corrupt and poison the Families wherein they serve, and the Children whom they teach and instruct, with the Principles of Schism, Sedition and Rebellion, instilling into the Minds of Our People (under the specious Colour of Piety) sinful Prejudices against the settled Religion, and begetting in them a disloyal Aversion from Our Authority and Government; notwithstanding that, by the Fourth Act of the Second Session of Our First Parliament, it is statuted, *That none be allowed to teach any Schools, or to be Pedagogues to Childeen, or Chaplains in any Family, without a Licence from the respective Ordinaries; and that, by the Sixth Act of Our Third and current Parliament, All such Pedagogues, Schoolmasters and Chaplains, are appointed to swear and sign the Test, under the Certification therein contained: As also, by Our Royal Proclamation, of the Date, at Edinburgh the first of March, 1676. We did require and command, That none thereafter should entertain any Schoolmaster, Pedagogue or Chaplain, or Person for performing Family-worship, who have not a Licence for that Effect, under the Hand of the Bishop of the respective Diocese, under the Penalties therein exprest.* And now being informed, that some, to elude the Laws and Proclamations foresaid, do entertain disaffected and irregular Persons, for teaching their Children, and overseeing of their Learning, Manners and Education, or exercising Family-worship in their Houses, under other Names and Designations, as of Physicians, Factors, Chamberlains, Attendants, or ordinary Servants, whose Influence in corrupting the Youth, and debauching of Families from their Duty to God, and to Us, is most apparent, and of very pernicious Consequence. We do therefore, with Advice of Our Privy Council, strictly prohibit and discharge all Our Subjects, of what Quality soever, to entertain any Person or Persons, to be Chaplains in their Families, or to be Governors, Teachers or Instructors of their Children, or Pupils, or Minors, under their Tutorship or Curatorship, or to be Schoolmasters within their Lands or Jurisdictions, or who shall perform the Duties and Offices of teaching, and instructing their Children, or Pupils, or Minors, under their Tutorship or Curatorship, by overseeing them in their Learning, Manners and Education, or who shall exercise religious Worship in their Families, or shall perform the Duties belonging to the Places or Offices of Pedagogues or Chaplains, under the Names and Designations foresaid, or under whatsoever other Colour, Name, Title, or Designation, except such only as shall swear and subscribe the *Test* foresaid, before their respective Ordinaries; and who shall be allowed by Licences, under the Hands of their respective Bishops, for performing and exercising of these Offices; certifying all those who shall contemn, or contravene this Our Royal Will and Proclamation, that every Nobleman, so offending, shall be fined in Three thousand Merks; every Gentleman in Twelve hundred Merks; and each Burgess, or other Subject, in Six hundred Merks, *toties quoties*, as they shall be found guilty, conform to the Certification contained in Our said Proclamation, dated the said first of March, 1676. and shall also be esteemed Persons disaffected to the established Religion, and to Our Royal Government: And the Magistrates of all Burghs of Royalty and Regality, are discharged to permit any Schoolmasters to teach Scholars in their Burghs, except they be qualified as aforesaid, under the Penalty of being pursued and punished before the Council, as their Contempt and Neglect shall deserve. And to the effect Our Royal Will and Pleasure in the Premises, may be publicly known, Our Will is, and We charge you straitly, and command, that incontinent, these Our Letters seen, ye pass to the Market-crofs of Edinburgh, and other Places needful, and thereat, in Our Name and Authority, by open Proclamation, make Publication of the Premises, that none pretend Ignorance. The which to do We commit to you, conjunctly and severally, Our full Power, by these Our Letters, delivering them, by you duly execute, and indorsed again to the Bearer.

*Given under Our Signet at Holy-rood-house, the fourth Day of June, One thousand six hundred and eighty three, and of Our Reign the Thirty fifth Year.*

*Per actum Dominorum secreti Concilii.*

*Will. Paterson Cl. Secr. Concilii.*

God save the King.

Z 2

*Commission*



*Commission for Air-shire, July 28. 1683. N<sup>o</sup>. LXXXV.*

**T**He Lords of his Majesty's Privy Council considering, that several Heritors, and others within the Shire of *Air*, and Jurisdictions within the same, are indicted before the Justices for the Crimes of high Treason, and resetting of, and conversing with Rebels; and the Diets, from the several Courts, being continued, from the Justice-air that was to be held, to *Edinburgh*, in order to the Delinquents their Trial, and the Witnesses ordained to attend, yet, through the Witnesses Absence, the Trials are delayed for some Time. And the said Lords having resolved, that the Delinquents shall be brought to a speedy Trial, have thought fit, hereby to give and grant full Power and Authority to *John Boyd of Kelburn*, *James Crawford of Ardmillan*, Lieutenant Colonel *Buchan*, and Captain *John Inglis*, or any Two of them, to call before them such Witnesses as are contained in the porteous Rolls against the Delinquents of the said Shire, and hail Jurisdictions within the same, or any other Witnesses that can be discovered for proving the Crimes for which they are indicted, and to examine, or cause examine them, and the Witnesses to sign their Depositions, and if they cannot do it, to sign them themselves for them; and, with all possible Diligence, to return the same to his Majesty's Advocate, or the Clerk of the Justice-court; and, for that effect, to cause summon the said Witnesses to compear before them; and in case of their Absence, not only to amerciate them according to Law, but to apprehend and incarcerate them, until they give all Obedience; and, to that end, to affix and hold Courts at such convenient Places, as they shall think fit, and to create all Members of Court needful, except the Clerk who is to be appointed by the Clerk of the Justice-court: With Power likewise to the said Commissioners, or any Two of them, to enquire after any other Persons, Heritors as well as others, suspected guilty of Rebellion, or Reset of Rebels, and who are not contained in the porteous Rolls, and to examine Witnesses against them, and report the Depositions in manner foresaid. And further, the said Commissioners and their *Quorum* are hereby authorized to make exact Enquiry anent all Persons, who maliciously slander, contemn, or vilify those, who, for evidencing their Loyalty to his sacred Majesty, and Affection to the Government, have taken the *Test*, or otherwise given Obedience to his Majesty's Laws, and to send in an exact List of their Names and Designations, and the Probation, to his Majesty's Advocate, to the effect they may be proceeded against according to Law. And the said Commissioners are to give exact Obedience herein, and to return frequent Accounts, as aforesaid, as they will be answerable.

*Act, Magistrates of Edinburgh against Conventicles, Dec. 19. 1683. N<sup>o</sup>. LXXXVI.*

**T**He which Day, Forasmuch as the Lord Provost, Bailies and Council of *Edinburgh*, taking to their serious Consideration, how zealous and careful his sacred Majesty hath been since his happy Restoration, for suppressing all Conventicles, unwarrantable Meetings, and Conventions of his Subjects within this Kingdom, by several laudable Laws and Acts of Parliament made against the same: And also, that by the Seventeenth Act of the Third Session of his Majesty's Second Parliament, it is expressly statute and ordained, *That all Magistrates of Burghs Royal shall call before them, all such as are Burgeses, as shall be guilty of keeping Conventicles, and proceed against them by fining, or otherwise, according to Law, and that they make an Account of their Diligence to his Majesty's Privy Council, and that they be careful in putting their Acts to due Execution against the Keepers of Conventicles, conform to the Trust and Power committed to them, and that an Account of their Proceedings be returned yearly to his Majesty's Privy Council, upon the first Day of July, under the Pain of 500 Merks, for each Year's Failure.* They therefore, being sensible of the Duty and Trust committed to them by his Majesty and Estates of Parliament, and that it is absolutely necessary for his Majesty's Service, and for the peaceable and quiet Government of the good Town, and that all effectual Means be taken for suppressing of Conventicles within the City and Privileges thereof, which tends so much to the Prejudice of the publick Worship of God, to the Scandal of the reformed Religion, and is the Reproach of his Majesty's Authority and Government; and also, that the slow Progress hitherto made, in discovering and suppressing of Conventicles, unlawful Baptisms and Marriages, and entertaining of intercommuned and vagrant Persons, did proceed from this, that there was no due Encouragement or Reward promised and allowed to such Persons as should discover any Conventicles, or unwarrantable Meetings within this City and Privileges thereof, do therefore unanimously statute and ordain, that any Person who shall discover any Conventicle that shall be kept within the said City or Privileges thereof, or unlawful Baptisms and Marriages, and entertaining of intercommuned and vagrant Persons, to any of the Magistrates within the same, so that the said Conventicle be actually attacked, seized upon, and found in the Place discovered, and that the said unlawful Baptisms and Marriages, and the entertaining of intercommuned and vagrant Persons, be instructed, the said Persons Discoverers shall have, for their Reward, for each Conventicle, unlawful Baptism, or Marriage, or the entertaining of any intercommuned and vagrant Person that shall happen to be discovered, the Sum of Threescore Pounds Scots Money: And whosoever shall discover any Persons, whose Residence is in the Country, that come to the City to lurk, and absent themselves from their own Parish Churches, and withdraw from the publick Worship in the City, shall have, for each Person, Twelve Pounds for their Pains: And in regard that the Lord Provost, Bailies, &c. intend a vigorous Execution of his Majesty's good Laws, against Separation and withdrawing from the established publick Worship, they do hereby require all the Citizens, and other Inhabitants whatsoever in the said Burgh and Jurisdictions thereof, duly to attend the publick Ordinances and Worship; certifying all such as shall absent themselves, or withdraw therefrom, that they shall be impartially fined according to Law. And for Encouragement of these who shall delate any Person so withdrawing, who are not contained in the

Lists



Lists given up to the Magistrates by Persons authorized for that effect, shall have Six Pounds *Scots* instantly paid unto him, providing always the Person or Persons, so delated, be convicted guilty of withdrawing, as aforesaid. And ordain this present Act to be proclaimed through the City by Tuck of Drum, and printed, that none pretend Ignorance.

God save the King.

*Proclamation for Circuits, &c. April 13. 1683. N<sup>o</sup>. LXXXVII.*

**C**HARLES, by the Grace of God, King of *Great Britain, France and Ireland*, Defender of the Faith :  
 To Our Lyon King at Arms, and his Brethren, Heralds, Macers, Pursevants, and Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting. Forasmuch as We, by Our gracious Letter, under Our Royal Hand, directed to Our Privy Council, dated, at Our Court at *New-market*, the 21 of *March* last, did signify how well We were satisfied with the Account We had lately received of the State of Affairs, in this Our ancient Kingdom, and with the successful Methods Our Council had fallen upon, for settling the Peace therein, and reducing People to Order and Conformity; and, in this Exigence, did think fit it should be made known to Our People by Proclamation, that, tho' We have been too often induced to grant Indemnities and Indulgences, and other Favours, to that fanatick and disaffected Party, which (as Time and Experience have shewn) had no other Effects than to encourage them to further Disorders, and embolden them to abuse Our Royal Goodness, whatever fair Hopes were given Us at the procuring of them: Yet it was still, and is now, more than ever, Our Royal Inclination, and firm Resolution, to extirpate and root out these seditious and rebellious Principles, and to maintain the Church Government as it is established by Law. And seeing we are now fully perswaded, that it is neither Difference in Religion, nor Tenderneſs of Conscience (as is pretended) but merely Principles of Disloyalty and Disaffection to Us and Our Government, that moves them (under Pretext of Religion) to disturb the Quiet of Our Reign, and Peace of this Our ancient Kingdom: Therefore We do strictly require Our Privy Council, and all Our Judges and Magistrates, to put the Laws vigorously in Execution against all Persons, who, since Our late Indemnity, have been, or shall be hereafter found guilty of any fanatical Disorders or Irregularities (especially those who continue obstinate in them.) And seeing We are informed, that several of Our Subjects, are so disloyal to Us, and inhumane to their Country, as to harbour, reſet, and entertain the Disturbers of its Peace, open and declared notour Rebels and Traitors: We do therefore likewise command, that all such Persons as are, or shall be found guilty of reſetting, maintaining, harbouring, intercommuning, conversing with, or doing Favours to Persons who are forfeited, Traitors, or denounced and regiſtrate at the Horn for Rebellion, be pursued before Our Justice-court, and punished as Traitors, according to Law: And tho' all Persons guilty of reſetting, maintaining, harbouring, intercommuning, conversing with, or doing Favours to notour and known Rebels, that have actually been in the Rebellion (albeit neither forfeited as Traitors, nor denounced and regiſtrate at the Horn for Rebellion) may be also punished with the Pains of Treason; yet, lest any of Our Subjects may have fallen unhappily in that Mistake, because of the great Number of Rebels, that, for several Years, have haunted and frequented some Parts of Our western and southern Shires, We, in Our Royal Prudence and Clemency, recommend to authorize and empower Our Privy Council, that, as they shall see Cause, they may give Warrant to, and command Our Advocate to cause summon, and cite before them, such Persons as they have reason to suspect, to be guilty of the Crimes of reſetting, maintaining, harbouring, intercommuning, conversing with, or doing Favours to any notour and known Rebels, that have been actually in the Rebellion; and which Rebels have not been forfeited as Traitors, or denounced and regiſtrate at the Horn for Rebellion, before the Time these Persons reſetted, harboured, maintained, or intercommuned, conversed with, or did them Favour; as also all Persons guilty of intercommuning, or conversing (even with forfeited Rebels, or denounced and regiſtrate at the Horn) occasioned by Chance and Accident; and We do authorize and empower Our Privy Council, to judge them upon Probation of Witnesses, or Oath of Party, as they shall see most convenient for Our Service; and in case they refuse to depone, or to appear when cited personally, or at their Dwelling-houses, or at the Market-cross of *Edinburgh*, Pier and Shoar of *Leith*, if out of the Kingdom, to hold them as confessed, and to reſtriſt the ordinary Pains of Treason, to Banishment, Fining, or other arbitrary Punishment. Likeas, We do hereby declare, that such Persons, so judged by Our Privy Council, shall, upon Absolvitor, or satisfying of the Sentence, be as fully secured and indemnified, as to these Crimes, for which they shall be so judged by them, as if they had a particular Remission, for each of these Crimes, under Our Great Seal: And being also perswaded, that Our Privy Council will use all Diligence, to bring to condign Punishment, such who deserve the same, and desirous to secure Our Subjects, We do declare, that after the Space of Three Years, from the first of *January*, 1684. no new Process shall be raised, nor any Person pursued (save only such as have been cited within the foresaid Time) upon the Head of reſetting, maintaining, harbouring, intercommuning, conversing with, or doing Favours to forfeited Rebels, or others, acted, done, or committed at any Time preceeding the first of *May*, 1683. We do likewise give to Our Privy Council full Power and Authority, when they shall find it necessary for Our Service, to commissionate such as they shall think fit in the respective Shires, for judging those they have not Time or Conveniency to call before themselves, and are guilty of reſetting, maintaining, harbouring, intercommuning, conversing with, or doing Favours to Persons who are notour and known Rebels, and who have been actually in the late Rebellion, tho' not forfeited, nor denounced and regiſtrate at the Horn for Rebellion; as also, all Persons guilty of intercommuning, or conversing, even with forfeited Rebels, or denounced and regiſtrate at the Horn, occasioned by Chance and Accident, and that in the same Way, and with the same Powers that We have hereby allowed



lowed to Our Council. And because several of Our Commons, that were engaged in the late Rebellion, may have (through Ignorance) lost the Benefit of Our Indemnity, by not taking the Bond in due Time, and are yet desirous to return to their Duty, We do declare, that all such who shall take the *Test*, before Our Privy Council, or Our Justiciary, or any commissioned by the Council, any Time betwixt this and the first of *August* next, shall, and are hereby declared to be as sufficiently indemnified, as they would have been if they had taken the *Bond* in due Time. And for that effect, and for punishing such as refuse thus to be reclaimed, We do hereby also order, that Circuit Courts be holden in Our western and southern Shires, and other Places needful, in the Months of *May*, *June*, *July*, or *August* next; and that after Our Council hath caused take up exact porteous Rolls of all such who are guilty of, or accessary to the late Rebellion, that have not the Benefit of Our general Indemnity, or special Remissions, or are otherwise cleared and acquitted by Law, their Names, after they shall be denounced Fugitives, be printed, published, and affixed upon all the Market-crosses within this Kingdom, to the end all Our dutiful Subjects may know, both whom to shun, and whom to apprehend. After all which Declarations of Our Royal Pleasure, We expect that none will dare to adventure to commit any of the foresaid Crimes, being fully resolved, not to shew further Favour or Clemency to any who hereafter shall be found guilty thereof. Our Will is therefore, and We charge you strictly, and command, that incontinent, these Our Letters seen, ye pass to the Market-crosses of *Edinburgh*, and to the whole Market-crosses of the head Burghs of the Shires and Regalities of this Kingdom, and other Places needful, and thereat, by open Proclamation, make Publication of the Premises, to the effect all Persons concerned may give Obedience, and conform themselves to Our Royal Pleasure aforesaid. And further, in prosecution of the Ends and Designs foresaid, We, with Advice of Our Privy Council, have thought fit hereby to ordain and appoint Our Circuit Courts of Justiciary, to be holden and kept by the Commissioners and Judges thereof, at the Places and Burghs, and upon the Days, and for the Shires respective after-specified, *viz.* at the Town of *Stirling* the Fifth of *June* next, for the Shires of *Stirling*, *Clackmannan*, *Kinross*, *Fife* and *Perth*, besouth the River of *Ern*, and the Stewartry of *Menteith*; at the Town of *Glasgow* the Twelfth Day of the said Month, for the Shires of *Lanerk*, *Renfrew* and *Dumbarton*; at the Town of *Air* the Nineteenth Day of the said Month, for the Shire of *Air*, and Jurisdictions within the same, and the Shire of *Wigtoun*; at the Town of *Dumfries* the Twenty sixth Day of the said Month, for the Shire of *Dumfries*, the Stewartries of *Kirkcudbright* and *Anandale*; at the Town of *Jedburgh*, the Third Day of *July*, for the Shires of *Roxburgh*, *Berwick*, *Selkirk*, *Peebles*, and Bularies of *Lawderdale*; at the Town of *Edinburgh* the Tenth Day of *July*, for the Shires of *Edinburgh*, *Haddingtoun* and *Linlithgow*. Whereof We ordain you to make Publication at the Market-cross of *Edinburgh*, as also at the Market-crosses of the head Burghs of the Sheriffdoms of *Stirling*, *Clackmannan*, *Kinross*, *Fife*, *Perth*, *Lanerk*, *Renfrew*, *Dumbarton*, *Air*, *Wigtoun*, *Dumfries*, *Jedburgh*, *Selkirk*, *Peebles*, *Dunfermline*, *Lawder*, *Haddingtoun* and *Linlithgow*, wherethrough none pretend Ignorance of the same, that the said Justice-courts are to be holden upon the Days, and at the Burghs and Places respective above-written: And that ye command and charge all Archbishops Dukes, Marquisses, Earls, Bishops, Lords spiritual and temporal, Barons, and others Our Freeholders, who hold Lands of Us in chief, and ow Suit and Presence within the several Bounds, Shires and Precincts belonging to the said respective Circuits Courts, to compear before the said Commissioners at the said Courts, upon, and at the Days and Places foresaid, with Continuation of Days, to do whatever in Law is incumbent, and ought to be done by them in that behalf. As also, that ye command and charge all and sundry the said Dukes, Marquisses, Earls, Lords spiritual and temporal, as also, Lords of Regalities, Stewarts, Barons, Sheriffs, Justices of Peace, Bailies, Chamberlains, Magistrates, and Ministers of Our Laws, and all subordinate Judges within Our Sheriffdoms above-written, and whole Lieges of the same, that they, and every one of them give all due Respect to Our Commissioners and Justices foresaid, and such special Assistance as to their Offices and Duties appertains, and as is incumbent to them by the Laws and Acts of Parliament of this Kingdom, as oft as they shall be required by Our Commissioners, to that effect, as they and every one of them will answer upon the contrary, and under all highest Pain and Charge that after may follow; and particularly, that ye command Our Sheriffs, that they cause sufficient and legal Men compear before Our said Commissioners, at such Diets and Places as the Commissioners shall appoint for Assizes and Witnesses, as they shall be cited to that effect. As also, that the said Sheriffs and Freeholders within the several Shires foresaid, meet Our said Justices at their Entry into the Shire, and convey them into the same, and accompany them during their remaining, ay and while they be received by Our next Sheriff, and his Deputes into the next Shire. And because there have been several great Abuses committed in taking and administering the late Bond, appointed by Our late Indemnities, and the Persons intrusted have been frequently imposed upon, by their being induced to admit Persons to take the said Bond under false Names and Designations, and that even many false Subscriptions have been returned through the Collusion of such as were illegally substitute by the Persons intrusted: Therefore We ordain, that all these Commons, who shall apply themselves for having the Benefit of the *Test*, shall take the same, repeating the Words upon their Knees, in presence of any Two of the Persons aftermentioned, and a Clerk, who are appointed to return the *Test*, so subscribed, to the Clerks of Our Privy Council, betwixt and the first of *September* next, with a Certificate at the End thereof, subscribed by any one of the said Two Persons, or more present intrusted, and their Clerk, bearing the Time and Place when they did sign the same, and that they knew the Persons subscribing, to be of the Designations condescended upon, or were credibly informed by Persons they knew, that they were such, and where the Persons could not subscribe themselves, that they heard them give Direction to Two Notars, to subscribe for them; and which *Test*, so subscribed, and returned, and a Certificate granted thereupon, shall be as sufficient to the Subscribers, as if they had Our particular Act of Indemnity. The Persons intrusted by Us, are, all Privy Counsellors, Lords of the Session and Justiciary, Captains of Our Forces, and superior Officers upon the Place, Sheriffs, Stewarts, and Bailies of Regalities, or their Deputes, in their respective Jurisdictions, or Provosts of Burghs Royal, or the Bailies; as also the particular Persons underwritten, *viz.* *John Dalmahey* of that Ilk, *Sir John Cowpar* of *Gogar*, the Lord *Elibank*, *William Murray* of *Spot*, *Sir William Ruthven* of *Dunglass*, *Adam Hepburn* of *Humby*, *Sharp* of *Houstoun*, *Alexander Mill* of *Carrin*, the Lord *Sinclair*, *Sir Philip Anstruther* of that Ilk, *Lindsay* of *St. Andrews*, *Sir William Sharp* of *Scotsraig*, *Sir Alexander Bruce* of *Broomhall*, the Laird of *Lee*, *Sir John Whiteford* of *Milltoun*, *John Skene* of *Hallyards* in *Lothian*, *Sir Robert Dalziel* of *Glenae*, *Sir Robert Grierson* of *Lag*, *Robert Fergusson* of *Craigdarvach*, the Lord *Montgomery*, the Lord *Crichton*, the Laird of *Blair*, *Sir Archibald*



Archibald Kennedy of Colzean, John Boyl of Kelburn, James Crawford of Ardmillan, Colquhoun of Luss, John Graham of Dugalstown, the Lord Ross, Thomas Crawford of Carsburn, Richard Elphinstoun of Arth, Patrick Haldane of Langrigg, Alexander Seton of Touch, Mungo Haldane of Glencagles, Sir Robert Murray of Abercainy, Sir John Drummond of Macham, John Drummond of Deanstown, Andrew Lord Rollo, Sir David Dunbar of Balloon, Hugh Macguffolk of Rusco, Sir Godfrey McCulloch of Miretoun, Robert Lawrie of Maxwelltoun, Ker of Graden, Lord Jedburgh, John Riddel of Hayning, George Pringle of Blindlees, Sir James Cockburn of that Ilk, Hume of Limbith, Mr. Hary Hume of Kaimis, Sir William Purves of Purveshall, Sir William Murray of Stanhope, James Nasmyth of Loss, John Veitch of Daick, Alexander Cochran of Barbaichly, John Dundas of Munro, John Skene of Hallyards in Fife, Sir Robert Maxwell of Orchardtown, Bruce of Earlshall, Graham Cornet, and Mr. David Graham Quarter-master to the Laird of Claverhouse his Troop, Sir Francis Ruthven Lieutenant to the Laird of Meldrum, Sir William Keith of Ludquharn his Cornet, and Sir James Duglas of Kelhead. And to the effect, that the Persons allowed to take the Test, may have convenient Opportunities for taking the same, We do require the Persons foresaid, appointed for administering the Test, to meet amongst themselves, and condescend upon frequent Diets and Meetings, at convenient Places, and that they cause make timeous and publick Intimation thereof at Parish Kirks, and other Places needful, that all Persons concerned may know when and where to attend; and if any of the Persons, commisionate to administer the said Test, have not taken the same themselves, We appoint them first to take it in presence of some of those above-mentioned, who have formerly taken the same before they administer it to others. The which to do, We commit to you, conjunctly and severally, Our full Power, by these Our Letters, delivering them by you duly execute, and indorsed again to the Bearer.

Given under Our Signet, at Edinburgh the Thirteenth Day of April, One thousand six hundred and eighty three, and of Our Reign the Thirty fifth Year.

Per actum Dominorum secreti concilii.

Will. Paterson Cl. Secr. Concilii.

God save the King.

### Proclamation against the Duke of Buccleugh, and other Traitors, July 4. 1683. N<sup>o</sup>. LXXXVIII.

**C**HARLES, by the Grace of GOD, King of Great Britain, France, and Ireland, Defender of the Faith: To  
Lyon King at Arms, and his Brethren, Heralds, Macers of Our Privy Council, Pursevants, and Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Whereas there hath been lately discovered, in Our other Kingdom of England, a most traiterous and damnable Conspiracy, for compassing the Death and Destruction of Our Royal Person, and of Our dearest and only Brother, James Duke of Albany and York, Our Commissioner for this Our ancient Kingdom, and for the Subversion of Our Government and Kingdoms: And forasmuch as We have received Information upon Oath, that James Duke of Buccleugh and Monmouth, and Ford Lord Gray of Wark, Sir Thomas Armstrong Knight, Mr. Robert Fergusson a fanatical Preacher, and notorious Traitor, a Native of this Our Kingdom, now an In-dweller in England, Colonel John Rumsey, Richard Rumbold Maltster, Richard Nelthorpe Esquire, Edward Wade Gentleman, Richard Goodenough Gentleman, Captain Walcoat, William Thomson, James Burton, and William Hone Joyner, Subjects of that Our Kingdom of England, with divers other wicked and desperate Persons, have most traiterously conspired together for this effect, and for that end have had several treasonable Consultations, to provide Arms, to levy Men, and to make an Insurrection in Our Kingdom of England: And We understanding, that the said Conspirators are fled, and have left their Habitations, to avoid the Justice of Our Laws, and the Punishment due to such an horrid and execrable Treason; and considering that the said James Duke of Buccleugh, and some other of the forenamed Conspirators, may retire unto, and lurk in this Our ancient Kingdom, do therefore, with Advice of Our Privy Council, require and command the said James Duke of Buccleugh and Monmouth, Ford Lord Gray, Sir Thomas Armstrong, Mr. Robert Fergusson, Colonel John Rumsey, Richard Rumbold, Richard Nelthorpe, Edward Wade, Richard Goodenough, Captain Walcoat, William Thomson, James Burton, and William Hone, if they, or any of them, have retired unto, or shall come in to this Kingdom, forthwith to render themselves to some of Our Privy Council, Sheriffs, Stewarts, or other Judges and Magistrates, that they may be tried and proceeded against according to Law. And We command and charge all Sheriffs, Stewarts, Bailies, Justices of Peace, Magistrates of Burghs, and all other Judges and Magistrates, and the Officers of Our Forces, and all Our Subjects whatsoever, to make diligent Search and Enquiry after the said Conspirators and Traitors, in all Places where they may be suspected to lurk or abscond; and if they shall happen to apprehend any of them, or if any of these Conspirators shall render themselves, We strictly charge them to commit the Person or Persons so apprehended, to sure Prison, and presently to inform Our Privy Council of their being apprehended: And for this end, We, with Advice foresaid, do hereby require and command all Our foresaid Judges, Officers and Subjects, to enquire and search, if these Conspirators, or any other of Our English Subjects, have lately come, or shall come in to this Our Kingdom, and to cause them to be immediately seized and secured, till they be examined, and Our Privy Council informed concerning them; certifying all such Persons as, after this Our Proclamation, shall directly or indirectly conceal, relet, harbour, or maintain the said traiterous Conspirators, or any of them;



them, or shall either contrive or connive at any Means, whereby they, or any of them, may escape from being taken, and presented to Justice, or shall not give due and timeous Information and Advertisement to Our Privy Council, or Our other Judges and Magistrates, concerning their lurking Places, Concealers, Harbourers, Refecters, Intercommuners, or Connivers, that they shall be proceeded against as being Art and Part in, and Abettors of this execrable Conspiracy and Treason, according to the uttermost Severity of Law: And We declare, that whoever shall discover the foresaid Conspirators, or any of them, and shall cause them, or any of them to be taken and apprehended, and brought in to any of Our Judges, or Officers foresaid, shall have a Reward of Five hundred Pounds *Sterling*, for each of the Four Persons first named in this Our Proclamation, and of One hundred Pounds *Sterling*, for each of the other Persons therein mentioned, to be paid to him or them, in recompence of so good and acceptable Service. And for the more effectual Prosecution hereof, We hereby require and command all Our Sheriffs, Bailies of Regalities, and Stewarts of Stewartries, on the east, west, and middle Marches of this Our Kingdom, and within the Shires of *Argyle, Air, Dumbarton, and Inverness*, as also all Collectors and their Deputes, Customers and Waiters, immediately upon Sight hereof, not only to enquire for, but to seize the Persons of any *Englishman*, who hath come into this Kingdom, from and since the Twentieth Day of *June* last, or who shall hereafter come into the same, before the First of *August* next, who cannot give a good Account of themselves or their Affairs, who are to require Concurrence of all Our Lieges, in the Execution hereof, and they are to give the same as they will be answerable at their highest Peril: As also, We strictly require Our Vice-admiral, and all in Office under him, and all Sheriffs, Bailies, Stewarts, Magistrates of Burghs, Justices of Peace, and all Customers, Surveyors, and Waiters, and all Our other Subjects, to search all Ships and Vessels, which shall come upon the Coasts of this Kingdom, or Isles belonging thereto, and to seize all such Persons, Strangers or Natives, who shall not make it appear by clear Evidence, that they are come upon the account of Trade *alienarly*, and to acquaint Our Privy Council from Time to Time, that they may receive their further Orders thereanent: As likewise, to search all such Vessels or Ships, for Arms, Ammunition, and other warlike Provisions, and for treasonable or seditious Papers or Letters, and where any such is found, to secure the Ships, Men and Goods, till Our Council be made acquainted therewith, and their Commands known thereanent. And further, We prohibit all Masters of Ships, to set Sail with their Ships, from any Port of this Kingdom, before they first give in upon Oath, a List of all their Seamen, and other Passengers, to the ordinary Magistrates or Customers, timeously, at least Forty eight Hours, at the Ports before they sail, under the Pain of Confiscation of the Ship and Goods of such Masters as shall transport any other, than such as are mentioned in the said List, or any of any other Name, than as they are designed in the said List, besides what other Punishment Our Council shall think fit to inflict; and if any of these contained in these Lists, appear to be suspicious Persons, the ordinary Magistrate upon the Place, or Customers, Collectors, their Deputes, Surveyors, and Waiters, are hereby commanded to secure such Persons, and to inform the Magistrates of the Burghs, or Sheriffs of the Shire within which the said Ships shall happen to be. And that Our Will and Pleasure herein may be published, and made known to all Our good and loving Subjects, Our Will is, and We charge you straitly and command, that incontinent, these Our Letters seen, ye pass to the Market-crosses of *Edinburgh*, and several Market-crosses of the head Burghs of this Our Kingdom, and other Places needful, and thereat, in Our Name and Authority, by open Proclamation, make Publication of the Premises, that exact Obedience may be given thereto, and none may pretend Ignorance.

*Given under Our Signet, at Edinburgh the Fourth Day of July, One thousand six hundred eighty and three, and of Our Reign the thirty fifth Year.*

*Per actum Dominorum secreti Concilii.*

*Will. Paterson Cl. Secr. Concilii.*

God save the King:

## English Declaration for Thanksgiving, September 9. 1683. No. LXXXIX.

CHARLES R.

**I**T hath been our Observation, that for several Years last past, a malevolent Party hath made it their Business, to promote Sedition by false News, libellous Pamphlets, and other wicked Arts; whereby they endeavoured not only to render our Government odious, and our most faithful Subjects suspected to the People, but even to incite them to a Dislike and Hatred of our Royal Person: Whereupon it was evident to us, that the Heads of this Party could have no other Aim, but the Ruin of us and our Government.

And whilst, by our utmost Care, we manifested to all our Subjects, our Zeal for the Maintenance of the Protestant Religion, and our Resolutions to govern according to Law, it was a great Trouble to us to find, that evil Persons, by misrepresenting our Actions to the People, should so far insinuate themselves into the Affections of the weaker Sort, as that they looked upon them as the only Patriots and Asserters of their Religion and Liberties, and gave themselves up entirely to their Conduct.

As their Numbers increased, so did their Boldness, to that Height, that by often shewing themselves in Tumults and Riots, and unlawful and seditious Conventicles, they not only engaged, but proclaimed an Impunity to their own Party, who thought themselves already too strong for the Laws, and they seemed to believe, that in a short Time they should gain upon the People, so as to persuade them to a total Defection from the Government.

But



But it pleased God, by these their violent Ways, to open the Eyes of our good Subjects, who easily foresaw what Troubles these Methods would produce, and thereupon, with great Courage, as well as Duty and Affection towards us, upon all Occasions, did manifest their Resolution and Readiness in defence of our Person, and Support of our Government, and the Religion established; and did likewise convince the common People of the villainous Designs of their factious Leaders, and the Miseries that would befall them in pursuing such Courses.

By these Means the factious Party lost Ground daily, and finding that it was impossible to keep up the Spirits of their Followers, against the Religion established, and the Laws, whilst we were steady in the Maintenance and Execution of them, became desperate, and resolved not to trust any longer to the slow Methods of Sedition, but to betake themselves to Arms, not doubting, but that they remained still strong enough, by Force to overturn the Government, which they could not undermine.

It is hard to imagine, how Men of so many different Interests and Opinions, could joyn in any Enterprize; but it is certain, they readily concurred in the Resolution of taking Arms, to destroy the Government, even before they had agreed what to set up in the place of it.

To which purpose, they took several Ways; for, whilst some were contriving a general Insurrection in this Kingdom, and likewise in *Scotland*, others were conspiring to assassinate our Royal Person, and our dearest Brother, and to massacre the Magistrates of our City of *London*, and our Officers of State, that there might be no Appearance of Government, nor any Means for our Subjects to unite for their Defence.

In case it had pleased God to permit these wicked Designs to have taken effect, there could have been nothing in Prospect but Confusion; for, instead of the Reformation they pretended, their Success would have produced Divisions and Wars among themselves, until the predominant Party could have enslaved the rest, and the whole Kingdom.

But the divine Providence, which hath preserved us through the whole Course of our Life, hath at this Time, in an extraordinary Manner, shewed it self in the wonderful and gracious Deliverance of us and our dearest Brother, and all our loyal Subjects, from this horrid and damnable Conspiracy.

As it is therefore our Desire, that all our loving Subjects should joyn with us, in giving Thanks to almighty God for this Mercy, so we thought it necessary they should be now, in some measure, informed of the Fact as it hath been discovered to us by undoubted Proof, and the Confession of divers of the Accomplices in this Conspiracy, whereof, though we have not as yet perfectly traced all the Particulars, the principal and main Designs of it, nevertheless, have appeared to be as followeth.

About the Beginning of *October* last, when the Heads of the Faction saw the Magistracy of our City of *London* settled in Persons of loyal Principles, they became impatient, and fell immediately to consult of rising in Arms; for which some thought their Party so well prepared, that they could not fail of attaining their Ends, whenever they should break out into open Force.

Whereupon there was a Meeting of some of the principal Conspirators, to agree about the best Means to master our Guards, and to seize our Person; but, upon Consideration, they found it necessary to prepare their Friends in the several Counties, as also the disaffected Party in *Scotland*, to joyn with them, without which, any Attempt in our said City, or upon our Guards, appeared too rash to be undertaken; so that they laid aside the Thoughts of a present Rising, and disposed themselves to find, by a Correspondence with *Scotland* and with several Parts of this our Kingdom, how far they might be assisted by a general Insurrection, so that they might not, in human Probability, fail of Success.

Whilst this first Design was forming, some Villains were likewise carrying on that horrid and execrable Plot of assassinating our Royal Person, and our dearest Brother, in our coming from *Newmarket*, and Money was deposited for that purpose: But by the Shortness of the Time, (we being then immediately upon our Return) and for Want of necessary Preparations, they were forced to defer the Execution of it till further Opportunity.

It was then proposed among them, whether they should attempt the same at our next going to *Newmarket*, in *March* last; but some objected, that our Guards, which usually remain here some time after our Departure, would be capable of making a great Opposition, upon the Arrival of the News. For which Reason, and because they were not then in a sufficient Readiness, it was agreed to be done at our Return from *Newmarket*.

The Place appointed, was the House of one *Richard Rumbold* a Maltster, called the *Rye*, near *Hoddesdon*, in the County of *Hertford*; and it was resolved, that Forty Persons in Number, who were to be Actors in this Assassination, under the Command of the said *Richard Rumbold*, should hide themselves in or near the said House; and, when our Coach should come over against them, then Three or Four were to shoot with Blunderbushes, at the Postillion and Horses, and, if they should fail of killing the Horses, some were to be ready in the Way, who, in the Habit of Labourers, should turn a Cart cross the Passage, and so stop our Coach: Others were appointed to shoot into the Coach, where our Royal Person, and our dearest Brother were to be, others to fire upon the Guards that should be then attending us. And it was further resolved, that, upon the same Day, many Lords and other Persons of Quality, whom they supposed favourable to their Design, should be invited to dine in our City of *London*, that they might be the more ready to appear among the Citizens, upon Arrival of the News, the Actors in the said Assassination having contrived the Manner of their Escape, by a nearer Passage than the usual Road; by which Means they hoped to get to *London*, as soon as the News could be brought thither.

They thought it would be easy, upon their perpetrating this horrid Fact, to possess themselves of the Government, presuming upon the Numbers of the disaffected.

But lest the Blackness of such an Action might deter any from joyning with them, they prepared to palliate it, as far as they could, by some Remonstrance or Declaration, which was ready to be printed and dispersed in that Confusion, to amuse the People: And lest our Officers of State, and the Magistrates of our said City, with the Militia thereof, and other our loyal Subjects, should be able to put some Stop to their Career, they resolved to follow this Blow with a Massacre, wherein they particularly designed for im-



mediate Slaughter, our Officers of State, the present Lord Mayor, and Sheriffs, and the Magistracy of our City, and other our Subjects that had been most eminent for their Loyalty.

But it pleased almighty God, by his wonderful Providence, to defeat these Counsels, by the sudden Fire at *Newmarket*, which necessitated our Return from thence before the Time we had appointed.

Yet these Villains were not thereby discouraged from pursuing the same bloody Design, but resolved to take the first Opportunity for effecting the same, and proposed to themselves, that it might be done either in our Passage from *Windsor* to *Hampton-court*, or in our Journey to *Winchester*, or when we should go by Water in our Barge, or under *Bedford Garden-wall*, as we should pass that way, or at the Bull Feast, which was to be in *Red-hyon-fields*, they being informed, that we and our dearest Brother had Intentions of coming thither.

And that they might be the better prepared, when there should be Occasion, by having a certain Number of Arms lying always ready for that purpose, Arms for Forty Men were bespoke in all Haste, viz. Thirty Carbines with Belts and Swivles, Thirty Cases of Pistols, and Ten Blunderbushes, which were accordingly made and paid for.

And for the more easy drawing their Party together, against the Time of Execution, they contrived to divide our Cities of *London* and *Westminster*, and the Suburbs, into Twenty Parts, from each of which they expected Five hundred Men to be ready at the first Onset; and some Agitators were to give an Account of the Men to be furnished in each Division, and to give out Orders to them as there should be Occasion.

And to the end the Forces they should raise might be the sooner modelled into the Form of an Army, there were One hundred old Officers, who had been engaged in the late Rebellion, ready in Town to take the Command of them: In the pursuit of which Project, they continued till they knew that a Discovery had been made unto us.

During all this Time, the principal Conspirators were managing their other Design for a general Insurrection in both Kingdoms.

The late Earl of *Shaftsbury*, who had at first pressed them to sudden Rising, which he would have had before the 17 of *November* last, or upon that Day at the farthest, sent to the Conspirators, at a Meeting appointed by them, to know their Resolution; and finding they would not adventure without farther Preparation, conveyed himself secretly into *Holland*, to avoid the Danger he might be in by a Discovery.

His withdrawing himself from their Counsels, did not discourage them from pursuing their Design, only made them more cautious; whereupon a new Council was appointed of Six Persons, that were to have the chief Management of Affairs, in order to a general Insurrection, by a Correspondency with their Party in *Scotland*, and several Counties of this our Kingdom: And because a Correspondency by Letters was thought dangerous, it was held necessary that some Person should be sent into *Scotland*, to invite the Heads of the disaffected Party in that our Kingdom, to come hither, under pretence of purchasing Lands in *Carolina*, but, in Truth, to concert with them the best Means for carrying on the Design jointly in both Kingdoms; and a Treaty was thereupon had with *Archibaid Campbel* late Earl of *Argyle*, already attainted of Treason, who demanded Thirty thousand Pounds at first, but afterward agreed to accept of Ten thousand Pounds, for buying of Arms in *Holland*, and making other Provisions necessary for a Rebellion, within our Kingdom of *Scotland*.

In the said Council of Six, it was debated, whether the Rising in this Kingdom should be first in our City of *London*, where, by reason of the vast Numbers that might readily unite, they thought they might easily master the Guards, or rather in some remote Parts, whereby we should be under a Necessity of sending our Guards to suppress them, and thereby the Rising in our said City, would become more secure and effectual: But at last it was resolved, as most convenient, that it should be in all Parts at the same Time, lest our City might be defended by the Militia thereof, without the Help of our Guards, which we might send for the suppressing any Insurrection in the Country; and they did all dispose themselves accordingly, for the compassing their Design, which was very near taking Effect.

But such was the abundant Mercy of almighty God, while they were yet meditating their execrable Mischiefs against our Royal Person, our dearest Brother, and the Government, a Discovery was made unto us by one of the Accomplices, on the Twelfth of *June* last, since which Time we have used the best Means we could, for the detecting and Prevention of so hellish a Conspiracy.

But so it has happened, that divers of the Conspirators, having Notice of Warrants issued out for their Apprehension, are fled from Justice, viz. *James Duke of Monmouth*, the Lord *Melvil*, Sir *John Cochran*, Sir *Thomas Armstrong*, *Robert Fergusson*, who was the common Agitator entrusted by all Parties in the several Conspiracies, *Richard Goodenough*, *Francis Goodenough*, *Richard Rumbold* the Maltster, *William Rumbold* his Brother, *Richard N-lthorp*, *Nathanael Wade*, *William Thomson*, *James Burton*, *Joseph Elby*, *Samuel Gibbs*, *Francis Charleton*, *Joseph Tyley*, *Carstairs*, *Lobb*, both nonconformist Preachers, *Edward Norton*, *John Rew*, *John Aylief*, and *John Atherton*.

*Ford Lord Gray* being apprehended, made his Escape out of the Hands of a Serjeant at Arms, and *Arthur* late Earl of *Essex*, being committed to the Tower for high Treason, killed himself.

Others have been taken and committed to Custody, some of whom, viz. the Lord *William Russel*, *Thomas Walcott*, *William Hone*, and *John Rouse*, have, upon their Trials, been convicted, attainted, and executed according to Law.

This we thought fit to make known to our loving Subjects, that they being sensible (as we are) of the Mercy of God, in this great Deliverance, may cheerfully and devoutly joyn with us, in returning solemn Thanks to almighty God for the same.

For which end, we do hereby appoint the Ninth Day of *September* next, to be observed as a Day of Thanksgiving, in all Churches and Chapels within this our Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick upon Tweed*, in such Manner as shall be by us directed, in a Form of Prayer with Thanksgiving, which we have commanded to be prepared by our Bishops, and published for that purpose.

And it is our Pleasure, that this Declaration be publickly read in all the said Churches and Chapels, as well on Sunday the second of *September* next, as upon the Day of Thanksgiving aforesaid.

Given at our Court at Whitehall, the eight and twentieth Day of *July*, 1683. in the five and thirtieth Year of our Reign.

Proclama-



*Proclamation for a Thanksgiving, August 7. 1683. N<sup>o</sup>. XC.*

**C**HARLES, by the Grace of GOD, King of Great Britain, France and Ireland, Defender of the Faith: To Our Lyon King at Arms, and his Brethren, Herald, Macers, Pursuivants, and Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: To all and sundry Our good Subjects, Greeting: Forasmuch as almighty God, in his great Mercy, and by his wonderful Providence, hath brought to Light, defeated and confounded a most unnatural, traiterous, and diabolical Conspiracy, contrived and carried on by Persons of fanatical, atheistical, and republican Principles, for taking away our sacred Life, and the Life of our dearest Brother James Duke of Albany, subverting of Our Government, and involving these Kingdoms in Blood, Confusion and Miseries; concerning which unreasonable Conspiracy, We have emitted Our Royal Declaration, to all Our loving Subjects, at Our Court at Whitehall, the 28 of July last, in this 35 Year of Our Reign, which We have ordered to be reprinted here: And We being deeply sensible of the humble and grateful Praises and Adoration We owe to the divine Majesty, for this great and signal Instance of his watchful Care over Us, whom he hath so long preserved, and so often delivered by Miracles, have, out of Our religious Disposition, readily approvedly observed throughout this whole Kingdom, to offer up devout Praises and Thanksgiving, to be religiously observed throughout this whole Kingdom, to offer up devout Praises and Thanksgiving to almighty God, for this eminent and miraculous Deliverance granted to Us, and in Us, to all Our loyal and dutiful Subjects; as also, fervently to pray, that God may continue his gracious Care over Us, and his Mercies to these Kingdoms, and more and more bring to Light, defeat and confound all traiterous Conspiracies, Assocations, and Machinations against Us, Our dearest Brother, and Government, We, with Advice of Our Privy Council, have therefore thought fit, by this Our Royal Proclamation, to indict a general and solemn Thanksgiving, to be observed throughout this Kingdom, that all Our loving Subjects may offer their devout Praises and Gratulations, and their fervent Prayers and Supplications, to almighty God, for the Purposes foresaid: And We strictly command and charge, that the said solemn Thanksgiving be religiously and devoutly performed by all Our Subjects and People within this Our Kingdom, upon the Ninth of September next. And to the end this Part of divine Worship, so pious and necessary, may be uniformly and at the same Time offered by all Our loving and loyal Subjects, We hereby require the Reverend Archbishops and Bishops, to give Notice hereof to the Ministers in their respective Dioceses, that upon the Lord's Day immediately preceeding the said Ninth Day of September next, as also upon the said Ninth of September, they cause read and intimate this Our Royal Proclamation, from the Pulpit, in every Parish Church, together with Our foresaid Declaration, dated at Our Court at Whitehall, as said is, and that they exhort all Our Subjects to a serious and devout Performance of the said Prayers, Praises, and Thanksgiving, as they tender the Favour of almighty God; and the Safety and Preservation of Our sacred Life and Government; certifying all such as shall contemn or neglect this so religious and important a Duty, they shall be proceeded against, and punished as Contemnors of Our Authority, and as Persons highly disaffected to Our Person and Government: And ordain these Presents to be printed.

*Given under Our Signet, at Holy-rood-house the seventh Day of August, One thousand six hundred and eighty three, and of Our Reign the Thirty fifth Year.*

*Per actum Dominorum secreti Concilii.*

*Will. Paterson Cl. Secr. Concilii.*

God save the King.

*Decree of the University of Oxford, July 21. 1683. N<sup>o</sup>. XCI.*

**A**ltho' the barbarous Assassination, lately enterprized against the Person of his sacred Majesty, and his Royal Brother, engage all Our Thoughts to reflect with utmost Detestation and Abhorrence of that execrable Villany, hateful to God and Man, and pay our due Acknowledgments to the Divine Providence, which, by extraordinary Methods, brought it to pass, that the Breath of our Nostrils, the Anointed of the Lord is not taken in the Pit which was prepared for him; and that, under his Shadow, we continue to live and enjoy the Blessings of his Government: Yet notwithstanding, we find it to be a necessary Duty, at this Time, to search into, and lay open these impious Doctrines, which, having of late been studiously disseminated, gave Rise and Growth to those nefarious Attempts, and pass upon them our solemn publick Censure and Decree of Condemnation.

Therefore, to the Honour of the holy and undivided Trinity, the Preservation of catholick Truth in the Church, and that the King's Majesty may be secured from the Attempts of open and bloody Enemies, and the Machinations of traiterous Hereticks and Schismatics, we, the Vice-chancellor, Doctors, Proctors, and Masters regent and not regent, met in Convocation in the accustomed Manner, Time and Place, on Saturday the 21 of July, in the Year 1683. concerning certain Propositions contained in divers Books and Writings, published in English, and also in the Latin Tongue, repugnant to the holy Scriptures, Decrees of Councils, Writings of the Fathers, the Faith and Profession of the primitive Church, and also destructive



of the kingly Government, the Safety of his Majesty's Person, the publick Peace, the Laws of Nature, and Bonds of human Society, by our unanimous Assent and Consent have decreed and determined in Manner and Form following.

*Propositions.*

1. All civil Authority is derived originally from the People.
2. There is a mutual Compact, tacite or exprefs, between a Prince and his Subjects; and that if he perform not his Duty, they are discharged from theirs.
3. That if lawful Governors become Tyrants, or govern otherwise than, by the Laws of God and Man, they ought to do, they forfeit the Right they had unto their Government.  
*Lex Rex, Buchanan de jure regni, Vindicta contra tyrannos, Bellarmine de conciliis, de pontifice, Milton, Goodwin, Baxter, H. C.*
4. The Sovereignty of England is in the Three Estates, viz. King, Lords and Commons; the King has but a co-ordinate Power, and may be over-ruled by the other Two.  
*Lex Rex, Hutton of a limited and mixed Monarchy, Baxter, H. C. Polit. Catech.*
5. Birthright or Proximity of Blood give no Title to Rule or Government, and it is lawful to preclude the next Heir from his Right of Succession to the Crown.  
*Lex Rex, Hunt's Postscript, Doleman, History of Succession, Julian the Apostate, Mene Tekel.*
6. It is lawful for Subjects, without the Consent, and against the Command of the supreme Magistrate, to enter into Leagues, Covenants and Associations, for Defence of themselves and their Religion.  
*Solemn League and Covenant, Late Association.*
7. Self-preservation is the fundamental Law of Nature, and supercedes the Obligation of all others, whenever they stand in Competition with it.  
*Hobbes de cive, Leviathan.*
8. The Doctrine of the Gospel concerning patient suffering of Injuries, is not inconsistent with violent resisting of the higher Powers, in case of Persecution for Religion.  
*Lex Rex, Julian Apostate, Apolog. re'at.*
9. There lies no Obligation upon Christians to passive Obedience, when the Prince commands any Thing against the Laws of our Country; and the primitive Christians chose rather to die than resist, because Christianity was not yet settled by the Laws of the Empire.  
*Julian Apostate.*
10. Possession and Strength give a Right to govern, and Success in a Cause or Enterprize, preclaims it to be lawful and just; to pursue it is to comply with the Will of God, because it is to follow the Conduct of his Providence.  
*Hobbes, Owen's Sermon before the Regicides, Jan. 31. 1648. Baxter, Jenkin's Petition, Oct. 1651.*
11. In the State of Nature there is no Difference between Good and Evil, Right and Wrong: The State of Nature is a State of War, in which every Man hath a Right to all Things.
12. The Foundation of civil Authority is this natural Right, which is not given, but left to the supreme Magistrate upon Mens entering into Societies, and not only a foreign Invader, but a domestick Rebel puts himself again into a State of Nature, to be proceeded against not as a Subject, but an Enemy, and consequently acquires, by his Rebellion, the same Right over the Life of his Prince, as the Prince, for the most heinous Crimes, has over the Life of his own Subjects.
13. Every Man, after his entering into a Society, retains a Right of defending himself against Force, and cannot transfer that Right to the Common-wealth, when he consents to that Union whereby a Common-wealth is made; and in case a great many Men together have already resisted the Common-wealth, for which every one of them expecteth Death, they have Liberty then to joyn together to assist and defend one another. Their bearing of Arms subsequent to the first Breach of their Duty, tho' it be to maintain what they have done, is no new unjust Act, and if it be only to defend their Persons, is not unjust at all.
14. An Oath superadds no Obligation to Paſt, and a Paſt obliges no further than it is credited; and consequently, if a Prince gives any Indication, that he does not believe the Promises of Fealty and Allegiance made by any of his Subjects, they are thereby freed from their Subjection, and, notwithstanding their Paſts and Oaths, may lawfully rebel against, and destroy their Sovereign.  
*Hobbes de cive, Leviathan.*
15. If a People that, by Oath and Duty, are obliged to a Sovereign, shall sinfully dispossess him, and contrary to their Covenants, choose and covenant with another, they may be obliged by their later Covenant notwithstanding their former.  
*Baxter, H. C.*
16. All Oaths are unlawful, and contrary to the Word of God.  
*Quakers.*
17. An Oath obliges not in the Sense of the Imposer, but the Takers.  
*Sheriff's Case.*
18. Dominion is founded in Grace.
19. The Powers of this World are Usurpations upon the Prerogative of Jesus Christ, and it is the Duty of God's People to destroy them, in order to the setting Christ upon his Throne.  
*Fifth-monarchy Men.*
20. The Presbyterian Government is the Sceptre of Christ's Kingdom, to which Kings, as well as others, are bound to submit; and the King's Supremacy in ecclesiastical Affairs, asserted by the Church of England, is injurious to Christ the sole King and Head of his Church.  
*Altare Damascenum, Apolog. relat. Hist. indulgen. Cartwright, Travers.*
21. It is not lawful for Superiors to impose any Thing, in the Worship of God, that is not antecedently necessary.
22. The Duty of not offending a weak Brother, is inconsistent with all human Authority of making Laws concerning indifferent Things.  
*Protestant Reconciler.*
23. Wicked



23. Wicked Kings and Tyrants ought to be put to Death, and if the Judges and inferior Magistrates will not do their Office, the Power of the Sword devolves to the People; if the major Part of the People refuse to exercise this Power, then the Ministers may excommunicate such a King, after which it is lawful for any of the Subjects to kill him, as the People did *Athaliah*, and *Jehu Jezebel*.  
*Buchanan, Knox, Goodman, Gilby, Jesuits.*

24. After the sealing of the Scripture Canon, the People of God, in all Ages, are to expect new Revelations for a Rule of their Actions; and it is lawful for a private Man, having an inward Motion from God, to kill a Tyrant<sup>b</sup>.

<sup>a</sup> *Quakers and other Enthusiasts.* <sup>b</sup> *Goodman.*

25. The Example of *Phinehas* is to us instead of a Command; for what God has commanded or approved in one Age, must needs oblige in all.

*Goodman, Knox, Nephtali.*

26. King *Charles I.* was lawfully put to Death, and his Murderers were the blessed Instruments of God's Glory in their Generation.

*Milton, Goodwin, Owen.*

27. King *Charles I.* made War upon his Parliament; and in such a Case the King may not only be resisted, but he ceaseth to be King.

*Baxter.*

We decree, judge, and declare all and every of those Propositions to be false, seditious and impious, and most of them to be also heretical and blasphemous, infamous to Christian Religion, and destructive of all Government in Church and State.

We further decree, that the Books which contain the foresaid Propositions, and impious Doctrines, are fitted to deprave good Manners, corrupt the Minds of unwary Men, stir up Seditions and Tumults, overthrow States and Kingdoms, and lead to Rebellion, Murder of Princes, and Atheism it self; and therefore we interdict all Members of the University from reading the said Books, under the Penalties in the Statutes express.

We also order the before recited Books to be publicly burnt, by the Hand of our Marshal, in the Court of our Schools.

Likewise we order, that in perpetual Memory hereof, these our Decrees shall be entred into the Registry of our Convocation, and that Copies of them being communicated to the several Colleges and Halls within this University, they be there publicly affixed in the Libraries, Refectories, or other fit Places, where they may be seen, and read of all.

Lastly. We command, and strictly enjoyn all and singular Readers, Tutors, Catechists, and others to whom the Care and Trust of Institution of Youth is committed, that they diligently instruct and ground their Scholars in that most necessary Doctrine, which, in a Manner, is the Badge and Character of the Church of *England*, of submitting to every Ordinance of Man for the Lord's sake, whether it be unto the King as Supreme, or unto Governors as unto them that are sent by him for the Punishment of evil Doers, and for the Praise of them that do well; teaching that this Submission and Obedience is to be clear, absolute, and without Exception of any State or Order of Men; also, that all Supplications, Prayers, Intercessions, and giving of Thanks be made for all Men, for the King, and all that are in Authority, that we may lead a quiet and peaceable Life in all Godliness and Honesty, for this is good and acceptable in the Sight of God our Saviour; and, in especial Manner, that they press and oblige them, humbly to offer their most ardent and daily Prayers at the Throne of Grace, for the Preservation of our sovereign Lord King *Charles*, from the Attempts of open Violence, and secret Machinations of perfidious Traitors, that he, the Defender of the Faith, being safe under the Defence of the most High, may continue his Reign on Earth, till he exchange it for that of a late and happy Immortality.

*Petition of French Protestants, July 1683. N<sup>o</sup>. XCII.*

To the King.

Sir,

YOur most humble Subjects of the Protestant Religion, not having Power to resist the Motions of their Consciences, are constrained to assemble together, to call upon the holy Name of God, and sing his Praises; and by this religious Acting, to expose themselves to all the Violences and Rigour, which a too fierce Zeal can infuse into the Breasts of your Officers. And because God hath established your Majesty for their Monarch, they are obliged to justify their Proceedings and Behaviour before your Majesty, with all the Humility they are capable of.

These Assemblies, Sir, do no way hurt or wound that Fidelity which your Petitioners ow your Majesty; they are all accorded to sacrifice their Fortunes and their Lives for your Service. The very same Religion which constrains them to assemble together to celebrate the Glory of God, teaches them that they can never dispense, under any Pretence whatever, with that Allegiance which is due to your Majesty; Nor has your Majesty any Need to publish your Declarations to enforce them to embrace a Maxim so certain, and so well grounded upon Christianity. It remains then, Sir, that your Petitioners insist upon nothing, but what is only due to God; for as to what concerns your Majesty, their past Behaviour gives Testimony of the Reality and Purity of their Intentions, and may serve as a Security to your Majesty for the future; and in a Word, your Petitioners are all ready with their Blood to sign the Oath of their Al-



legiance. As to what concerns their Duty towards God, your Majesty hath so much Piety to take it not amiss, that they render to that great God that Worship and Adoration which they owe him. They also presume to hope, that your Majesty will have the Goodness to reflect upon their Behaviour, that you will compassionate the Desolations to which their Piety exposes them; and that perhaps you will extend your Indignation against those who have by Surprise obtained so many severe Decrees and Declarations against them, and yet would further provoke your Wrath against Subjects so faithful, and so innocent.

Your Supplicants, Sir, are persuaded that God has not sent them into this World, but to glorify him, and they will rather choose to lose their Lives a thousand times, than fail of their Duty so holy and indispensable.

It is in your Majesty's Power to deprive them of all the Advantages of this World, and also to doom to utter Destruction. They are ready for to sacrifice all, to suffer all Miseries at your Majesty's Pleasure: *But it may be*, when your Majesty shall consider, that your Petitioners do not give way to the most faithful of all your Subjects (*which all the World confesses*) in their Duties to God, your Majesty will not do that Injury to his Glory and to his Goodness, as to destroy a People, for no other Reason meriting your Indignation.

The Miseries of your Petitioners, Sir, only arise from the Reverence they have for the Divinity, whole Word they look upon as the only Rule of their religious Worship.

Were the Dispute alone concerning our opposing Men for the Service of your Majesty, though all the World should rebel against your Majesty's Will, though all your other Subjects should fail of their Fidelity and Obedience, your Petitioners would inviolably stand by their august Monarch, and with Pleasure spend the last Drop of Blood in his Service.

But their Unhappiness is so great, that the Declarations put forth against them, to the Prejudice of so many Edicts and Decrees made by your Majesty, and the Kings your Predecessors, appear to them incompatible with the Commands of the great Creator of Heaven and Earth.

For God hath ordained them to instruct their Children and their Families, and to declare unto them the Word of Life. He also pronounces his dreadful Anathema's against them who shut the Gates of Heaven against those to whom he freely opens them. He commands them to offer to him Hymns and spiritual Songs. Nevertheless, Sir, those Declarations that have been surreptitiously obtained against us, forbid us to sing the Psalms of David, which do contain the Praises of God.

In short, Sir, it is the Pleasure of God that we should assemble together in his Name, to render him the solemn Adoration and Honour which is due to him. Nevertheless, Sir, those Declarations which your Petitioners Enemies have obtained against us by repeated Surprises, forbid them to assemble together, to render to that great God the Service which is due to him.

During this Inability of your Petitioners, to reconcile the Will of God to what is exacted from them, they find themselves constrained by their Consciences, to expose themselves to all sorts of Calamities, for the Continuance of giving Glory to the Majesty of God, who will be served according to his Word.

If the Doctrine of your Petitioners were abominable, if their Worship were scandalous, if they preferred the Creature in the Place of the Creator, there might be some Reason to solicit your Majesty to refuse their Protection: But all their Crime, and all the Difference between theirs and the Catholick Religion, consists in this.

That they prefer the Word of God before the Traditions of Men, and the true Worship of that great God, (*who protests to be jealous of his Honour, and that he will not yield it to any other*) before the religious Worship of the Creature.

All Religion, Sir, to speak properly, consists only in Belief, in Prayers, and in Works: And your Petitioners believe, and hold the Creed of the holy Apostles, and the Lords Prayer, to be the Model of those which they present to God; and the Commandments of that God are the Rule and Guidance of their Conduct and Conversation. They know, and have no need, according to St. Paul, of knowing any other but only Jesus Christ, and him crucified. They acknowledge God for the only true God, and for him who sent Jesus Christ; for on this Belief it is that our Lord hath founded Life eternal.

Their Enemies make strange Interpretations of their Opinions, and their Worship. However, Sir, your Petitioners implore the Mercy of God. They trust in the incomprehensible Charity, and infinite Merits of their adorable Saviour, whom they do embrace with a constant and lively Faith. They have Recourse, with all Humility, to the healthful Succour and Grace of his holy Spirit; and to this Trinity it is, that they render their Adoration and Homage, invoking it after the same Form that the Scripture hath prescribed in his Word. They meditate upon his Wonders. They sing his Praises: And they make it their continual Study to live holily among themselves, justly toward their Neighbour, obediently toward your Majesty, and religiously toward God.

They therefore supplicate your Majesty to be the Judge, whether your Petitioners are unworthy of your paternal Goodness, and the Honour of your Protection; whether they merit to be thrown into that Extremity of Destruction wherein they are at present overwhelm'd, sufficient enough to move the Gones of the most insensible. And lastly, Sir, whether it be possible that they should live without continuing to assemble together, to render to God the Service which they owe him.

After all this, your Petitioners cannot but pray to the great God, who advances your Throne above all the Thrones of the Earth, to incline your Majesty's Heart toward your Subjects, whose Innocency and Allegiance is apparent to the Eyes of the whole World. And if these your poor People shall not yet be able to move the Compassion of their august Monarch, for whom they shall always retain a sincere Love, and awful Reverence, a singular Veneration, and inviolable Fidelity, they do protest before the Face of that great God for whose sake they are exposed to so much Misery, that they will render him Honour and Glory in the midst of their most terrible Calamities.

But, Sir, your Petitioners hope much better Things from the natural Equity, Goodness, and Piety of your Majesty; for which Reason, they prostrate themselves at your royal Feet, and most humbly implore your Majesty:

To recal all the Declarations, Decrees, and other Judgments, which have reduc'd them to that deplorable Condition wherein they are, and deprive them not of the Liberty of their Consciences and Exercise of their



their Religion, by virtue of so many solemn Edicts, confirmed by so many Declarations granted them by your Majesty, without which it is impossible for them to live.

[ *And your Petitioners shall continue to pray for the Preservation of your Majesty's sacred Person, your royal Family, and the Honour and Prosperity of your Kingdom.* ]

*Another Petition presented by Marischal Schomberg for the French Protestants.*  
N<sup>o</sup>. XCIII.

Sir,

**W**E your Subjects of that Religion ( which we call the Reformed ) do, with most profound Reverence, cast our selves at the Feet of your Majesty, that so we may represent the many Aggrievances which have been heaped upon us, one after another, and may most humbly beg some effectual Relentment of the same, from your Justice and Goodness.

The Edicts of the Kings your Predecessors, and particularly those of *Henry the Great* and *Lewis the Just*, which your Majesty most authentically confirmed at your happy Inauguration, and since by divers and sundry Declarations, have always had Regard to those of the said Religion, which consists of a considerable Part of those People which God hath committed to your Charge; and as such, they have not only been permitted to exercise their Employments, and Arts, and Trades, whereby they gain their Livelyhood, but also have been promoted to Places of Trust and Honour, as Effects of their Merit and Virtue: They have also enjoyed a Liberty of Conscience, by a free Exercise of their Religion and Discipline in all Places privileged by the aforesaid Edicts, and Commissioners also have been appointed to take Care, that there should be no Infringements or Violations thereof.

There have been also Courts of Justice consisting of Men of both Religions, that at all Times the Protestants might be assured of impartial Justice, both as to their Persons, and Estate. And the Gentlemen particularly had Right, to place in their Fie-farms those of one or the other Religion, without any Difference: In short, your Petitioners enjoyed almost the same Freedom and Advantages, as the other Subjects of your Majesty.

It is true, Sir, that these were the Concessions of the Kings your Predecessors, and of your present Majesty, and have been established with such Circumstances, as the Edicts themselves call a perpetual and an irrevocable Law, designed purposely to keep your Subjects both of one and the other Religion in perfect Amity. And your Petitioners can confidently aver, that they have so demeaned themselves under this Law, and Privileges, as never to have rendred themselves unworthy thereof: But on the contrary have gained this Advantage, that your Majesty hath made many solemn and gracious Declarations, testifying the entire Satisfaction your Majesty hath conceived of the Zeal and Loyalty of your Petitioners, in Times of most Hazard and Difficulty. And now, Sir, we need not search the Histories of many Years to demonstrate the Difference of our present Condition, from those Times; for it is now but a few Years since your Petitioners have not only been made incapable of being admitted into publick Offices, but discharged of those in which they were invested, and in which they had always served with Honour and Fidelity.

For, contrary to the true Intent and Words of this Edict, they have taken from your Petitioners the Privilege of equally entring with others into the Commission of Consulates, and the municipal Offices of Towns, even in those very Corporations, wherein your Petitioners are the greatest in the Administration of the civil Government, and Management of that Money which is levied upon them.

They have not now in many Places any Admittance to the meanest Office in the Publick, nor are they licensed to exercise those Arts and Trades whereby they gain their sole Livelyhood and Subsistence.

They can reckon up at least 300 Protestant Churches, which in the Space of ten Years have been demolished, notwithstanding that some of them have been expressly named in the Edict of *Nantz*, and others comprehended within the Limits and Sense thereof.

The Commissioners which are always ready to receive Process against your Petitioners, yet stop their Ears to their Complaints; and if they do take Notice of them, it is with a corrupt and partial Sentence, and oftentimes the Catholick Commissioners pronounce Judgment against your Petitioners, without the Intervention and Assent of those of their Religion.

Those who have changed from the Protestant to the Catholick Religion, not finding that Quietness of Conscience which they expected therein, so that they have returned again to their first Perswasion, have been exposed to most rigorous Penances, under the Term of Relapse, and the Ministers and Consistories have been liable to be suppressed.

If any of the Catholick Religion become Protestants, they presently persecute those to whom they applied themselves for clearing their Doubts or declaring their Belief, pretending that thereby they come within the Compass of that Crime, which is called Subornation.

The Chambers of this Edict are not only incorporated with the Parliaments, against the express Sense of the Edict, but are extinguished wholly, and suppressed.

The Children of your Petitioners, though born in their Religion, are often taken from them, before they have attained to that Age which the Edicts allow them, before they are obliged to declare the Religion which they resolve to profess: And if hereupon they address themselves to your Commissioners, advising them to put in Execution the Edict, they either refuse to take Cognizance thereof, or else elude it in that



Manner, that for several Years together they take not the least Notice of their Complaints, nor have the ordinary Judges any Regard thereunto.

They will not suffer the Protestants to entertain more than one Schoolmaster in the Town where they live; and though the Children amount to 2 or 3000 in Number, yet they will not allow more than one Master for them all.

Your Petitioners have been much surprized, by a Declaration issued out for changing the Form and Tenor of their Synods, by placing certain catholick Commissioners for Assistants therein; which being entirely contrary to the Meaning and Substance of those Edicts, and Declaration of Lewis XIII. set out in the Year 1623. and to the Custom always observed, hath no other Foundation than those Pretences which reflect on the Honour of your Petitioners, and that Fidelity which they have ever professed towards the Service of your Majesty.

The Bishops, under colour of their Visitations, and by virtue of an Order of Arrest from your Privy Council, have pretended to suspend the Exercise of the Religion of your Petitioners for several Weeks.

The Clergy which have entred the Protestant Churches, to hear the Sermons which are there preached, do object unto the Ministers Matters which they never uttered, or take Advantage of certain Terms which cannot be avoided in Controversie, to form a criminal Process against them before a Judge, who is prepossessed with a Prejudice against them; and in the mean time the Clergy do not cease to justify themselves against the Petitioners, by such Courses as are expressly forbidden by the aforesaid Edicts.

The chief Justices of several Places, to whom Matters relating to the Edicts did never appertain, do now undertake by unknown Methods of Procedure, to interdict or suspend the Ministers of whole Provinces.

In fine, so far are they proceeded, as to make a Declaration, forbidding Protestant Women to make Use of other Chirurgeons, or Midwives, than those which are Catholicks, that so their Children may be dipped in Water by them in case of Necessity: Which as it is directly opposite to the Sense of the Edicts, so it is also to the Principles of that Religion which your Petitioners profess; for their Consciences will never allow them to consent hereunto, because that as on one side, they cannot believe that Baptism is of an absolute and indispensable Necessity, where Death prevents the due Care and Cautions we use to obtain it; so on the other side, your Petitioners have that just Reverence to so great a Sacrament, as not to commit the same to the Administration of Lay Persons, nor believe that such dipping or sprinkling with Water, can ever supply the Place of Baptism.

These Proceedings, Sir, and many more of them very considerable, are more easily mentioned in general, than to be troublesome to your Majesty in a Recital of the Particulars, which are either notoriously known to the World, or to be justified and made good by Attestations which your Petitioners have in their Hands, together with Judgments, Arrests and Declarations. All the World, which observes the low Condition unto which your Petitioners are reduced, begin to consider them, as Persons exposed to the Malice and Persecution of those who desire their total Destruction.

Nothing more can be added to the general Consternation of those who profess the Protestant Religion in all Parts of our Kingdom; so that many for Fear, or for Necessity, have been forced to abandon their Dwellings, and seek their Repose in the Dominions of Strangers: Such as remain here, are detained by the Love they bear to their Native Country, or by some Difficulty they find in the Disposal of their Estates; though the greatest Number are obliged with an Affection to your Majesty and your Government. In all these Aggrievances, Sir, your Petitioners have no other Defence and Protection, under God, than the Justice and Clemency of your Majesty, by which they have formerly had Access to your sacred Person, which hath ever lent a gentle Ear to the just Complaints of your Petitioners, having nominated Commissioners of your Council particularly to examine their Cause, and make Report thereof to your Majesty: But the great Wars which your Majesty hath lately maintained, have diverted this Care to greater Thoughts, whereby the Evils and Oppressions of your Petitioners have been multiplied and increased.

And now, Sir, since your Majesty enjoys the Triumph of those glorious Successes with which God hath favoured your Designs, and that your People expect likewise to share some Part of the Fruit of their Labours; your Petitioners hope, through the Justice and gracious Goodness of your Majesty, that no Distinction shall be made between your Petitioners and your other Subjects, lest whilst some are in Joy, and at Rest, the others should mourn, and groan under Oppressions.

For which Reasons, Sir, and because your Petitioners have ever entertained the same Zeal and Fidelity to your Service; may it please your Majesty to make known unto the Lords of your Council, Presidents, and Attorney-generals of Parliaments, to Superintendents and Commissioners executing the Law, that your royal Will and Pleasure is, that the Edicts be observed and executed; and particularly to encharge such Commissioners as are already named by your Majesty, or shall be hereafter named, that they examine the Memorials and Papers of Justification, which your Petitioners shall produce, and to inform your Majesty thereof; and especially to the Secretaries of State, that a due Report may be made thereof, and of those Aggrievances and Burdens which are most oppressing, that so your Majesty being truly made sensible thereof, may act therein according to your gracious Pleasure. And your Petitioners shall continue their Vows, and Prayers for the Glory of your Majesty, and for the Prosperity of your sacred Person and Kingdom.

*Proclamation, with a List of Fugitives, May 5. 1684. N<sup>o</sup>. XCIV.*

CHARLES, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith:  
To Our Lovits,  
of Our Privy Council, and Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting. Forasmuch as We, considering the frequent Rebellions that have been lately raised by



by rebellious and unnatural Subjects, within this Our ancient Kingdom, contrary to their native Allegiance, to the Destruction of Our Government, and the Peace and Quiet of all Our good People, and the extravagant and impious Principles, which have been the necessary and fatal Consequences thereupon ensuing, We did, amongst other Remedies, ordain these who were in Arms; and these who had reset them, to be legally cited before Our Justices, to the effect they might be tried: And notwithstanding that all fair and legal Opportunities of defending their own Innocence had been offered them; yet many of them being now denounced Rebels and Fugitives from Our Laws, We are resolved to prosecute them, till they be brought to condign Punishment; and therefore We have appointed an exact Roll of the said Persons, so denounced, to be printed, requiring all Our Subjects, not only not to comfort, or harbour the said Persons, but likewise to do their utmost Endeavours to apprehend them, as far as in their Power, and to give notice to Our next Sheriffs, Bailies of Bailiaries and Regalities, Stewarts of Stewartries, Magistrates of Burrows, and other Officers and Ministers of Our Law, and to the Officers of Our Army, when they know that any of them lurk in their Bounds: As also, in case there be any contained in the said Rolls and List, that have been denounced through their Negligence or Ignorance, altho' they have subscribed the Bond, or taken the Test, as was prescribed by Our former Proclamations, therefore We, with Advice of Our Privy Council, yet allow any of the said Persons who shall, betwixt and the first of August next ensuing, clear to Our Justices, that they have taken the Bond or Test in due Time, to be thereupon relaxed gratis, before Our Justices; and Our Justices are hereby allowed to desert the Diet against them, they comparing, and being relaxed, as said is. And to the end it may be better cleared who have taken the said Bond and Test, all Persons, who were commissionerate to administrate the same, are hereby required and commanded to send in, to the Clerks of Our Privy Council, the Bond and Test so taken before them, betwixt and the said first Day of August next, certifying them, if they fail, Letters of Horning shall be direct against them, under the Signet of Our Privy Council, to that effect, upon a Charge of Six Days, under the Pain of Rebellion, &c. And to the effect Our Pleasure in the Premises may be made known, Our Will is, and We charge you straitly, and command, that incontinent, these Our Letters seen, ye pass to the Market-cross of Edinburgh, and remanent Market-crosses of the head Burghs of the Shires of this Kingdom, and other Places needful, and there, by open Proclamation, make Publication of the Premises, that all Persons concerned may have notice thereof.

Given under Our Signet, at Edinburgh the Fifth Day of May, One thousand six hundred eighty and four Years, and of Our Reign the Thirtieth and sixth Year.

*Per actum Dominorum secreti concilii.*

*Will. Paterson Cl. Secr. Concilii.*

God save the King.

*Follows the List of the said Fugitives, to which the Proclamation relates.*

*Fife.*

**J**ohn Henrison *Servant to Kinkel.*  
*Mr. Arthur Cowpar in Abercromby.*  
 'Thomas Abercromby *Servitor to Alexander*  
*Young in Muircambus.*  
 James Gellie *Weaver in Falside.*  
 Magnus Gourly *in Over-pratus.*  
 John Duncan *in Muircambus-mill.*  
 James Kinnier *Servant to Hackstoun of Rathiller.*  
 James Stevenson *in Cowkecky.*  
 Thomas Miller *in Pitdonnie.*  
 John Brown, *Servant to Henry Craich in Inner-*  
*keithing.*  
 Patrick Robertson *in Linktoun.*  
 Walter White *in Craigow.*  
*Pride in Muircambus in Samford.*  
 Mr. William Reid, *a Field-preacher.*  
 John Scot *in Falside, or Lathons.*  
 Donald Clerk *in Innerkeithing.*  
 Robert Bogie *in Newbigging.*  
 William Robertson *in Kinneuchar.*  
 Thomas Beil *in Beilstoun; Taylor in Largo.*

*Fugitives for Reset in Fife-shire.*

**J**ohn Hedderwick *Tenant to Riras.*  
 Margaret Norie, *Mother. to John Duncan in*  
*Muircambus.*  
 Alexander Young *in Muircambus.*  
 Margaret Dennie *in Pitdennie.*  
 John Elder *Shoemaker in Anstruther Easter.*  
 Thomas Bruce *Whester in Anstruther Wester.*  
 James Finlay *in Balchristie.*

*Kinross.*

**A**lexander Dae *in Galloch.*  
 John Flucker *in meikle Tillyry.*  
 John Smith *in Tilliwhally.*  
 Walter White *in Tillyry.*  
 George Simson *there.*  
 Robert Kirk *at the Mills of Forth.*

*Perth.*

**W**illiam Anderson *in Abernethie.*  
 George Condie *in Forteviot.*

*Stirling.*

**J**ohn Clarkson *Son to Andrew Clarkson, Portioner of*  
*Holehouse.*  
 Robert Rainy *in Falkirk.*  
 Robert Chiesly *in Slamanno-moor.*  
 William Sutherland *Shoemaker in Falkirk.*  
 John Wilson *Taylor there.*  
 Edward Marshal *of Kae-moor.*  
 George Mochrie *Fiar of Stone-rig.*  
 John Auld *Portioner of Balmitchel.*  
 John Steill Smith *in Boghil.*  
 Peter Gellies *in Walkmill of Woodside?*  
 John Hastie *of Bogohaugh.*  
 Thomas Chiesly *in Bogoknows.*  
 James Muir *Son to Thomas Muir in Morvinfide.*  
 Alexander Robertson *in Torwood-head.*  
 William Clark *in Larbert.*  
 William Young *Feuar of Seamores.*  
 John Stark *elder of Banknock.*  
 Matthe in Kilmaronock;



*Mr. Thomas Forrester sometime Minister.*  
 Donald Connel in Buchlivy.  
 James Ure of Shargartoun.  
*Mr. Patrick Rollo in Shargartoun, in Kippen Parish.*  
 Andrew Buchanan in Shargartoun.  
 James Forrester Son to Robert Forrester there.  
*Mr. John Dougal Son to Arthur Dougal in Ardmanvel.*  
 John MacLum in Ardmanvel.  
 John Micklehose in the Parish thereof.  
 James Johnston in the said Parish.  
 Robert Wilson in Arnprior-burn.  
 John Munoch in Arnprior.  
 George Buchanan in Easter-carden.  
 Thomas Miller in Buchlivie.  
 John Risk in Killearn.  
 John Key in Glens.  
 Thomas Ure in the Parish of Balfron.  
 James Paterfon Weaver in Balglaß.  
 William Binnie in Balmore in Baldornock.  
 Humphrey Stevenson in Balglaß, or Killearn.  
 William Cunningham younger in Finnick.  
 Thomas Brads in New Kilpatrick.  
 John Harr in Throsk.  
 James Brown Son to James Brown, Pigmaker there.  
 Henry Greenlaw Mason in Bannockburn.  
 William Thomson Schoolmaster at Grange.  
*Mr. Hugh White, Brother to Alexander White of Hill.*  
 Patrick Walker in Drumcra.  
 Alexander Arthur Son to George Arthur in Rashiehill.  
 George Ruffel in Baleastle.  
 Thomas Walker there.  
 James Falconer Servitor to Robert Ruffel in Mill-rig.  
 William and John Flemings in Moorside, or Morvinside.  
 Lauchlan M'Lauchlan in Provantoun.  
 John Leckie Servant to John Millar in Bucklair.  
 James Buchanan Servant to Bartholmew Park there.  
 John Graham in Millgay.  
 Brice Blair of Finnick.  
 John Galbraith in Stonehouse, in Larbor Parish.  
 William Thomson there.  
 Michael Colvil there.  
 John Risk in Galbraith.  
 John Johnston in Clochrabrae.  
 John Paterfon in Elphinstoun.  
 John Ronald a Tenant's Son in Touch.  
 Hugh Montgomery in Jawcraig.  
 John Paterfon in Golden-hove.  
 Robert Forrester in Shargartoun.  
 William Carrick Son to Patrick Carrick in Armore.  
 Robert Ure in Wester Arngiven.  
 David Forrester sometime of Culmore, not being David Forrester who is now Heritor of Culmore, and Writer in Edinburgh.

#### *Refetters in the said Shire.*

John Stark younger of Banknock.  
 John Monteith Portioner of Seamores.

#### *Dumbartoun.*

James Brownlie Feuar in Newtoun of Cumbernauld.  
 Robert Allan Son to Robert Allan of Waterhead.  
 John Balloch in Cumbernauld.  
 Alexander Arthur there.  
 James, John and George Ruffels Sons to John Ruffel in Garbethills.  
 Donald Brice in Newtoun.  
 John Young Weaver in Kildrum.  
 George Mochrie Son to James Mochrie, Wadsetter of Easter Barloch.  
 Thomas Smelly in Tarbrax.  
 James Ker Smith in Carntiloch.

John Brice there.  
 James Wilson in Kilmadinny.  
 John Graham in the Town of Buchanron in Kilpatrick Parish.  
 Andrew Campbel Mason in Dumbartoun.  
 John Stark younger of Kilmont in Kilpatrick Parish.  
 Robert Balloch in Temple in Barscob.  
 John Mitchel in Hole.  
 William Mackay in Newtoun of Cumbernauld.  
 John Lecky in Bucklair in Easter Kilpatrick.

#### *Renfrew.*

John Maxwell Son to John Maxwell of Bogtoun.  
 James Maxwell of Williams-wood.  
 John Wallace in Longside.  
 Robert Mackeuen in Cathcart.  
 John Anderson Servitor to John Thomson, Tenant to Dovehill.  
 William Urie in Bridge-end.  
 John Dunlop Servant to John Mitchel in Longside.  
 John Mader Servitor to John Thomson in Path-head.  
 Thomas Cock Weaver in Longside.  
 James Greg Son to James Greg in Castlemearns.  
 Alexander Syme in Alas-bridge.  
 William Jackson in Ardbch.

#### *Stevenson Shoemaker at East End of*

Pocgtoun.  
 John Jackson in Pollockshaw.  
 James Shepherd in Longside.  
 Robert Jackson in Eastwood, in Pollock Maxwell's Land.  
 Robert Pollock Servitor to John Alison in Flender.  
 William Wilson in the Parish of Mearns.  
 John M'Euen in Eastwood in Pollock Maxwell's Land.  
 Robert Taylor in Darnlie.  
 Arthur Cunningham there.  
 John Stuart in Kennished in Eastwood Parish.  
 John Gilmore in Mearns Parish.  
 James Murdoch in Kirkcoun.  
 John Young there.  
 Holm Son to George Holm, Officer to Duchil.  
 John Laing in Brae-side.  
 John Andrew Son to John Andrew in Torhil, in Kilbarchan Parish.  
 Humphrey Atkin in Barmushloch.  
 Atkin in the Hill of Barscob in Erskine Parish.  
 Robert Fulton in Barantree.  
 James Young in Carswel in Neilson Parish.  
 John Govan in Caldwell.  
 James Spreul in Uplaw.  
 James Glen Heritor in Renfrew.  
 John Houstoun there.  
 Thomas Storie Servitor to William Robertson in Walkinshaw.

John Colquhoun in Barskeven.  
 Christopher Strang Merchant in Paisly.  
 John Wood in Killellan Parish, in Pollock Town.  
 Hugh Love in Middletoun in Lochwinnioch Parish.  
 Stuart his Master for resetting him.

James Niven in Risk.  
 Robert Orr in Newdykes.  
 William Scot in Greenock.  
 James Mowat there.  
 Mr. James Smith in Carsfedyke.

#### *Kelfo in Greenock Town.*

James Love in Burtries.  
 James Caldwell in Risk.  
 George Stevenson in Auchinbathie.  
 James Wallace there.  
 John Fowlis in Newtoun of Mearns.  
 George Pollock in Pollock Town.  
 John Syme in Shaveck.  
 James Rankin Brother to John Rankin in Tofts of Eaglisham.

*Lanerk.*



*Lanerk.**New-monkland Parish.*

**J**ohn Thomson *Feuar in Gartqueen.*  
 John Russel *Portioner of Eastfield, forfeited.*  
 William Craigie *in Ardrie-mill.*  
 John Thomson *Son to James Thomson in Ardrie-muir.*  
 John Keddar *in Ardrie-town, now Cottar in Rashbush.*  
 Gavin Black *in Craigneuk, in Monkland's Land.*  
 John Thomson *in Shiels of Auchingray.*  
 John Gardner *in Gartley, Son to John Gardner there.*  
 Samuel Yuil *in Laend.*  
 John Martin *in Drumbowie.*  
 John Martin *his Son.*  
 Patrick Yuil *in Brackenhirst, Son to Alexander Yuil there.*  
 Thomas Gentles *in Habiesdub.*  
 William Ker *in Rochfoles, now Weaver in Ardrie.*  
 William Waddel *in Riding.*  
 Alexander Martin *in Overthank.*  
 Russel *younger in Meadowhead.*  
 William Dobie *Webster in Blackbog.*

*Bothwell Parish.*

**R**obert Corfe *Wadsetter in Uddingstoun.*  
 John Muirhead *in Fulzet in Lauchop's Land.*  
 James Hamilton *of Parkhead, forfeited.*  
 Mr. Thomas Hamilton *of Reath, forfeited.*  
 John Lawrie *Son to John Lawrie in Aulderstoun.*  
 Arthur Clelland *in Westfield, in Lauchop's Land.*  
 John Buchanan *in Sydrig.*  
 Matthew Johnston *in Carnbrewhill.*  
 William Nimmock *Son to James Nimmock, Gardiner in Orbistoun.*  
 John Lawrie *in Leidingstoun.*  
 William Corsbie *in Old-mill.*

*Old-monkland.*

**J**ohn Scot *Son to John Scot, Portioner of Kenmuir.*  
 John Mortoun *in Neuk of Falcen.*  
 Robert Wark *Son to John Wark of Rinnis.*  
 James Johnston *in Calder Parish.*  
 Adam Cullan *in Garturk.*  
 John Paton *near to Roadfoot.*  
 Christian Johnston *for resetting Matthew Johnston in Cairnbrew-hill.*  
 Gavin Weatherspoon *of Heathry-know, now forfeited.*  
 John Corfe *in Stanie-rig.*  
 William Nicol *in Mill-folds.*  
 James Baird *of Dungeon-hill, forfeited.*  
 Thomas Matthie *in Bartachrie.*  
 Alexander Crawford *in Garturk.*  
 Thomas Donald *Brother to John Donald Smith in Carmile.*  
 William Kirkwood *in Craehead of Falcen.*  
 John Stirling *in Langline.*

*Shots.*

**J**ohn Steil *Servitor to Andrew Clark in Westermossat.*  
 John Gilkerson *in Bothwellshiels.*  
 David Brice *in Auchinlie.*  
 John Russel *in Langbyres.*  
 James Lennox *in Hill of Murdistoun.*  
 John Forrest *in Muirmealing.*  
 David Newlands *there.*  
 John Inglis *in Huntershill, now in Dargavil's Land.*  
 John Brownlie *in Windy-edge.*  
 James Miller *in Bothwell-shiels.*  
 John Brown *in Mossathills, now in Meadow-head.*  
 James Jamison *in Kietarie of Shots.*  
 Gavin Muirhead *in Shaws.*  
 James Muirhead *in Castle-hill.*  
 James Inglis *Servant to David Newlands in Meikle-hareshaw.*

David Newlands *for resetting the said James.*  
 William Allan *Son to Thomas Allan Portioner of Forrest-burn.*  
 John Watson *in Muirhouse of Murdistoun.*  
 Alexander Yuil *in Brackenherst.*  
 William Calderhead *in Windy-edge, for resetting his Son.*  
 James Whitelaw *in*  
 James Cather *in Burn.*  
 John Paterfon *in Bothwell-shiels.*  
 John Waddel *in Bedshaw.*  
 George Lesly *in Dunsfytoun, now in Bedlornie.*  
 Andrew Storie *Son to Thomas Storie in Peperthill.*  
 Gavin Paterfon *Feuar in Bothwellshiels.*  
 Alexander Gray *Son to Alexander Gray in Bowhouse-bog.*  
 Robert Russel *Portioner of Windy-edge.*  
 Robert Manwel *Son to Richard Manwel of Easter-calderhead.*

*Crawford.*

**A**lexander Moffat *Merchant in Crawford.*  
 Gilbert Watson *sometime in Ormingil.*  
 Alexander Thomson *Servitor to the Lady Gilkersoncleugh.*  
 John Williamson *in Leadhill.*  
 James Muir *there.*  
 Mr. John Menzies *in Wintercleugh.*  
 Gavin Wallace *in Leadhill.*  
 Edward Atkin *younger in Abingtoun, in Crawford-john Parish.*  
 James Tod *Merchant Chapman, now in Lanerk.*  
 Edward Atkin *in Nethertoun of Crawford-john.*  
 William Mcraithnefs *in Gilkersoncleugh.*  
 John Thomson *in Mosscastle.*  
 John Weir *younger in Strangcleugh.*

*Douglas.*

**J**ohn Haddo *Heritor in Douglas.*  
 James Wilson *in Townhead of Douglas.*  
 Adam Thomson *in Madingil.*  
 Matthew Fleming *in Douglas.*  
 James White *in Scrogtownhead.*  
 Archibald Wilson *in Townhead of Douglas.*  
 William Clelland *Son to Thomas Clelland in Douglas.*  
 Thomas Clelland *for Reset of his Son.*  
 William Robertson *in Cotes.*  
 John White *in Scrogtownhead.*  
 William Chapman *Merchant in Sadielands.*  
 Christopher Umphray *Merchant.*  
 James White *Son to Andrew White in Dinnan.*  
 James Gilkerson *Weaver in Rodinhouse.*  
 John Alistoun *in Blackwood-mill.*  
 Joseph Thomson *in Douglas.*  
 Adam Hodgean *there.*

*Leshmahago.*

**T**homas Steil *of Auchlochan.*  
 James Weir *younger of Johns-hill.*  
 David Steil *in Cumberhead.*  
 John Steil *in Waterhead.*  
 John Meikle *in Burtries.*  
 Robert Fleming *in Wester-brackenrig.*  
 John Swan *in Broompark.*  
 William Steil *in Skellihill.*  
 Thomas White *in Stockbridges.*  
 James White *his Brother.*  
 John Carscallan *in Auchlochan.*  
 Gavin Hamilton *in Medow.*  
 Gavin Weir *in Waterside.*  
 Andrew Leiper.  
 John White *in Neuk.*  
 Thomas Weir *Brother to James Weir in Johns-hill.*  
 James Lawson *in Auchnotroch.*  
 John Tailfer *Weaver in Leshmahago.*



Thomas Yuil *in Newbigging.*  
 David Clelland *Son to Andrew Clelland in How-mains.*  
 George Young *in Auchnorroch.*  
 George Waddel *in Lin-mill.*  
 Thomas Brown *Son to William Brown in Town-foot of Auchlochan.*  
 Thomas Weir *in Auchlochan.*  
 James Forrest *Son to John Forrest in Threpwood.*  
 Adam Muir *in Crofsford.*  
 Thomas Muir *Servitor to Archibald Forrest at the Boat thereof.*  
 John Muir *Servitor to John Forrest in Threpwood.*  
 Adam Weir *in Crofsford.*  
 John Templeton *in Threpwood.*  
 John Clelland *in Crofsford-boat.*  
 John Stobo *Servitor to Janet Weir in Holmhead.*  
 Matthew Hamilton *Servitor to Craignethan.*  
 John Harvie *in Holm of Carse, beneath Niviland.*  
 Robert Hamilton *in Threpwood.*  
 George Jackson *in Brackenrig.*  
 James Williamson *in Burn.*  
 John Stuart *in Underbank.*  
 Robert Stobo *in Draffin.*

*Coulter.*

Robert Arkin *Merchant in Biggar.*  
 Alexander Smith *Weaver there.*  
 Thomas Weir *in Lamington.*  
 Robert Brown *Smith in Hillhead of Covington.*  
 Archibald Falconar *in Meadow-flat.*  
 James Thomson *in Murrays of Thankertoun.*  
 William Scot *sometime in Petinean.*  
 David Johnston *in Clowburn.*  
 Thomas Simpson *in Mill-hill.*

*Quodquhan.*

John Liddel *in Bitland.*  
 Andrew Gilry *in Town of Walstoun.*  
 John Meik *in Angelwood.*  
 John Newbigging *in Carstairs Town.*  
 Thomas Stark *there.*  
 William Pillans *in Ryflat, in Carstairs Parish.*  
 Robert Muir *in Nethertoun of Moss-flat.*  
 Thomas Johnston *in Carstairs.*  
 Hugh Somerwel *in Quodquhan.*  
 John Walker *there.*  
 William Denholm *of West-shiels.*

*Lanerk.*

Robert and John Alstouns *Sons to Thomas Alstoun in Lanerk.*  
 Andrew Lockhart *in Nemphlar.*  
 Robert Logan *Son to James Logan Lister in Lanerk.*  
 William Scot *Son to William Scot in Byrehead, now in Holmhead.*  
 Richard Martin *Brother to John Martin in Nether-shiel.*  
 James Chalmers *in Lanerk.*  
 Archibald Simpson *there.*  
 James Lockhart *in Nemphlar.*  
 Gideon Weir *Gunsmith in Lanerk.*  
 Mr. Thomas Pillans *there, forfeited.*  
 James Park *Weaver there.*  
 John Semple *Mason there.*  
 Thomas Inglis *Shoemaker there.*  
 John Umphray *Merchant.*  
 Thomas Henselwood *there.*  
 John Howison *there.*  
 James Howison *Weaver there.*  
 John Morison *Shoemaker there.*  
 William Fergusson *Heritor in Lanerk.*  
 Michael Lamb *in Lanerk.*  
 Robert Bruce *in Nemphlar.*

*Carluke.*

John Gilkerfon Smith *in Over-kirkton.*  
 William Cadjow *Portioner of Wester-cadjow.*  
 William Purdie *Coallier to Sir Daniel Carmichael.*  
 John Clelland *Portioner of Yuilshiels.*  
 James Gray *Son to Archibald Gray.*  
 Alexander Hamilton *in Langrig.*  
 John Hamilton *there.*  
 John Weir *Taylor in Cumnock.*  
 John Fleming *Son to Robert Fleming in Fletchergate.*  
 Richard Meikle *in Tweedyside.*  
 John Walker *in Stonehouse.*  
 James Smelly *in Miltoun of Dalziel, and Parish thereof.*  
 James Campbel *in Dalziel.*  
 Gavin Jack *Son to Andrew Jack in Arbles of Dalziel.*  
 Gavin Hamilton *in Baron's Mains of Dalziel.*

*Cambusnethan.*

Robert Steil *Portioner of Stain.*  
 John Stuart *in Goukthraple, now in Carnbarns.*  
 Nathanael Brownlie *living in Overtoun of Cambusnethan.*  
 Andrew Clelland *in Fimertoun.*  
 William Purdie *in Overtoun of Cambusnethan.*  
 John Forrest *there.*  
 Gavin Brown *there.*  
 James Brownlie *Servitor to the Goodwife of Garinbaugh.*  
 Walter Pitcairn *younger in Overtoun.*  
 James Wat *there.*  
 Gavin Paterson *in Overtoun.*  
 James Alexander *Gardiner to the Laird of Cultnesh.*  
 William Paterson *in Murrays.*  
 John Baird *in Kirkhill.*  
 William Brown *in Towartbush, for Refet.*  
 Thomas Steil *in Cultnesh.*

*Kilbride.*

James Aikenhead *in Kirtochside.*  
 John Reid *in Drips.*  
 Robert Lawson *Son to John Lawson in Clochairn.*  
 George Jackson *Servitor to James Young in Kirtochside.*  
 James Young *in Kirtochside, for resetting him.*  
 James Mochlan *Son to Hugh Mochlan in Filshil-mill.*  
 John Wat *Taylor in Kilbride.*  
 William Smith *in Ardochrig.*  
 John Jackson *in Airdstoun, Tenant to William Luke.*  
 James Wilson *in Hill of Drips.*  
 Andrew Struthers *Son to James Struthers in Skioch.*  
 John Fleming *in Alehouse.*  
 William Fleming *in Burnhouse.*  
 John Hamilton *in Miltoun of Kilbride, called meikle John.*  
 William Armour *in Allartoun.*  
 James Strang *in Lickprevik.*  
 Robert Granger *in Nether-mains.*  
 John Howie *in Woodneuk, or Woodside.*  
 Gavin Clark *in Kirtochside.*  
 Andrew Young *in Kirkton of Kilbride, or Castle-town.*  
 James Alexander *sometime in Kirkton of Kilbride, now in Greenlaw.*  
 John Bawdie *younger in Newlands.*  
 David Threpland *in Peil, now in Filshilmill.*  
 John Struthers *in Millhouse.*  
 Alexander Dalgleish *in Lickprevik.*  
 John Lindsay *Son to Archibald Lindsay in Clochairn.*  
 Archibald Lindsay *there, for resetting him.*  
 John Bryce *Son to Andrew Bryce.*  
 Robert Wark *or Warnock in Thorntoun.*  
 John Reid *in Stainyside.*  
 John Craig *Son to Thomas Craig in Thorn.*



Mungo Cochran in Kitchside of Kilbride.  
 John Strang in Corshill.  
 James Strang his Brother.  
 William Park in Raehead, not being William Park of  
 Larefad, who is assailed by an Assize.  
 Thomsons Sons to Gabriel Thomson in Hare-  
 mire.

Andrew Young in Kitchside.  
 John Granger in Flaikfield.  
 William Thomson in Cleirand.  
 Gavin Filshil in Busbie.  
 John Wat in Flaikfield.  
 John Marshal in Cleddans.  
 Andrew Leper there.  
 John Fleming Cordiner.  
 James Alexander Son to Robert Alexander in Green-  
 hills.

James Craig in Allartoun.  
 Robert Reid in Jacktoun.  
 John Arbuckle in Bogtoun.  
 Andrew Thomson in  
 Pollock Son to David Pollock in Murray-hill.  
 John Wilson in Highflet.  
 John Hamilton in Rogertoun.

Craig Son to James Craig in Mains.  
 John Miller in Long-calderswood.  
 James Park in Brisbea.  
 John Lindsay in Kirkcoun.  
 James Granger in Flaikfield.  
 William Hamilton in Broomfield.  
 William Paterson in Huntling.  
 Baird Son to William Baird in Corfs.  
 James Barrie Brother to John Barrie younger in New-  
 lands.  
 Thomas Davidson in Shiels of Kilbride.

#### Hamiltoun.

James Paterson Maltman in Hamiltoun.  
 Thomas Brown younger Shoemaker there.  
 John Bell Son to William Bell Weaver there.  
 John Atkin Shoemaker there.  
 John Paterson Weaver there.  
 David Crawford Tobacco-cutter.  
 James Tacket in Brimletoun.  
 Robert Semple in Kilhill.  
 Gavin Burn Indweller in Hamiltoun.

#### Carmonoch.

Archibald Reid in Castletoun.  
 Thomson in Gallowhill.  
 Matthew Park in Muirside.  
 George Park his Brother.  
 Robert Ker in Boufe.  
 William Smith Son to Robert Smith in Waterfide.  
 James Parker in Busbie.  
 John Stainly there.

#### Blantyre.

Andrew Reid Servitor to Robert Smith at Blan-  
 tyre Kirk.

#### Rutherglen.

William Riddel Feuar in Rutherglen.  
 George Muir there.  
 George Scot there.  
 Miller Son to Gavin Miller in Bank.  
 James Johnston in Gartushen in Calder Parish.  
 John Murray in Ballachnay, in East-monkland Pa-  
 rish.  
 John Donaldson Portioner of Auchinloch.

#### Dalserf.

Andrew Paterson younger in Dalserf.  
 Robert Hastie in Dalbeg.

John and Gavin Watsons in Over-dalserf.  
 Gavin Hamilton in Greenhill.  
 James Pinkerton Son to Robert Pinkerton in Carsul-  
 loch.  
 James Shirrelaw Son to James Shirrelaw in Dalserf.  
 James Coupar in Overtoun of Dalserf.  
 John Coupar in Dalserf.  
 John Muir Servitor to John Coupar in Overtoun.  
 John Paterson Taylor in Dalserf.  
 Thomas Summer in Over-dalserf.  
 John Prentice in Howlathole.  
 Thomas Stuart of Cultness.

#### Glasgow.

John Blair Tanner in Glasgow.  
 John Urie Maltman in Bridge-gate of Glasgow.  
 Patrick Urie Cooper there.  
 John Robert in Coop'r there.  
 James Cunningham Merchant in the Bridge-gate.  
 James Cunningham younger, Merchant.  
 James Hamilton Weaver within the Stable-green-port.  
 Robert Goodwin Maltman.  
 Roderick Macdonald Shop-keeper in the Salt-market.  
 Robert Miller Skinner at the Bridge-gate.  
 Richard Ronald Cooper.  
 Robert Rae Weaver.  
 John Bogle Pewterer in Glasgow.  
 Neil Aikenhead in Shettletoun, in the Barony.  
 Alexander Stuart in New-meal-market.  
 John Hodge Armourer.  
 James Mackintosh Merchant in Glasgow.  
 Scot Son to John Scot in Muirside.  
 John Scot in Muirside, for resetting his Son.  
 Mr. Walter Marshal.  
 William Smith Son to James Smith Cooper.  
 John Mitchel Taylor in Glasgow.  
 Charles Watson there.  
 John Aird Merchant there.  
 John Baird Merchant.  
 John Buchanan Maltman.  
 Matthew Pollock Taylor.  
 William Baird Cordiner.  
 John Gilfillan Cordiner.  
 Alexander Peacock, for resetting him.  
 Robert Graham Cordiner.  
 Robert Smith Cordiner.  
 James Scot Weaver in Gorbels.  
 John Finnison in Rothsay, in the Barony.  
 Thomas Bogle Merchant in Glasgow.  
 James Colquhoun Corporal.  
 William Smith Son to Smith Water-bailie in  
 Glasgow.

#### Provan or Govan.

John Finnison elder in Gantcraig.  
 Alexander and Peter Finnisons his Sons.  
 James Watson Son to Margaret Rainy in Wester-con-  
 zellie.  
 John Govan younger, Portioner of Shettletoun.  
 James Logan Tenant to Robert Wallence in Hillhead.  
 John Baxters elder and younger, Tenants to Robert Camp-  
 bel.

#### Meikle-govan.

John Baird Son to James Baird in Meikle-go-  
 van.  
 Robert Baird his Brother.  
 James Baird in Meikle-govan, for resetting his Son.  
 John Muir in Moor of Gorbels.  
 Shiels Sons to John Shiels in Moor.  
 John Shiels in Moor, for Refet.  
 John Cumming Weaver in Gorbels.  
 Thomas Urie in Little-govan.  
 Robert Muir in Titwood.



Robert Thom in Little Govan.

*Erandale Parish.*

**M**R. John Rob Son to Andrew Rob in Walleley.

John Lickprevik Son to John Lickprevik in Straven.

James Lawfon younger there.

Gavin Alifon Son to Gavin Alifon in Crewburn.

John Inglis Weaver in Straven.

Andrew Dykes in Linbank, not being Andrew Dykes in St. Bryde's Chapel.

Thomas Brownlie Portioner of Torfoot.

Captain Thomas Young Taylor in Straven.

James Fram Weaver there.

John Cochran in Chapel.

Alexander Craig Maltman in Straven.

George Arkil.

John Brownlie Son to Thomas Brownlie in Straven.

Thomas Brownlie for resetting his Son.

William Miller Maltman in Netherfield.

William Cochran in Crewburn, now in Glasford.

John Steil younger in Castlebroket.

Thomas Waton Weaver in Little-kyp, now in Yarbent.

Thomas Craig in Craigmuir.

James Willock younger in Glengival.

William Willock Servitor to John Peacock in Craig-bridge-end.

John Peacock there, for resetting him.

John Cochran Son to James Cochran in Barnhill.

William Cochran in Cairnduff.

Mungo Dykes in Kirkwood.

William Falla Lister in Straven.

*The Persons following, being continued from the Glasgow Circuit to Edinburgh, are Fugitives for not compearing there.*

**W**illiam Thomson Procurator in Lanerk.

Gideon Crawford Merchant in Biggar.

James Muirhead younger in Lanerk.

James Thomson in Harestocks.

John Browning there.

John Scot in Cleddans.

John Simpson Maltman in Glasgow.

Archibald Scot Smith in Gorbels.

John Marshal of Chapel.

John Forrest in Threpwood.

John Marshal in Kilsyth.

David Gilkerkfon Tenant to Mauldslie, not being David Gilkerkfon in Bowman-hirst.

Thomas Allan Portioner of Forrestburn.

John Nasmith, called Baron-john.

Umphey Stevenson in Killearn.

*Air-shire.*

*Gallstoun Parish.*

**J**ohn Campbel in Auchinruglen,

James Lambie in Lady-brow.

Andrew Smith Smith in Gallstoun.

Mr. Matthew Campbel of Waterhouse, forfeited.

James Meikle in Auchinbat.

Michael Finlay in Newtown.

John Lambie Son to George Lambie of Crofthead.

John Browning younger in Riccartoun.

William Gilmore in Gallstoun.

Mr. James Brown late Chaplain to Cefnock.

Hugh Rainy Barrowman to Sornbeg.

William Craig Tenant there.

John Miller Tenant there.

Thomas Lambie in Langside.

James Smith in Threpwood.

James Dunlop late Servant to Waterhouse, now in Know.

Robert Mitchel of Barleitch.

James Lambie elder in Lady-brow, for Refet.

William Wallace in Millrig.

Thomas Gebbie in Newtown.

*Mauchlin.*

**W**illiam Dripps in Nether-hillar.

John Gibson in Mid-hillar.

Alexander Pedin in Blocklerdyke.

John Pedin Portioner of Hole-house.

William Donald Heritor of Carleith.

James Simpson younger in Blackside.

John Paterfon of Daldillan, forfeited.

Robert Leper in Sorn.

Alexander Corbet Servant to Robert Henry in Burnshiel.

Alexander Jamifon Servitor to Matthew Alexander in Croft-foot.

Andrew Wylie of Logan.

John Lindsay younger of Long-dyke-hill.

Richard Walker Smith in Barehouse.

Adam Reid in Mauchlin.

John Macgavan Tenant to Kinzeancleugh.

James Fithier there.

William Macgavan Smith in the Haugh.

John Mitchel of Breichhead, or Bogwood.

John Henry Servant to John Pedin in Medowhead.

William Adam Servant to John Alexander in Croft-head.

William Anderson Servant to Smiddishaw.

John Mitchel Servant to William Mitchel in the Hill-head of Gilmore-croft.

William Dunbar Servant to Robert Farguhar of Cathairn.

William White there.

Robert Pedin Son to Hugh Pedin in Walk-mill of Sorn.

Pedin also his Son.

George Wylie in Daldillan.

Andrew Niven in Dalgain.

Matthew Anderson Servant to William Ross in Hillar.

John Law Son to John Law Portioner of Barneight.

John Muir Portioner of Hole-house.

John Mitchel of Bogwood.

John Semple Factor to Barskimming.

John Marshal Feuar in Mauchlin.

James Miller in Haugh.

James Mitchel in the Aird.

Robert Mackirrow Son to Robert Mackirrow in Little-farden.

William Hunter in Blocklerdyke.

Adam Wilson in Sorn.

John Mitchel Cordiner in Whitehill.

*Muirkirk.*

**W**illiam Campbel Son to William Campbel of Shaw.

James Aird Son to James Aird in Greenock Town.

John Brown of Prielfield, for Refet.

John Campbel Brother to Wellwoods.

John Paterfon in Muirkirk Parish.

John Campbel of Alehouse-burn.

James Edward Son to Thomas Edward Portioner of Greenock.

John Reid in Dalfram.

*Dalmellington.*

**J**ohn Sloas Portioner of Dalharfrow.

Robert Dun in Bewwhat.

Roger Dun there.

Gilbert Macadam Portioner of Dalwhat.

John Dick in Benbain.

Quintin Dick there.

Hugh Cameron in Dalmellington.

John Cameron there.

William



William Cameron *there*.  
 David Macadam *in Town-head*.  
 James Macleir *in Chamberstoun*.  
 Andrew Mactagat *in Dalmellingtoun*.  
 John Macmeiking *there*.  
 Walter Hunter *younger there*.  
 Thomas Muir *in Craigmat*.  
 James Dick *Servant to John Cuninghame in Keir-hill*.  
 John Miller *in Keirhill*.  
 David Wallat *in Dalmellingtoun*.  
 Adam Allan *in Keirhill*.

*Ochiltree.*

Charles Colvil *younger in Townhead*.  
 James Johnstoun *Son to John Johnstoun there*.  
 David Dun *in Clofs*.  
 William Symontoun *in Burts*.  
 Mr. William Gilchrist *Son to the Schoolmaster of Ochiltree*.

*Cumnock.*

MR. John Halbert. *in Cumnock, forfeited*.  
 James Mitchel *Cordiner there*.  
 Crichton *in Craigmat, Son to Robert Crichton there*.  
 Patrick Gemmil *at the old Castle of Cumnock*.  
 William Stillie *there*.  
 John Reid *in*.  
 Alexander Stillie *in Townhead of Cumnock*.  
 John Tennant *at the old Castle of Cumnock*.  
 James Dalziel *near the Kirk of Cumnock*.  
 John Wood *Son to Hugh Wood in Lewis*.  
 William Lambie *in Polquhays*.  
 James Steil *Tenant to Carletoun*.  
 George Gemmil *in Minaucht*.  
 Greg *there*.  
 Robert Murdoch *in Knockmarnock, Tenant to Drumfry*.  
 John Mackechan *in Auchingibber*.  
 James Wilson *at the old Castle of Cumnock*.  
 William Skilling *in Pablow*.  
 John Campbel *in Townhead of Cumnock*.

*Auchinleck.*

William Mitchel *of Glenmuirhall*.  
 John Mudie *in Cubs-mill*.  
 James Sampson *in Haplane*.  
 George Templeton *in Dustoun*.  
 John Mudie *in Auchinleck*.  
 David Mudie *in Cubs-mill, for Refet*.  
 Thomas Campbel *in Hole*.  
 Andrew Richmond *in Waterside*.

*Dalrymple.*

David Paton *younger in Martnam*.

*St. Quivox.*

John Wat *Servant to John Logan Gardiner in Millholm*.  
 Speir *Servant to Alexander Arneil Cordiner there*.  
 Adam Morton *in Shiels*.  
 John Bon *in Millholm*.  
 Thomas Bon *there*.

*Craigie.*

James Bell *in Cairnhill*.  
 Daniel Wood *there*.  
 James Gotrie *there*.  
 Thomas Gemmil *in Carngil*.  
 John Mougensland *now in Riccartoun*.  
 John Macskimming *in Town-end of Adamhill*.  
 Robert Stevenson *in Carnhill*.

Robert Goodie *in Moss-side*.

*Culton.*

Robert Murray *in Knockmurrin*.

*Barnwell.*

Robert Hunter *in Faill*.  
 William Purdie *in Spittlefide, or Cocks-well*.  
 Adam Livingstone *in Spittlefide*.  
 Charles Humfrey *in Tarshaw*.  
 Moses Walker *in Broom-hill*.  
 John Humfrey *Son to Charles Humfrey in Tarshaw*.

*Monktoun.*

John Henryson *in Newtoun of Air*.  
 William Wilson *in Preflick*.

*Torboltoun.*

Alan Bowie *Portioner of Drumley*.  
 James Ritchie *there*.  
 William Humfrey *in Cairngillan*.  
 Robert Hunter *there*.  
 John Tunnock *in Wellflat*.  
 John Wilson *in Out-mains*.  
 John Harvey *in Overtoun*.  
 Alexander Harvey *there*.  
 Patrick Dalrymple *in Templand-burn*.  
 William Humfrey *in Wallstoun*.  
 Adam Humfrey *in Halrig*.  
 John Humfrey *in Birks*.  
 William Hunter *in Clum*.  
 Matthew Hood *in Torboltoun*.  
 William Spier *Son to John Spier Officer in Overtoun*.  
 Thomas Spier *there*.  
 Hugh Atkin *in Adam-croft*.  
 James Atkin *there*.  
 John Brackenrig *Taylor in Torboltoun*.  
 John Dunbar *in Auchinweik*.  
 John Campbel *in Yate*.  
 James Templeton *in*.  
 John Hunter *in Langlands*.  
 John Kirkland *Cordiner in Burnhouse*.  
 John Humfrey *there*.  
 Adam Humfrey *there*.  
 Robert Walker *Taylor in Torboltoun*.  
 Gilbert Wilson *in Path-head of Enterkin*.  
 William Campbel *in Boghead*.  
 John Fergusson *in the Mains of Enterkin*.  
 William Brackenrig *in Shakethil*.  
 Hugh Fleming *there*.  
 Adam Wilson *in Altoun-burn*.  
 William Dunbar *Weaver in Torboltoun*.  
 John Jamison *Son to Andrew Jamison in Enterkin*.  
 William Roxburgh *in Torboltoun Parish*.  
 John Hunter *in Blackhill*.  
 William Ingrham *in Cairngillan*.

*Riccartoun.*

James Spier *in Wraes*.  
 John and James Hillhouses *Sons to John Hillhouse in Hoodstain*.  
 Alexander Schaw *Servant to John Schaw in Moss-head*.  
 William Andrew *Coachman to Robertland younger*.  
 William Rofs *Servant to Hugh Rofs in Burn-foot*.  
 George Wilson *Servant to Adam Allan in Bog-house*.

*Town of Air, and Parish of Alloa.*

John Mitchel *in Air*.  
 James Richard Cooper *there*.  
 John Paterfon *in Alloa*.  
 Thomas Donaldson *in Air*.



John Martin *Merchant in Air.*  
Alexander Macculloch *Merchant there.*

*Dundonald.*

Robert Fulton *in Dundonald.*  
John Learmont *in Corsbie.*  
Thomas Roadman *in Dreghorn, now in Kilmawers.*

*Symontoun.*

David Wallace *in Waxford.*  
Siler *in Whitehill, Brother to David Siler in Dalkeith.*  
John Crawford *in Symontoun.*  
Hugh Crawford.

*Lowdon.*

John Nisbet *in Hardhill.*  
John Woodburn *in the Mains of Lowdon.*  
George Woodburn *there.*  
Robert Woodburn *there.*  
William Woodburn *there.*  
William Smith *there, Servant.*  
Hugh Nisbet *Son to the said John Nisbet.*  
James Nisbet *in Highside.*  
Thomas Donald *Servant to Alexander Nisbet in Knavacklaw.*  
Peter Aird *in Crimnan.*  
John Leitch *Shoemaker in Newmills.*  
John Richmond *younger of Know.*  
James Brown, *called Breichburn, in Newmills.*  
John Campbel *in Lowdon-byres, alias Bolt-loot, Officer to the Earl of Lowdon.*  
James Campbel *in Heads.*  
James Reid *in Meadow-head.*  
William Lambie *in Hareshaw.*  
John Cock *Portioner of Lowdon-hill.*  
John Napier *Cooper in Newmills.*  
Thomas Wood *in Windshiels.*  
John Thomson *in Foulpale.*  
John Brown *in Craeland.*  
Robert Rainy *in Lowdon.*  
Robert Brown *in Cross-house.*  
Andrew Aird *in Aldtoun.*  
William White *in Craigends.*  
John Wood *in Newmills or Guilfoor.*  
Robert Smith *younger in Lowdon-hill.*  
Patrick Murdoch *in Lowdon.*  
John Stuart *in Lowdonbyres.*  
Robert Black *Servitor to Hugh Alexander in Broadlie.*  
John Wylie *in Lowdon.*  
Matthew Gemmil *there.*  
Thomas Douglas *there.*  
John Nisbet *there.*  
James Hamilton *in Crae-lie.*  
Michael Torrence *in Habtoun.*  
Robert Craig *in Dykes.*  
Thomas Cameron *in Muirhead.*  
George Spence *in Mains.*  
John Campbel *in Over-muir.*  
Robert Montgomery *in Mill of Newmills.*  
John Gilbert *in Mains of Lowdon.*  
Archibald Jamison *in New-tack.*  
George Nimmo *in Lowdon-hill.*

*Finwick.*

Robert Wallace *Servant to John Hall in Glassel.*  
John Miller *Portioner of Raichmuir.*  
James Lindsay *in Glerfin.*  
Thomas Lindsay *his Son.*  
Alexander Dunlop *a Servant in Warnockland.*  
Robert Lauchlan *in Finwick.*  
Andrew Gemmil *in Bembreich.*  
John Gemmil *in Nether-arnes.*

John Gemmil *in Long-dyke.*  
Howie Tenant *in Lochgoin.*  
Howie *there.*

John White *in Hareshaw-hill.*  
James Kirkland *in Gedrham.*  
James Wallace *Son to James Wallace in Gree.*  
William Currie *Wright in Gree.*  
William Smith *in Warnockland, not being William Smith in Kilmawers.*  
William Fergusson *a Servant in Rowallan's Land.*  
William Wylie *in Shiland.*  
William Wylie *his Son.*

*Kilmarnock.*

John Finlay *in Burnhouses.*  
William Monkland *in Wallstoun.*  
James Brown *Glover in Kilmarnock.*  
Alexander Murkland *Bonnet-maker there.*  
Hugh Dickie *Servant to John Dickie in Crooked-holm Walkmill.*  
Andrew Wallace *in Kilmarnock.*  
John Gemmil *in Nether-black-wood.*  
John Brown *in Castlehill, for Refet.*  
Gavin Dunlop *in Holms.*  
John Gammil *younger, in Muirhouse.*  
John Atkin *Weaver in Boningtoun.*  
James Patrick *in Wardlaw.*  
John Wright *in Crooked-holm.*  
William Wylie *in Little-blackwood, or Groudar.*  
John Connell *in Monkland-mains.*  
John Craig *in Gleb-lands.*

*Stewartoun.*

James Smith *at the Kirk of Stewartoun.*  
Edward Smith *in Chapelstoun.*  
William Galt *at the Walk-mill of Wark.*  
John Galt *in Gatefide.*  
John Longmuir *in Loch-rig.*  
James Johnston *Cooper at the Kirk.*  
Matthew Barclay *in Babroch-hill.*  
Hugh Dunlop *in Kirk-ford.*  
Hugh Wat *in Stewartoun.*

*Kilmawers.*

John Miller *in Kilmawers.*  
Thomas Rainy *in Dalmusterlock.*  
Hugh Garvin *in Knockin-tibber.*  
Robert Rainy *in Finwick.*  
Thomas Gibson *in*  
Hugh Stevenson *in Knockin-tibber.*  
Alexander Armour *there.*  
Adam Biggar *in*  
Robert Smith *in Kilmawers.*  
John Kirkland *in Dalmusterlock.*

*Dunlop.*

George King *Miller in Aiket.*  
John Howie *Son to John Howie there.*  
Robert Weir *Servitor to Neil Alexander in Dunlop.*  
Robert Johnston *in Peacockbank.*

*Kilwinning.*

Robert Fergushill *Notar in Kilwinning.*  
Robert Guililand *in the Parish of Kilwinning.*  
William Wilson *in Kilwinning.*

*Town and Parish of Irwin.*

Thomas Bryce *in Irwin.*  
William Miller *Taylor there.*  
Alexander Stevenson *there.*  
William Macleith *Sailor there.*  
Robert Gardner *Smith in Irwin.*  
William Logan *Shoemaker there.*



*Stevenson.*

John Maclellan in *Stevenson Town.*

*Kilbride*

Thomas Frow in *Kilbride.*  
James Lusk *there.*  
John Lusk in *Laigh-ground.*  
James Boyd in *Kilbride.*

*Largs Parish.*

James Crawford in *Kelburn.*  
William Gald *Servitor to Alexander Thomson Walker in Largs.*  
William Ross in *Largs, formerly in Finwick Parish.*

*Carrick.**Commonel Parish.*

John Macmeiken of *Kill St. Ninian, forfeited.*  
Gilbert Eccles in *Kildonan's Land.*  
Alexander Gordon in *Leinzie of Kildonan.*  
Gilbert Macilwraith in *Dalwharroch.*  
John Macneish Son to Gilbert Macneish in *Farden.*  
Macneish his *Brother.*  
Alexander Maclemont *Weaver in Barbee.*  
Thomas Inglis *younger in Knockbreck.*  
James Macalexander Son to the *Laird of Corfclays.*  
John Macilvecok in *Hirkhill.*

*Ballantree.*

James Macneilly of *Auchairn.*  
Matthew Richmond in *Ballantree.*  
James Rowan in *Hardlagan.*  
Thomas Mackissoch in *Soft-lagan.*  
William Rowan *Brother to Robert Rowan in Ford-house.*  
David Rowan in *Smeirtoun.*  
Hugh Macilwraith of *Auchinlour.*  
Andrew Macgil Son to John Macgil in *Arietclyoch.*  
Thomas Maclung in *Balnoular.*  
William Macmeiking *Servitor to James Mackrerie in Craig in Glenap.*  
Arthur Maclemont in *Shallochan.*  
Robert Rowan in *Ford-house.*  
Finlay Rowan in *Smeirtoun.*

*Girvan.*

John Logie in *Milltown of Afil.*  
John Kellan in *Girvan.*  
John Macilwraith in *Dinvin.*  
James Fergusson in *Mill of Afil, for Refet.*  
William Lemond in *Pound-land.*

*Dailey.**Maclarchan Son to Andrew Maclarchan*

*Officer in Bargeny.*  
David Kennedy Son to John Kennedy in *Currow of Bargeny.*  
John Semple in *Eldingstoun.*  
John Stevenson *younger in Cambregan.*  
Thomas German *there.*  
Thomas Maccubin in *Blair.*  
John Macalexander *younger of Dumochrin, forfeited.*  
Gilbert German *Weaver in Dumochrin.*  
Hugh Purdin *Miller in Dumochrin.*  
John Brice in *Drumillan.*

*Barr.*

James Macjarrow in *Shang.*  
George Maclure of *Bennan.*  
John Macjarrow of *Pengeroch, forfeited.*  
Gilbert Macilwraith of *Dumorchie.*  
William Mackenna in *Holm of Lamdochty.*

William Macilveyand in *Merkland.*

John Muir in *Shang.*  
John Macalexander in *Doularg.*  
William Kellan at *Barr.*  
Robert Caldwell in *Bellimore.*

*Straitoun.*

John Muir Taylor in *Straitoun.*  
John Aiton in *Binnan.*  
Alan Carrie in *Largs.*  
William Carrie *there.*  
John Macgyalloch in *Clattie.*  
Hugh Macgyalloch *there.*  
Thomas Machaffie in *Largs.*  
James Sinclair in *Bennen.*  
William Logy in *Straitoun.*  
John Kennedy *Brother to William Kennedy there.*  
Thomas Mactire in *Bishop-land.*  
Andrew Mactire *there.*  
Robert Graham in *Glenhead.*  
John Muir in *Auchinroy, Son to David Muir there.*  
George Thomson in *Over-grimat.*  
William Macadam Son to *Quintin Macadam in Glen-head.*  
Alexander Brackenrig *Taylor in Straitoun Parish.*  
Thomas Black in *Brockloch.*

*Maybole.*

David Campbel in *Dintin.*  
Hugh Mar in the *Barony of Greenan*

*Kirkoswald.*

Matthew Donald in *Arleffin.*  
James Dykes *Gardiner in Thomastoun.*  
John Macilwraith in *Farden.*

James Boyd *Weaver in Mount-hilar, in Galtoun Parish.*  
David Reid in *Barneight, in Mauchlin Parish.*  
John Mitchel in *Dalgain, late Servant to the Lord Bargeny.*  
Robert Macgavin in *Cumnock.*  
Macjarrow of *Alti-albany.*  
William Campbel in *Townhead of Cumnock.*  
James Boyl *Servant to John Crawford now a Chapman in the said Parish.*  
William Aird in *Duncanzemar, in the said Parish.*  
John Stuart in *Shawood, not Shawood in St. Quivox Parish.*  
George Wilson *Piper in Whitehill, in Torboltoun Parish.*  
John Gray in *Sandgate, in the said Parish.*  
John Gray in *Torboltoun.*  
William Iogham *there.*  
David Chartres *Merchant in Townhead of Air.*  
Richard Riddel in *Air.*  
James Henry in *Powkelly, in Finwick Parish.*  
John Harper in *Arness, in the said Parish.*  
John Arnot in *Hareshaw-hill.*  
Alexander Cameron *younger in Hill of Powkelly, Parish foresaid.*  
William Henry in *the said Parish.*  
James Gemmil *Taylor in Mains, in Kilmarnock Parish.*  
John Anderfon *Servant to Matthew Paton in Rushaw, in the said Parish.*  
Brown Son to John Brown in *Castlehill, in the said Parish.*  
John Bicket Son to David Bicket in *Bonningtoun, in the said Parish.*  
Andrew Warnock in *Irwin.*  
Mr. John Cuninghame a *vagrant Preacher.*  
John Gray in *Irwin.*  
Gray his *Brother in-Law.*



John Gray *Servant to Bedland.*  
 John Garvin *in Irwin.*  
 John Maclean *in Dobistoun, in Dalley Parish.*  
 Thomas Macskimming *in Auchneicht, in the said Parish.*  
 William Mackena *Servitor to Mr. Fergus Macalexander in Barr Parish, not being William Mackena in Bar, who hath tested.*  
 John Maclerny *in Milltoun, in the said Parish.*  
 William Maclean *in Alti-albany, in the said Parish.*  
 John Macnabin *in Auchinsoul.*  
 David Macquarter *in Auchnaroch, in Kirkmichael Parish.*  
 William Thomson *in Drummore, in the said Parish.*  
 John Smith *in Drumlash, in the said Parish.*  
 Lockhart Son to David Lockhart *in Cranew, Parish forefald.*  
 John Bryce *Servant to Drumellan younger, Parish forefald.*  
 Thomas Gottrie *in Cairnhill, Parish forefald.*  
 Robert Macferries *in Macarlagtoun, Parish forefald.*  
 John Macquarter *in Drumhill, Parish forefald.*  
 William Dun *Servant in Ballagart, Parish forefald.*

*The Persons following were continued from the Circuit, to a Diet at Edinburgh, and are Fugitives for not compearing there.*

James Paterson *in Air.*  
 James Fergusson *in Ashlie-mill.*  
 John Aird *in Auchinlochbat.*  
 William Mitchel *in Creoch.*  
 John Hood *in Torboltoun.*  
 David Gemmil *in Horse-hill.*  
 William Gibson *Meal-maker, lately in Cote straw.*  
 William Macneilly Son to Alexander Macneilly now *in Mains of Arstinchil.*  
 John Arthur *in Borland.*  
 John Howie *in Craich-head.*  
 John Wilson *in Saltcotes, in Ardrossan Parish.*

#### Wigtoun.

Thomas Macneilly *in Portpatrick Parish.*  
 James Semple *there.*  
 Andrew Martin *of Little Aries, forfeited.*  
 William Kennedy *in Barnkirk.*  
 James Stuart *Son to Archibald Stuart in Causey-end.*  
 Patrick Vause *in Mochrum Parish.*  
 John Hay *Brother to Aryalland.*  
 James Macyacky *in Kenmuir.*  
 William Macjarrow *Servant to Culvennan.*  
 George Stroyen *in Kirkowan Parish.*  
 Archibald Stuart *in Causey-end.*  
 Alexander Clingen *in Kilellan.*  
 Alexander Hunter *of Culquhassen, forfeited.*  
 James Soffley *Merchant in Wigtoun.*  
 James Martison *in Glenapil, in Peningham Parish.*  
 John Hannay *at the Mill of Peningham.*  
 John Martison *in Glenmougil, in the said Parish.*  
 Hugh Macdoul *Weaver in Wigtoun.*  
 James Cairns *in Peningham Parish.*  
 John MacLurg *Smith in Monnigaff.*  
 Patrick Murdoch *of that ilk.*  
 Patrick Dunbar *younger of Machrimore.*  
 William Stuart *Son to Stuart Wadsetter of Larg.*  
 Anthony Stuart *his Son.*

Stuart his Son.  
 Michael Mactagart *Liferenter in Glasscock.*  
 Mr. William Hay *Brother to the Laird of Aryalland.*  
 John Mackilhaffy *in Craichley's Land.*  
 James Macyacky *there.*  
 William Wilson *in Stonraw.*  
 William Tarbran *late Bailie there.*  
 Joseph Macdoul *Servitor to Sir David Dunbar of Baldoon.*  
 Alexander Hay *of Aryalland.*  
 Alexander Maclellan *in Carse of Balterfan.*

#### Stewartry of Kirkcudbright.

Dam Smart *in Kirkcudbright.*  
 Samuel Gelly *Gardiner there.*  
 Samuel Campbel *Weaver there.*  
 John Heuchan.  
 James Robertson *Merchant there.*  
 Alexander Mackean *Taylor there.*  
 Thomas Paulin *there.*  
 Adam Macquhan *there.*  
 Gabriel Hamilton *there.*  
 John Clark *there.*  
 Alexander Mortoun *there.*  
 Robert Grier *in Lochinkit.*  
 James Mackartney *Flesher in Kirkcudbright.*  
 William Kevan *in Stockin.*  
 Neilson *younger of Corfack.*  
 Samuel Parker *Chapman in Twinham Parish.*  
 Alexander Birnie *in Colkegrie.*  
 William Halliday *in Glencape.*  
 James Macgowan *in Auchingask.*  
 Marrin *in Kirchrift.*  
 David Braidson *in Quarters.*  
 Thomas Sprout *in Over-barchaple.*  
 Halloun *in Lairmanoch.*  
 Robert Cadjow *in Craig.*  
 Hugh Mitchelson.  
 Alexander Campbel *Weaver, sometime in Uroch.*  
 John Chartres *in Tongland.*  
 Welsh *of Scar.*  
 Alexander Campbel *Miller, sometime in Uroch.*  
 James Durham *in Edgartoun.*  
 Anthony Macmillan *in Stonebrae.*  
 John Rae *in Slachgarrie.*  
 Richard Machefny *in Moit.*  
 John Carsey *in Blackmire.*  
 Archibald Machefny *in Balhassie.*  
 James Macdoul *Servitor to Henry Macculloch of Barholm.*  
 John Auchinleck *Son to John Auchinleck elder in Balgraden.*  
 Robert Miller *in Laigh Risco.*  
 Alexander Dugallstoun *in Lagan.*  
 David Macculloch *Son to the Laird of Ardweil.*  
 Gilbert Gie *in Marshaltoun.*  
 John Campbel *in Marbrack.*  
 Alexander Porter *in Lag.*  
 John Coltoun *in Nether-third.*  
 George Campbel *in Aresalloch.*  
 David Canon *in Firmastoun.*  
 John Gordon *elder in Garyhorn.*  
 John Macal *Weaver in Craigincarr.*  
 John Macmillan *sometime Servitor to James Fergusson in Trostan.*  
 Fergus Grier *in Brigmoor.*  
 James Macmillan *in Glenlie.*  
 John Macmillan *in Strangassie.*  
 James Gordon *in Largmore.*  
 Henry Gordon *in Lochsprey.*  
 Andrew Macmillan *Servant to New-galloway.*  
 John Crawford *Apothecary there.*



William Dempster in Armanandie.  
 Thomas Murdoch in Barnsalloch.  
 John Tait Taylor in Barmacellan.  
 Alexander Mein in Armanandie.  
 James Hook in Holm.  
 James Halliday in Fell.  
 William Macmillan in Aresalloch.  
 David Macle in Dalshangan.  
 James Clark in Marbrack.  
 Gilbert Macadam in Craigingilton.  
 William Grier Servitor to Marian Welsh in Glenhill.

James Anderson in Shalloch.  
 John Wright there.  
 James Currie in the Glen.  
 John MacLachrie in Larg.  
 John Macjore in Keirland.  
 Edward Gordon in Blac ke.  
 John Hannay at the Bridge-end of Dumfries.  
 John Macghie there.  
 Roger Macnaught in Newtown of Galloway.  
 Mr. William Gilchrist,  
 Mr. James Welsh,  
 Mr. John Hepburn,  
 Mr. James Guthrie,  
 Mr. John Forrester,  
 Mr. Lennox,  
 Mr. Thomas Wilkie,  
 Mr. Thomas Vernor,  
 Andrew Macmillan who haunts at Monnigaff.  
 William Schaw in the Parish of Borgue.

Preachers.

Mactagart sometime in the said Parish.

Robert Gordon in Kilmair.  
 John Gourley in Mondrogat.  
 George Short, } who haunts in Tongland Parish.  
 Robert Cochran, }  
 William Macmillan in Bredenoch.

Livingstone of Quintinespy.  
 Gilbert Caddel in Borgue Parish.

John Richardson there.  
 John Brice there.  
 William Macgawn there.  
 William Campbell there.  
 Walter and Gilbert Macghies there.  
 James Robertson there.  
 John Clinton there.

Crichton Son to Robert Crichton in Auchinshinoch.

Macmillan Son to John Macmillan in Glenlie.

Macmillan in Greenan.

Gibson Son to Robert Gibson in Overstrangafhel.

Gilbert Maceuen in Carsferry.

*Fugitives for Refet and Harbour.*

James Macnaught in Newtown of Galloway.  
 Gordon of Garrary.

William Macal in Holm of Daltanachan.

John Hook in Holm.

Robert Hillow in Hillowtoun.

Andrew Crock in Iron-crogo.

John Macmin in Fuffock.

William Raffil in Iron-ambrie.

Macjore in Kirkland.

John Herron sometime in Earlstoun, now in Hardland.

John Barber elder in Over-barley.

John Barber younger there.

John Barber in Nether-barley.

James Girran in Clachan.

James Macadam there.  
 Alexander Gourley in Greenan-mill.  
 James Macmichael in Clachan.  
 George Douglas there.  
 Edward Fergusson in Auchinshinoch.

John Corlan there.

Robert Grier in Reglen.

William Edgar of Gordonstoun.

George Macmichael in Carskep.

John Macmillan of Iron-daroch.

Andrew Wilson in Black-craig.

Robert Macmichael in Craiglour.

Alexander Macmillan in Glenrie.

John Brown in Nether-strangafhel.

John Macchesny in Hole.

Robert Gordon in Clachan.

Alexander Gordon there.

John Macmillan in Glenlie.

William Houston in Blareny.

John Geddes in Bartagart.

James Mulliken in Knocknoon.

John Mulliken in Barscob.

Samuel Cannon in Barnsalloch.

Mr. William Macmillan of Caldow.

Robert Gaa in Knocklie.

James Garmorie in Armanady.

Robert Mackartny in Quintinespy.

James Edgar in Drumakelly.

John Grier of Blackmark.

William Stuart, } both in Crofts.

Patrick Macjore, }

Gilbert Welsh in Bank.

James Turner, } both in Auchingibbet.

John Colin, }

James Garmorie in the Parish of Cortmichael.

John Garmorie in Trouden.

John Graham in Chapelearn.

Thomas and Robert Grahams in Ernefillan.

John Gelly in Iron-crogo.

John Clark in Drum.

John Auchinleck in Dalgredan.

Robert Crichton in Auchinshinoch.

John Hislop in Midajrds.

John Macmillan in Dunveoch.

*Follow the Women who are Fugitives for Refet.*

Marian Welsh in Glenhill.

Grizel Richardson in Arnworth.

Margaret Gordon in Mayfield.

Elspeth Anderson in Schaw-head.

Rebecca Macmichael at the Black-craig, in Dalry Parish.

Margaret Tod in Clachan.

Bessie Gordon there.

Jean Thomson at the Bridge of Orr.

Grizel Fullarton Good-wife of Balmagan.

Grizel Gordon in Over-ardwel, in Anworth.

Gordon Widow in Glenlie.

Mary Chalmers Liferentrix of Clairbrand.

John Welsh in Drumjowan.

Roger Macnaught in Newtown of Kells.

Gilbert Maceuen in Carsfairy.

William Macal in Clachan.

James Chapman there.

John Struthers in Monigaff.

Robert Gaa Smith in Clachan.

Henry Gordon in Dundeeuch.

Alexander Corlan in Newtown of Kells.



## Dumfries.

John Clark in Puskeoch.  
 Ninian Steel in Glengar, in the Parish of Penpont.  
 William Clark younger in Glenum.  
 John Glencorse in Carshogil.  
 Archibald Hunter in Terreran.  
 Thomas Hunter younger in Wood-end.  
 John Corfan at the Mill in Glencairn Parish, called Do-  
 Ebor Corfan.  
 James Gilkerse in Holm.  
 Alexander Muirhead in Glencarse.  
 John Matthison in Shankestoun.  
 James Corfan in Jerburgh.  
 William Harries in Kirkcudbright.  
 Alexander Macubie in Marquhan.  
 Robert Fergusson in the Parish of Glencairn.  
 John Grier there.  
 Andrew Fergusson late Servant to the Laird of Sten-  
 house.  
 William Wilson in Burnfoot, in Glencairn Parish.  
 Thomas Macmurdy in Barbuy.  
 John Maxwell Servant to James Grier Smith in Long-  
 mire.  
 James Harknes in Locharbain.  
 Alexander Nivinson in Kirk-bog.  
 Thomas Mulligen at the Mill of Closeburn.  
 John Padzean at the Mill of Bird-burgh.  
 James Gilkerse in Holms of Dalgarnock.  
 John Macauld in Cleugh-head.  
 John Wilson in Tinleoch.  
 Alexander Gibson in Ford.  
 Robert Matherstoun in Land.  
 James Harper in Bannan.  
 Alexander Gressie in Clogland.  
 James Mackeg in Milltown.  
 Walter Smith in Craighit.  
 John Paterfson in Macquithen.  
 John Macmillan Servitor to James Wilson in Straith-  
 milligan.  
 James Macgachan in Craigbuttoch.  
 Andrew Whitehead in Boig.  
 Robert Lauchison in Burnside.  
 John Glover in Barfhel.  
 James Osburn at Keir-mill.  
 James Watson in Hill-end.  
 John Harper in Portrap.  
 Robert Neilson in Dalswintoun.  
 Robert Morrin there.  
 Robert Cowan in Auchingeith.  
 James Smith in Dalswintoun.  
 James Robertson in Querrel-wood.  
 Gilbert Gilkerse in Auchin-hastning.  
 Archibald Paterfson in Clogland.  
 William Mulligen in Floors.  
 John Mulligen in Malo-ford.  
 John Smith Taylor in Dalgonar.  
 William Corfan in Jerburgh.  
 Robert Grier Chapman, sometime in Dumfries.  
 James Orichton also there.  
 William Fergusson Son to the deceased William Fergusson  
 in Three-rigs.  
 Robert Dalziel in Cleugh-foot, in Dalgarnock Pa-  
 rish.  
 John Macauld in Tibbers.  
 John Weir Wright at the old Kirk of Dunscore.  
 Robert Mulligen Son to James Mulligen in Beu-  
 chan.  
 Halbert Gaa Son to the deceased Thomas Gaa in Dum-  
 fries.  
 David Watson Son to the deceased James Watson at the  
 Ouse-mill.  
 Smith Son to John Smith Weaver at Com-  
 monel.

William Spence in Amsfield.  
 John Monel at the Runner-foot.  
 Robert Fergusson in Fore-mulligan.  
 William Macneilly Merchant, sometime in Dumfries.  
 Robert Cuninghame in Ketloch.  
 Daniel Macmitchel in Lurg-foot.  
 John Gibson in Inglisboun.  
 Robert Maceuen Taylor in Creichen, in Glencairn.

## Fugitives for Reset and Converse.

John Hunter elder in Chapeland, now in Auchin-  
 hastning.  
 James Mulligen in Beuchan.  
 John Ker in Monygryle.  
 James Kelman Chapman.  
 John Frissel Son to Thomas Frissel in Auchincairn.  
 John Harper in Killling.  
 John Harper in Bannan.  
 Agnes Scot Widow in Cocketfield.  
 William Mulligen in Mortoun-mains.  
 Thomas Harknes in Locherbain, or Laign.  
 William Harknes in Mitchellslaks.  
 John Gilkerse in Holms of Dalgarnock.  
 John Coulter in Linns.  
 John Copland in Drumcork.  
 Thomas Hunter elder in Wood-end.  
 John Laidley in Coig.  
 John Hunter in Belagan.  
 William Hunter in Auchinbastning.  
 Thomas Hoatson in Garvack.  
 Thomas Hunter in Brackenside.  
 William Lorimer in Mortoun-mill.  
 John Glencorse in Bannan.  
 John Johnstoun in Dalswintoun.  
 James Corsbie at Glencairn Kirk.  
 John Glencorse in the Parish of Tinran.  
 Andrew Bell in Kirkland.  
 Edward Maxwell of Straquhan.  
 John Nicolson in Querrelwood.

## Stewartry of Anandale.

John Latimer in Cocket-hill.  
 Thomas Latimer there.  
 John Johnstoun there.  
 John Forsyth in Carthar.  
 John Armstrong there.  
 Andrew Raining there.  
 Matthew Armstrong in Robet-head.  
 James Gafs there.  
 William Craik there.  
 Adam Johnstoun Merchant in Moffat.  
 James Johnstoun in Hayhill.  
 William Hannan in Foulraw.  
 George Bell in Castlehill.  
 John Paterfson in Sclate-mire.  
 Robert Adamson in Moffat.  
 John Clark in Nunrie.  
 William in Shortlie.  
 James Moffat Chapman in Crawford-muir.  
 James Forsyth in Carthar.

## Selkirk Shire.

William Stoddart in Tinnis.  
 John Curriel, } Chapman Travellers.  
 James Thomson, }  
 Andrew Scot,  
 John Speiden Weaver in Fairnielic.  
 Adam Wilson Servant to George Frater Weaver in  
 Gallow-shiels.  
 Alexander Brownfield Servant to John Small Wright  
 there.

Thomas



Thomas Symontoun *Servant to James Mein in Laidley-shiel.*  
 John Thomson *Son to John Thomson in Penchrift.*  
 William Inglis *Servant to William Lewis in Catlack-burn.*  
 Robert Gill *in Gallow-shiels.*  
 Alexander Kirkwood *Weaver there.*

## Peebles Shire.

William Forbes *Servant to Thomas Weir in Slat-hole.*  
 Thomas Weir *Merchant Traveller.*  
 James Mitcel Cooper *in Lintoun.*  
 Adam Hunter *in Fingland.*  
 James Ramage *in Skirtlin.*  
 James Richardson *Taylor in Logan.*  
 William Porteous *in Earls-haugh.*  
 James Welsh *in Fingland.*  
 George Hunter *in Corehead, for Refet.*  
 John Welsh *in Munion.*  
 James Nicol *Vagabond in the said Shire.*

## Roxburgh Shire.

James Blackie *Portioner of Melrose.*  
 David Gibson *Chapman there.*  
 Andrew Clark *Merchant in Gattoun-side.*  
 James Mercer *lately in Melrose, now in Yarow.*  
 Andrew Turnbull *Farmer at the Bridge-end of Melrose.*  
 Nicol Cochran *in Newtown.*  
 John Wright *Smith in Darnick.*  
 Walter Davidson *Feuar in Melrose.*  
 Patrick Davidson *there.*  
 Patrick Black *Servant to Andrew Tanno there.*  
 Thomas Benzie *Chapman Traveller.*  
 Michael Shiel *Son to James Shiel in Haugh-head.*  
 Robert Mabane *in Newstead.*  
 George Moffat *Servant to Buckholm.*  
 Thomas Symontoun *there.*  
 David Martin *in Gattoun-side.*  
 James Forlan *Miller in Newstead.*  
 Thomas Oliver *Son to James Oliver in Ash-trees.*  
 Andrew Jardin *in Dyke-raw.*  
 John Laidley *in Justice-lies.*  
 Andrew Oliver *Son to Andrew Oliver in Barnkine.*  
 Archibald Shiel *in Mac-side.*  
 John Shiel *in Gate-house-cote.*  
 Adam Rutherford *in Bonchester-side.*  
 Walter Shiel *in Abbot-rule.*  
 Andrew Young *Portioner of Cavertoun.*  
 John Graham *Servant in Newton.*  
 James Owen *in Birk-hill.*  
 James Turnbull *Portioner of Swansheil.*  
 James Glendonnyng *in Burgh, in Cavers Parish.*  
 Adam Ledan *in Little-cavers.*  
 William Armstrong *in Horse-lie.*  
 Thomas Brown *Servitor to John Wilkie in Haffindean.*  
 Patrick Oliver *there.*  
 John Ker *Gardiner in Knows.*  
 James Johnstoun *late Servant to John Turnbull in Cavers.*  
 William Laidley *in Little-cavers.*  
 James Laidley *in Kirkcoun.*  
 George Turnbull *near Ederstoun-shiels.*  
 George Tailfer *there.*  
 Walter Noble *Taylor in Effadze.*  
 George Ormiston *Son to John Ormiston in Ormiston-mains.*  
 John Shiel *in Buismill.*  
 Shiel *his Brothers.*  
 George Hodge *Gardiner in Sticheh.*

James Davidson *in Hole-field.*  
 John Burnet *Servant to John Paterfah in Gare-side.*  
 Andrew Hare *Servant to Andrew Ainslie in Cleugh.*  
 John Elliot *Son to Andrew Elliot in Nether-chatto.*  
 Alexander Wood *Servant to James Fals Mason in Kelso.*  
 Mark Hunter *Son to Hunter in Ancrum.*  
 William Davidson *Taylor in Kelso.*  
 James Riddel *Wright there.*  
 John Hodge *Weaver in Roxburgh.*  
 Thomas Yellow-lies *Servant to John Mein in Barns.*  
 Francis Murray *Herd in Nether-chatto.*  
 John Fletcher *Servant in Over-chatto.*  
 William Gilroy *Brother to John Gilroy in Ruthersford.*  
 Thomas Turnbull *in Ashlie-burn.*  
 Robert Turnbull *his Brother.*  
 William Robertson *Servant to Robert Grieson in Clairlaw.*  
 William Wylie *in Belfhes.*  
 Thomas Avair *in Bowdoun.*  
 William Macal *there.*  
 James Brown *Servant to Fauch-hill.*  
 John Lindsay *in Spittle-land.*  
 William Turnbull *Brother to Bewlie.*  
 William Laing *in Earl-side.*  
 William Armstrong *in Acre-know.*  
 Thomas Storie *there.*  
 William Wigholm *in Newtown.*  
 John Anderfah *in the Barns.*  
 James Scot *in Laick.*  
 Walter Atkin *Servant in Chatto.*  
 Andrew Moir *in Nethertoun-shiel.*  
 James Glendonnyng *in Stobat-cote.*  
 Patrick Tailfer *in Haffindean.*  
 Thomas Braiden *Merchant in Hawick.*  
 William Turnbull *Merchant there.*  
 Walter Scot *Brother to Thomas Scot Taylor there.*  
 Robert Gladstones *there.*  
 John Clunie *Barber there.*  
 Thomas Turnbull, *called Captain*  
 James Turnbull *in Swan-shiel.*  
 Andrew Lamb *in Newlands.*  
 James Glendonnyng *in South-field.*  
 Walter Laidley *in Ormiston.*  
 John Bell *Servant in Gorrinberry.*  
 James Johnstoun *in Cavers.*  
 John Bell *in Nethertoun-shiels.*  
 James Scot *in Humble-know-mill.*  
 Robert Scot *Son to John Scot in Weits.*  
 Robert Scot *sometime Saddler in Fanesh.*  
 Thomas Scot *Servant in Hill-house-land.*  
 John Stuart *in Cavers.*  
 Andrew Rainy *Taylor.*  
 John Ramsay *in Hawick.*  
 Andrew Riddel *in Little-cavers.*  
 Andrew Lamb *Servant to Andrew Ogilvie.*  
 George Scot *Son to Thomas Scot in Bonchester.*  
 John Porteous *Weaver in Ancrum.*  
 William Armstrong *in Tom-shiel-burn.*  
 Robert Elliot *in Cruikham.*  
 Johnstoun *fourth Son to Bangleish.*  
 Thomas Beatie *Taylor there.*  
 Thomas Hodge *Schoolmaster in Nisbet.*  
 William Ronaldson *Webster in Jedburgh.*  
 William Elliot *Son to William Elliot in Nether-chatto.*  
 Mr. Adam Alcorn *in Kelso.*  
 John Davidson *there.*  
 Davidson *Son to Henry Davidson in Hole-field.*

William



William Faside in Ancrum.

Mr. George Barclay,

Mr. John Rae,

Mr. Thomas Douglas,

Mr. Forrester,

Mr. Lamb,

Mr. David Hume,

Mr. John Kae,

John Owens in Melrofs Land.

James Paterfon Weaver in Daingeltoun.

Robert Tait in Hungburn.

Turnbul Son to Adam Turnbul of Hawthorn-  
side.

Patrick Wright Servant to Grubet.

Adam Laidley in Little-cavers.

Thomas Turnbul in Repertflaw.

John Turner Son to Richard Turner in Liliat-leaf-  
mill.

Henry Laing Merchant in Kelfo.

William Edgar Servant to Newtown.

Robert Elliot in Stobs.

John Wood lately in Kelfo, now in Lanerk-shire.

James Purves Cooper in Ednam.

Scot in Maxwell-heugh, a Taylor Journey-man,  
who haunted in Greenhead's Land.

William Wright sometime Servant to Sir William Ben-  
net of Grubet.

John Smith Cordiner, sometime in Kelfo.

Red-path in Newtown.

James Purves in Stichel.

Alexander Wood Mason, Servant to James Faa Mason in  
Kelfo.

John Lauchop in Melrofs.

Matthew Rutherford in Over-chatto.

John Gilry in Rutherford.

Thomas Shiel in Denholm.

John Hall in Woollie-mill, Servant to Andrew Turn-  
bul there.

John Elliot in Cruik-hame.

Robert Elliot in Bait-bank-head.

James Greenshiels in Birnie-know.

Thomas Wauch Son to Thomas Wauch in Glender-  
head.

George Shiel in Kelfo.

James Dun Weaver in Nether-ancrum.

John Smith Son to James Smith in Nether-an-  
crum.

George Young Servant to George Gray in Rupert-  
law.

Thomas Moffat Merchant Traveller.

Robert Wright Smith in Langshaw.

Alexander Rofs in Nenthorn.

Adam Storie at Chester-house.

George Lamb about Bonjedburgh-mill.

George Young in Bedrule.

Robert Young his Brother.

James Young their Brother.

John Simpson in Stobie-cote.

Robert Tait in Hagburn.

Robert Elliot in Stobs.

John Thomson in Mabinshaw.

John Turnbul Candlemaker in Hawick, for Refet.

Robert Mercer in Darnick, for Refet.

John and Andrew Riddels in Newtown, for Refet.

James Turnbul Feuar there, for Refet.

Thomas Turnbul in Nether-ancrum.

William Lamb Walker in Bonjedburgh.

James Shiel in Laidley-keil.

John Hog Weaver in Bonjedburgh.

James Grieve in Nether-ancrum.

Adam Linlithgow in Melrofs.

Thomas Halywel in Gattounside.

Thomas Turnbul of Know, for Refet.

### Berwick Shire.

Paterfon Son to George Paterfon in Soutry.

John Linlithgow in Earlstoun.

Thomas Flebairn there.

Thomas Carter in Ligertwood.

Mr. Alexander Shiel Son to James Shiel in Haugh-  
head.

John Nairn Servant in Home Parish.

Robert Leich late Servant there.

George Miller Talar in Middle-third.

John Pringle Servant in Ligertwood.

Andrew Storie Taylor in Bassindean.

David Brown Feuar in Whitsome.

James Brown there.

Alexander Galbraith Son to Alexander Galbraith in  
Chirnside.

James Reston in Huttoun.

George Allan in Paxtoun.

George Turnbul Son to Hector Turnbul there.

James Reston younger in Whitsome.

Paul Cowan in Presttoun.

Alexander Brown in Birkenfide.

Thomas Steil in Martin.

John Blackie Son to Blackie in Kittle-na-  
ked

Edward Lilburn in Hacklie.

Thomas Pringle sometime in West-struther.

James Laidley in Weatherlie.

Thomas Tait sometime at Flash.

James Galbraith in Mordingtoun.

William and John Yeomans in Idingtoun.

Robert Wilson in Leitholm.

George Dickson Servant to the Relist of Alexander  
Hume Portioner of Hume.

John Wright Smith in West-gordon.

John Simpson sometime in Idingtoun, now in Berwick-  
bounds.

William Tunoch in West-struther Parish.

John Calder sometime in Whitsome.

David Brown lately there, a Webster and Feu-  
ar.

James Cowan Farmer in Idingtoun.

John Hastie Farmer there.

Andrew Wood Servant to John Wood in Green-law.

Alan Gowdie sometime in Lady-kirk, now in

Elfpeth Lorain in Mordingtoun, for Refet.

Thomas Service in Birghame.

Thomas Yeoman in Idingtoun.

George Forrester in Paxtoun.

David Cowan Servant to William Ker Uncle to Green-  
head.

### Haddingtoun.

James Johnstoun Son in Law to the Forrester of Pan-  
cattland-wood.

James Moubray now in the Barony of Broxburn.

William Cathie Servant to David Oswald of East-  
barns.

John Young Servant there.

James Stevenson Wright there.

Alexander Carril Weaver in Newtown-lies.

James and Patrick Trails in East-barns.

William Barnaby Servant to William Cowan in Belton.

William Wat Servant to John Dawson there.

George Tod Weaver in Tinninghame.

David Anderson Servant in Tenninghame.

Richard Shireff Son to Patrick Shireff in Knows.

John Carfrae Servant in Houstoun.

Patrick Johnstoun Cordiner in Haddingtoun.

Mr. Robert Langlands Son to George Langlands lately  
in Elvingstoun.

Alexander



Alexander Campbel, } *Chapmen in Wester Pancaitland.*  
 John Knight,  
 Thomas Brown in Standers.  
 James Burn *Servant to William Wilson in Nun-*  
*gate.*  
 George Knox in Laehead.  
 Andrew Alison *Chapman in Inverwick.*  
 Thomas Bell in East-barns.  
 Cornelius Lyel *there.*  
 John White *Chapman in Prestoun.*  
 James Tailor *Servant to the Lady Long-forma-*  
*cus.*  
 John Simpson *Chapman in Broxburn.*  
 William Stevenson *Servant to Mr. John Reid in*  
*Preston-pans.*  
 Robert Brotherstones *Glover in Prestoun.*  
 Archibald Wilson *Lister there.*  
 John Inglis *Son to James Inglis Weaver in Wings.*  
 Andrew Redpath *Son to John Redpath in Middle-*  
*moninet.*  
 John Lyel *Shoemaker in Inverwick.*  
 William Lyel *Shoemaker there.*  
 Thomas Badger *Servant to Patrick Cowan Smith*  
*there.*  
 Thomas Sanderson *Servant to William Knox.*  
 John Alison, *Servants to the Lady Whittinghame.*  
 John Neilson,  
 William Kello *Servant to George Knox in Lae-*  
*head.*  
 James Fowler in Pople.  
 Andrew Dickson *Chapman in Howdoun.*  
 Adam Ker *Servant to Thomas Caldwell in Rander-*  
*stoun.*  
 William Knight in Over-keith.  
 James Thomson *elder in Elphinstoun.*  
 James Johnstoun in Ormiltoun.  
 William Shiel *Coalier at Elphinstoun.*  
 Patrick Barber Baxter in Tranent.  
 James Miller Smith in Wiltoun.  
 Thomas Craig *Brother to William Craig in Inver-*  
*wick.*  
 John and William Grieves *Websters in Wood-*  
*hall.*  
 James Heriot in Popiltoun.  
 James Bridges *Lister in Nungate.*  
 Adam Hishop in Barns-mill.  
 William Brotherstones *late in Elvingstoun, now in*  
*Heilie.*  
 William Blair *Servant to Redpath in Middle-*  
*moninet.*  
 John Paterson *late Servant to the Lady Whittin-*  
*ghame.*  
 William Yuil in Traprain.  
 Alexander Bartol in Ormiltoun.  
 Halyday *Son to James Halyday in Elphin-*  
*stoun.*  
 William Stevenson in Prestoun-pans.

## Edinburgh Shire.

William Cranstoun *Servant in Goodtrees.*  
 James Harvey *Merchant in Dalkeith.*  
 Thomas Henryson *late there.*  
 Thomas Ramsay in Carringtoun.  
 Robert Wiffen *there.*  
 George Pentland *Servant to James Wilson there.*  
 George Haig *Wright there.*  
 William Cumming in Stobs.  
 Alexander Bogholm *late in Carringtoun Pa-*  
*rish.*  
 David Williamson *Barrowman to Sir John Nicolson*  
*of that ilk.*  
 Robert Keddie *Servant to the Gardiner of Nicol-*  
*son.*

John Tinto *Servant to Stephen Brown in Nicolson.*  
 James Barrowman in Espertoun.  
 Robert Niven *there.*  
 John Bryson in Nether-shiels.  
 Simon Lewis in Castletoun.  
 James Pringle in Longfauch.  
 James Douglas *Vintner in Stow.*  
 Thomas Wilson *Wright there.*  
 James Stoddart in Shiellie.  
 George Dickson in Little-catpair.  
 James Turner in Stow.  
 David Ancrum *there.*  
 John Smeabeard in Torcraik.  
 Robert Wright in Gateside-hall.  
 John Brown in Lady-side.  
 Robert Ronald in Fala-hill.  
 Alexander Multerer in Mid-calder.  
 John Brown *Smith there.*  
 Thomas Ferrer *Herd and Weaver in Mooriestoun.*  
 John Young *Son to Thomas Young in Guill.*  
 Thomas Williamson *Son to James Williamson in O-*  
*ver-cranstoun.*  
 James Graham *Servitor to Thomas Paterson in Lum-*  
*phoy.*  
 John Wallace *Gardiner to Mr. John War of Rose-*  
*hill.*  
 Andrew Henryson *Weaver in Mooriestoun.*  
 Robert Brown *Taylor in Calder-town.*  
 James Mitchel in Ratho.  
 James Pettigrew *Servant to James Thomson in Bon-*  
*ningtoun.*  
 David Somerwel *Prentice to Thomas Somerwel his*  
*Brother.*  
 John Moutray, } *in Easter-calder.*  
 William Aikman, }  
 Patrick and Alexander Stuarts in Ingliftoun.  
 Gavin Wallace *there.*  
 Samuel Black *Servant to Margaret Lawson there.*  
 Andrew Mackornet in Bog-end.  
 John Murray of Lumph-ford.  
 Alexander Henryson *Merchant, sometime Schoolmaster*  
*about the Foot of the We -bow.*  
 George Pringle *late in Cowisland, sometime in Wool-*  
*struther.*  
 William Steil *Coalier, sometime at Newhall in Penni-*  
*cook Parish.*  
 William Cranstoun in Stow.  
 Douglas *about the Stow.*  
 James Balleny *younger, at Hartburn-head.*  
 Alexander Marshal *Brother to Thomas Marshal*  
*there.*  
 Thomas Hardy *near to West-calder-kirk.*  
 James Young *Weaver at West-calder.*  
 Robert Anderson *Brother to William Anderson at*  
*Blackmire.*  
 John Purdie in Chimmes, *Tenant to Douglas of Mor-*  
*toun.*  
 John Hamilton *sometime in Phumpherstoun.*  
 James Lindsay in Selms.  
 James Tennant in Letham.  
 William Aikman *Wright in Calderclear.*  
 George Bryson in Gourfnout.  
 Patrick Stuart in Westertoun of Ingliftoun.  
 Alexander Stuart *there.*  
 James Henryson *Son to Thomas Henryson there.*  
 William Reid *Shoemaker, sometime in Fisher-row.*  
 Nicolson *Servant to Robert Burnton Shoemaker*  
*in Dalkeith.*  
 Hamilton in the Mains of Ingliftoun.  
 William Schaw *Cordiner in West-calder.*  
 Stoddart *Son to James Stoddart, who lived at*  
*Gallow-water.*  
 Mr. Archibald Burnet *Son to Mr. Robert Burnet At-*  
*tocate.*



John Row Chamberlain of Carrington.  
George Young in Waterstoun.

*Linlithgow Shire.*

James Gilbert Servant to James Claissen in Cou-  
stoun.

Alexander Forsyth Tenant in Livingstone.

John Ravilton Shoemaker there.

Patrick Smith Servant to Patrick Claissen in Carmon-  
den.

William Ferrer Servitor to Alexander Brice in Little-  
dechmont.

William Mill in Auchin-hard.

John Dick Son to William Dick in Breich.

John Henryson in Whiteburn.

James Wedderlie there.

George Wardroper in Easter Whiteburn.

James Wardroper in Craigmalloch.

James Steil in Dunheigh.

John Lillie Threadmaker in Borrowstounness.

John Drysdale Weaver there.

James Taylor Weaver there.

Robert Short Cordiner there.

Alexander Watson Taylor there.

Thomas Philip in Falkirk.

Mungo Wallace in Blackness.

John Gib in Craigtoun.

David Savage in Philipstoun.

Alexander Reid in Humble.

William Miller in Steils-land-head.

James Wood in Gallowscruik.

James Young in Dundas.

Duncan Fergusson in the Ferry.

John Dougal there.

James Steedmont in Duntarvie.

Adam Dauling in Carlowrie.

Alexander Anderson in Kirklistoun.

William Angus Servant to Alexander Reid in Humble.

William Thomson Taylor in Queensferry.

Duncan Forbes there.

James Barker in Craigie.

James Gib in East-end of the Ferry.

John Thomson in Dundas.

David Ranlton Servant to Alexander Tailfer Smith  
in Riccartoun.

James Stuart in Bathgate.

James Nimmo Son to William Nimmo in Boghall.

James Angus in Kirkton.

John Maculloch Servant to Serjeant Pottison in Linlith-  
gow.

Thomas Borthwick Servitor to John Grieve Cordiner  
there.

David Jamie younger there.

James Johnstoun pretended Captain to the Rebels.

David Savage Taylor in Ochiltree.

John Rae Servant to Andrew Powrie Apothecary in Lin-  
lithgow.

William Kennedy Servant to Andrew Duncan Treasu-  
rer there.

William Jack Sclater there.

George Laplie Miller in Linlithgow.

John Deuchan Weaver there.

James Miller in Goremore.

Andrew Elmont under Dechmont.

George Johnstoun Son to John Johnstoun in Tail-end.

James Watchman Seaman in Borrowstounness.

Alexander Reid in Strabrock Parish, under Car-  
drofs.

George Ravilton Taylor in Craigtoun.

George Robertson in Duntarvie.

Alexander Waston S ervitor to Patch Young in Bridge-  
house.

John Vauch Servant to John Salmond in Kirking-  
shaw.

John Brown in Barlornie.

William Auld Servitor to John Fleming in Red-  
burn.

Peter Russel Son to Robert Russel in Bedlornie.

Robert Walker Servitor to Robert Gray there.

Thomas Muir Servitor to Duntarvie.

Archibald Cuthbertson Cooper, haunting about Calder-  
muir.

John Jamison Skipper in Queensferry.

Alexander Bishop Servant to John Thornton in Da-  
vids-town.

George Young Weaver in Loan-head.

Patrick Hardie in Houstoun's Land.

Patrick Allan Son to James Allan Goodman of Kinca-  
vel.

Smith in Riccartoun Park.

Arthur Thomson Servant to Robert Russel of Bank-  
head.

James Stuart in Bathgate.

Thomas Hall in Bancrief-land.

David Houstonn in Goremore.

John Henryson in Brow.

John Edie Son to Alexander Edie in South-logiebrae.

*Fugitives for Rebellion and treasonable Crimes,  
since November 1683.*

William Cuthbert Weaver in Hamiltoun.

James Begg in Whiteholm.

William Howatson in Pinclo.

James Shiel in Meikle-hill.

William Douglas in Lauchop-mill.

James Crawford in Rigg.

John Browning elder in Riccartoun in Air-shire.

Hugh Atkin in Torboltoun.

James Aird younger in Muir-kirk.

Thomas Steil in Martin, in Berwick-shire.

Thomas Forrester in Carden, in Stirling-shire.

John Macadam in the Parish of Cardrofs.

Hector Paton in Mauchlin } both in Air-shire.

Matthew Paton there,

John Cuninghame in Powkelly, in the said Shire.

Robert Gilkerson in Carluke, in Lanerk-shire.

Gavin Wood Wright in Glasgow.

Walter Lockhart of Kirkton.

Joseph Henryson in Craigmog.

John Young in Threpland,

Andrew and William Youngs his Sons, } in Renfrew-shire.

James Spreul Apothecary in Paisly.

John Hutchison Portioner of Newbottle.

Sir John Cochran of Ochiltree.



*Proclamation against Rebels, July 22. 1684. N<sup>o</sup>. XCV.*

**C**HARLES, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith: To Our Lyon King at Arms, his Brethren, Heralds, Mace-bearers of Our Privy Council, Purse-bearers, Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting. Forasmuch as, by the Nature of the Monarchy devolved upon us by God Almighty alone, and by the inherent Privilege and Prerogative of the imperial Crown of this Our ancient Kingdom, We are sufficiently impowered to take such Courses and Methods, as, according to the Circumstances of the Times wherein We are stated, may best secure Our Royal Government, and Our innocent and peaceable Subjects: As also by the Laws and Acts of Parliament of this Our Kingdom, all Sheriffs, Stewards, Lords, and Bailies of Regalities and Bailiaries, and their Deputies are obliged, when any rebellious and disorderly People appear openly in any of their Jurisdictions, to con-vocate Our Lieges, and to raise the Hue and Cry against them, and never leave the following and pursuing of them, till they be chased out of the said Jurisdictions, and to take and apprehend them, and bring them in, and present them to Justice; and that the Heritors, Commons, and generally all Our Lieges, are bound to concur with them. In which, if they fail, as in that which is their Duty, We must take such other Courses as may most effectually secure Our Royal Government, and good Subjects. Yet it is undeniable, that, for many Years, great Numbers of armed Rebels have most insolently and rebelliously gathered them-selves together, and have not only marched up and down Our western Shires of *Cheshire*, and other Shires, besouth the River of *Forth*, but have assaulted and murdered severals belonging to Our Forces, burnt Our Laws, and excommunicated Our sacred Person; and of late, in the Month of *June* last, about Two hun-dred armed Rebels have presumed, to the great Contempt of Our Authority, to march openly through se-veral of the said Shires for many Days together, threatening the orthodox Clergy, and murdering Our Sol-diers, and have, at last (when they found it convenient) disappeared, being certainly and undeniably harboured, and refert by the Inhabitants of those Shires, without sufficient Diligence done by the Sheriffs, and Inhabitants of the said Shires, either for dissipating them, or for discovering their Referters, and bringing them to Justice; by which Preparative (if allowed) all Rebels may safely rise in Arms, and yet be secure. We therefore, with Advice of Our Privy Council, do hereby command and charge Our Sheriffs, Stewards, and others in the several Shires foresaid, as they will be answerable upon their Duty, and highest Peril (with whom We command the Heritors and Commons to concur) to apprehend, and bring in to Ju-stice the Persons of the said Rebels, who appeared openly in the said Shires, and to discover to Us, and Our Privy Council, betwixt and the Fifteenth Day of *August* next, all such as did refert and in-tercommune with them; with Certification, that, if they fail, We will, for preserving the publick Peace, and Our good Subjects, take such other effectual Courses, as, in Our Royal Prudence, We shall find most fit for preventing Rebellions, and securing the publick Peace in the Shires abovementioned. And to the ef-fect Our Pleasure in the Premises may be known to all Our Lieges, Our Will is herefore, and We charge you strictly, and command, that incontinent, these Our Letters seen, ye pass to the Market-crosses of *Ean-burgh*, and whole remanent Market-crosses of the head Burghs of the Shires of this Kingdom, on this Side of the Water of *Forth*, and there, in Our Name and Authority, by open Proclamation, make Publication of Our Pleasure in the Premises, that all Persons concerned may have Notice thereof, and give punctual Obe-dience thereto. And We ordain the Sheriffs of the said Shires to cause forthwith publish this Our Proclama-tion, at the several Market-crosses within their respective Shires and Parish Kirks, and the Ministers of the respective Parishes to read the same from their Pulpits upon a *Sabbath*-day, after divine Service.

*Given under Our Signet, at Edinburgh the Twentysecond Day of July, One thousand six hundred eighty and four, and of Our Reign the thirty sixth Year.*

*Per actum Dominorum secreti Concilii.*

*Will. Paterson Cl. Secr. Concilii.*

God save the King:

*Cesnock's Indictment. N<sup>o</sup>. XCVI. A.*

**S**Ir Hugh Campbel of Cesnock indicted and accused, that where, notwithstanding by the Laws and Acts of Parliament of this Kingdom, and constant Practick thereof, the Rising of his Majesty's Subjects, or any Number of them in Arms, without and contrary to his Majesty's Command, Warrant and Authority, and the aiding, abetting, assisting, referting, supplying, intercommuning, or keeping a Correspondence with o-pen and manifest Rebels, and the outhounding or ratihabiting of them, or doing them any Favours, are Crimes of high Treason, and punishable with Forfeiture of Life, Lands and Goods; and by the 3 Act, 1 Parl. King Jam. I. it is statute, That no Man rebel against the King's Person under the Pain of Forfeiture of Life, Lands and Goods; and by the Fifth Act of his Majesty's First Session of his First Parliament, it is declared, That it shall be high Treason to the Subjects of this Kingdom, or any Number of them, more or less, upon any Ground or Pretext whatsoever, to use or continue in Arms, to make Peace, or War, or any Treaties, or Leagues with foreign Princes or Estates, or amongst themselves, without his Majesty's Special Authority and Approbation first interponed thereto.



And all his Majesty's Subjects are discharged, upon any Pretext whatsoever, to attempt any of those Things under the Pain of Treason. And by the 37 Act, 2 Parl. Jam. V. it is declared, That no Man wilfully maintain, or do Favours to open and manifest Rebels against the King's Majesty, under the Pain of Forfeiture; and by the 144 Act, Parl. 12. Jam. VI. it is statute and ordained, That no Man openly or notoriously rebel against the King's Person or Authority, or make War against the King's Lieges; and that where any declared Traitors or Rebels repair, in any Part of this Realm, none of his Majesty's Lieges shall presume to refect, supply or intercommune with them, or give them Meat, Drink, House, Harbour, or any Relief or Comfort, under the same Pain for which they are forfeited, or put to the Horn; and that immediately, upon Knowledge of their repairing in the Bounds, all his Majesty's obedient Subjects do their exact Diligence, at the utmost of their Power, in searching, seeking, taking and apprehending of the said declared Traitors, and presenting them to Justice, or in following of them while they be taken, and expelled, and put out of the Shire; and immediately to make Intimation to the Magistrates and Persons of Power and Authority in the next Shire, who shall be holden to do the like Diligence without Delay, and so from Shire to Shire, while they be apprehended and brought to Justice, or expelled and put forth of the Realm; and that they, with all possible Speed, certify his Majesty, or some of his secret Council, or some of the chief Persons of Authority and Credit dwelling within the same Shire, that such Persons are within the same, wandering about the Country, or lurking in any Part thereof, under the Pain that the Traitors or Rebels ought to have sustained in Bodies or Goods themselves, in case they have been apprehended, presented and convicted by Justice; and by the 14 Act, 6 Parl. Jam. II. it is declared, That all who shall refect such as are justified for Crimes, if the Crimes be notour, or the Trespasser convicted or declared guilty, are ordained to be punished as the principal Trespasser; and by the 97 Act, 7 Parl. Jam. V. it is statute, That no Man, wittingly or willingly, refect, supply, maintain, defend, or do Favours to any of his Majesty's Rebels, and being at the Home, within their Houses, Bounds, Lands, or Bailiaries, under the Pain of Death and Confiscation of their Moveables. And by the common Law, Laws and Acts of Parliament of this Kingdom, hounding out and Ratihabition, of Art and Part, is punishable as the principal Crime. Yet nevertheless it is of Verity, that the said Sir Hugh Campbel elder of Cessnock, shaking off all Fear of God, Respect and Regard to his Majesty's Laws and Authority, has presumed to commit, and is guilty of the said Crimes, in so far as the bloody and sacrilegious Murderers of the late Archbishop of St. Andrews, and their Accomplices, to the Number of Nine or Ten Thousand, having, in the Months of May or June, 1679. risen and appeared with Arms within the western Shires, in a desperate and avowed Rebellion against his Majesty and his Authority, having burnt his Laws and Acts of Parliament, proclaimed treasonable Declarations and Proclamations at publick Market-crosses, killed and murdered several of his Soldiers at Drumclog, assaulted the City of Glasgow, robbed and rided the Goods and Houses of his Majesty's loyal Subjects, marched up and down the Country in a warlike and military Posture, kept Councils of War, rendezvoused, exercised, appointed Commanders and Officers over them, and continued in open and avowed Rebellion, committing all Acts of Hostility and high Treason, till the 22 Day of June the said Year, that they were defeat at Bothwell-bridge. The said Sir Hugh Campbel having, upon one, or other of the Days of the said Month of June, 1679. met with Daniel Crawford in Galsoun, Thomas Ingham in Borlands, John Fergusson in Catharingsill, and several other of the said Rebels, at or near the Brigde-end of Galsoun, coming from the Rebels then in Arms, whom they left at Tolcross-park near Glasgow, the Pannel asked them where they had been; and when they had told him that they came from the Westland Army, he said, that he had seen more going to them than coming from them. And having asked them if they were to return; they told him, they knew not. Whereupon he treasonably, contrary to his Allegiance and Duty, said, that he liked not Runaways, and that they should get Help if they would bide by it, and bade them take Courage, or some such like Words to that Purpose. Wherethrough the said Sir Hugh Campbel is guilty of intercommuning with notour Rebels, they having told him that they had come from the Westland Army at Tolcross-park; and the said Pannel's not apprehending of the said Rebels, and giving Intimation to the next Magistrate. And also he was guilty and culpable of giving a treasonable Counsel and Advice, to go back and return to the rebellious Army, and also encouraging and hounding them out thereto. And also of ratihabiting, maintaining and fortifying the said Rebels in their treasonable Designs of Rebellion, by telling, they should not want Help if they would bide by it; and thereby he was guilty of the said Rebellion, and accessory thereto, and Art and Part thereof: Which being found by an Assize, he ought to be punished with the Loss and Forfeiture of Life, Lands and Goods, conform to the said Laws and Acts of Parliament, to the Terror and Example of others to commit the like hereafter.

Ye are indicted and accused, that whereas, notwithstanding by the Laws and Acts of Parliament of this Kingdom, and constant Practick thereof, particularly by the 37 Act, 2 Parl. James I. it is statute, That no Man wilfully maintain or do Favours to open and manifest Rebels against the King's Majesty, under the Pain of Forfeiture. And by the 14 Act, 6 Parl. James II. it is declared, That all who shall refect such as are justified for Crimes, if the Crimes be notour, or the Trespasser convicted or declared guilty, are ordained to be punished as the principal Trespasser. And by the 97 Act, 7 Parl. James V. it is statute, That no Man, wittingly or willingly, refect, supply, maintain, defend, or do Favours to any of his Majesty's Rebels, and being at home within their Houses, Bounds, Lands, or Bailiaries, under the Pain of Death, and Confiscation of Moveables. And by the 144 Act, 12. Parl. James VI. it is statute and ordained, That no Man, openly or notourly, rebel against the King's Person or Authority, or make War with the King's Lieges; and that where any declared Traitors or Rebels repair in any Part of this Realm, none of his Majesty's Lieges shall presume to refect, or supply, or intercommune with them, or give them any Meat, Drink, House, Harbour, or any Relief or Comfort, under the same Pain, for which they are forfeited or put to the Horn; and that immediately, upon Knowledge of their repairing in the Bounds, all his Majesty's obedient Subjects do their exact Diligence, at the utmost of their Power, in searching, seeking, taking and apprehending the said declared Traitors, and presenting them to Justice, or in following of them, while they be taken and expelled, and put out of the Shire, and immediately to make Intimation to the Magistrates, and Persons of Power and Authority, in the next Shire, who shall be holden to do the like Diligence without Delay, and so from Shire to Shire, while they be apprehended and brought to Justice, or expelled and put forth of the Realm; and that they, with all possible Speed, certify his Majesty, or some of his secret Council, or some of the chief Persons of Authority and Credit, dwelling within the said Shire, that such Persons are within the same, wandering about the Country, or lurking in any Part thereof, under the Pain that the Traitors and Rebels ought to have sustained, in their Bodies and Goods, themselves, in case they had been apprehended, presented,



presented, and convicted by Justice. And by the common Law, Laws and Acts of Parliament of this Kingdom, bounding out, or Ratihibition, or Art and Part is punishable as the principal Crime. Nevertheless it is of Verity, that the said *Hugh Campbel*, to evidence yet further his wicked and traitorous Design of contriving the late Rebellion in the Year 1679. and that ye would, as far as was in your Power, contribute thereto, by bounding, levying, sending out thereto, according as ye did promise to *Thomas Ingham*, *Daniel Crawford*, *John Ferguson*, and others mentioned in his former Indictment, that he did send out to the said Rebellion, his Tenants and Servants after specified, viz. Mr. *James Brown* his Chaplain, *George Lambie* in *Crofthead*, *James Hutchison* in *Underwood*, *Robert Parker* in *Wester Lensine*, *Michael Roxburgh* Mason in *Galsloun*, *Hector Paterson* in *Cesnock-yards*, *Hugh Neilson* in *Rickartoun*, *John Brown* younger in *Priestland*, *Alexander Wood* in *Highside*, *John Lambie* in *Ladybrow*, *Alexander Mitchel* in *Priestland*, *George Hutchison* in *Underwood*, *Matthew Reid* in *Graysholm*, *James Richmond* in *Lawfield*, *John Hunter* in *Shirling-hill*, *George Lambie* Merchant in *Bankhouse*, *William Harris* Officer in *Rickartoun*, *Glasford* in *Bereith*, *Samuel Ross* in *Nethertoun*, *John Gamil* in *Bank*, *Patrick Gamil*, *James Lambie* in *Lawfen*, *Hugh Willon* in *Burnfoot*, *Francis Ross* in *Knowhead*, and several others; at the least they having gone out to the said Rebellion, and having been thereat, he did reset them upon his own Ground, without enquiring where they had been, or why they had been so long absent in so dangerous and critical a Time, when it was notour to all the Kingdom, that there was an open Rebellion carried on against his Majesty, to the Destruction of the Peace, Quiet and Security of this his native Country, as well as of the Monarchy therein established; and he did even reset, in his very House, *William Gilmore*, who went out of his Ground to the said Rebellion, and lived very near his own Gate before the Rebellion, and tho' he owned before his Servants in his Family, that he had been in the Rebellion, so that the same could not but be notour to him, yet he entertained him Two Years as his Porter, and thereafter gave him a Certificate as a very honest Man, and recommended him to the Earl of *Dundonald*. And he entertained the said Mr. *James Brown*, a notorious and ringleading Field-preacher, as his Chaplain in his Family, and the Persons abovenamed being his Tenants and Servants, and having gone out of his Ground to the Rebellion and immediately thereafter having returned thereto, and being ever since living therein, and he himself going up and down among them, so that, as ye were obliged to have enquired where they were, so he could not but know, that they were out at the Rebellion, especially seeing their being at the same was notour in the Country, and Two of them were his own domestick Servants, and lived in his own House. Wherethrough the said Sir *Hugh Campbel* has most treasonably contrived, contributed to, hounded and sent out Persons to the late Rebellion, has harboured, reset, supplied, entertained, conversed with, and done Favours to open, notour and manifest Traitors and Rebels, and was Actor, Art and Part with the same, and of the other treasonable Crimes above specified; which being found by an Assize, you ought be punished with Forfeiture of Life, Lands and Goods, to the Terror and Example of others to commit the like hereafter.

The said Sir *Hugh Campbel* is further indicted, and accused upon the Laws and Acts of Parliament mentioned in his former Indictments, for the treasonable harbouring, resetting, entertaining, corresponding with, and doing Favours to notour, open and manifest Traitors and Rebels, encouraging them in their rebellious Practices, and dissuading them to submit to his Majesty's Authority; in so far as *Alexander Paterson* in *Balgray* his Tenant, having, upon the first, second, third, or one or other of the Days of one or other of the Months of the Year 1682. advertised him of his having been in the Rebellion, and of his Willingness to submit to his Majesty's Authority, and craving his Advice as to what he should do, he did dissuade him and desired him to go home to his Work until he sent for him, and so he continued his Tenant, notwithstanding he knew of his being in the said Rebellion. As also he did, on one or other of the Days of the Month of June, 1679. go to the Burial of Captain *Campbel*, who was drowned in the Water of *Galsloun* as he was going to the said Rebellion; wherethrough he committed, and was guilty of the treasonable Crimes abovementioned, and was Actor, Art and Part thereof; which being found by an Assize, he ought to be punished with Forfeiture of Life, Lands and Goods, to the Terror of others to commit the like hereafter.

### Cesnock's Advocates Defences. N<sup>o</sup>. XCVI. B.

Sir *Patrick Home* for the Pannel alledges, always denying the Indictments and haill Articles and Qualifications thereof. And as to the first Indictment; whereas it is alledged that the Defender did intercommune with the Rebels, in so far as he having met with *Daniel Crawford*, and the other Persons mentioned in the Libel at or near the Bridge of *Galsloun*, as they were coming from the Rebels then in Arms, whom they left at *Tolcross-park*, and did speak and discourse with them. It is answered, 1<sup>mo</sup>. That it is not relevant, unless his Majesty's Advocate condescend upon the particular Day that these Persons past the Bridge of *Galsloun*, which if he will do, the Defender positively offers to prove that he was *alibi*, and that he was at home at his own House of *Cesnock* at that Day.

2<sup>do</sup>. The Libel is not relevant to infer Intercommuning; seeing it bears, the Defender only met with them by the Way, and the simple meeting of Persons in the High-way, which was only accidental, and the asking them from whence they came, and whither they were going, neither by our Law, nor any Law in the World, can infer Intercommuning discharged by the Law, which can only be understood in the Case of keeping Correspondence by Letters, or of designed Meetings to treat of Things, in order to the carrying on of the Rebellion, and not of accidental Rencontres in the High-way; and if it were otherwise understood than upon that Ground, every Person that had met any Man coming from the Rebels, and had asked at him from whence he came, or whither he was going, and had inquired for News concerning these Rebels, as was very ordinary at that Time, should have been guilty of Intercommuning; which were absurd to imagine.



310. Albeit these Men declared they came from the Army of the Rebels in the West, yet the Defender was not obliged to know that they had been concurring in the Rebellion, seeing they might have been there upon another Account, for many went there who had no Design to concur in the Rebellion: For it is notoriously known that some went to bring back their Horses and Goods that were taken away by the Rebels, others to bring back their Children and Servants from such rebellious Courses. And therefore unless they have been denounced to the Horn at the head Burgh of the Shire where they dwell, it could be no Crime to speak or discourse with them, or not, to apprehend them, or not, to make Intimation to the next Magistrate, as is clear from 126 Act, Parl. 12. Jam. VI. By which it is expressly provided, *That the Inhabitants of the Shire are not put in mala fide to converse or intercommune with Rebels, unless they be denounced to the Horn at the Market-cross of the Shire where they dwell*; and albeit they had been forfeited Persons, and declared and denounced Rebels, as they were not, yet the intercommuning and conversing with them being only by Chance and Accident, it cannot infer the Punishment of Treason, as is clear from his Majesty's late Proclamation in April last.

410. Whereas it is libelled, that the Defender having met with these Persons at the Bridge-end of Galslow, he should have said to them, he liked not Runaways, and so is guilty of giving them treasonable Counsel and Advice to return and go back to the Rebels. *It is answered*, That the Words do not import Counsel nor Advice to these Persons to go back to the Rebels; and Words and Expressions can never infer a Crime, far less the Crime of Treason, unless they clearly, directly and positively infer the Crime. Next, These Words do not fall under any of the Acts of Parliament libelled upon, which are only against the rising in Arms against the King, and the wilful maintaining and doing Favour to open and manifest Rebels, that are declared Traitors, or to reset, supply or intercommune with them; so that seeing these Expressions do not fall under these express Laws, they cannot infer the Crime of Treason, it being a certain Principle in Law, that *quod lege non cavetur, in practica non habetur*. And these being penal Statutes, cannot be extended beyond the express Words, especially seeing the Defender was never hitherto tainted with Disloyalty, but on the contrary was ready upon all Occasions, to testify his Zeal and Affection to the King's Service, and to suppress Field-conventicles, which are the Rendezvous of Rebellion, and upon all Occasions, and in all Companies did always inveigh against that execrable Rebellion, and all rebellious Courses, as being destructive to the King's Interest, the Peace, Quiet and Well of the Kingdom.

510. Whereas it is libelled, that the Defender spoke these Words, or some such like Words to that Purpose, is not relevant in such general Terms; for seeing the Crime consists in Words, the particular Words ought to be express and condescended upon in the Libel, otherwise it is not relevant.

610. Albeit the Words mentioned in the Indictment, should amount to treasonable Expressions, yet the Defender is secure by his Majesty's gracious Act of Indemnity in July 1679. by which his sacred Majesty for the Reasons and Causes therein mentioned, does expressly indemnify all such as have spoken, written, printed, published, or dispersed any traitorous Speeches, or have advised any Thing contrary to the Laws; and generally all such as are liable for any Pursuit or Occasion relating to any publick Administration, by Convincings, Actings or Oppositions, or otherwise, preceeding the Date hereof, declaring the Generality of these Presents, to be as effectual to all Intents and Purposes, as if every Circumstance of every one of the foresaid Delinquencies or Misdemeanors were particularly and specially therein insert; and that every one of the Persons that might be challenged or pursued for the same, had a Remission under the great Seal, or an Act of Indemnity past in his Favours, discharging any of his Majesty's Officers or Subjects to pursue any Person or Persons upon any such account, either *ad privatam* or *vindictam publicam*, or to upbraid them therewith, and commanding all the Judges to interpret this his Majesty's Remission, with all possible Latitude and Favour, as they will be answerable upon the highest Peril.

As to the second additional Indictment, always denying the same, whereas it is alledged, that the Defender was guilty, in contriving of the late Rebellion, in the Year 1679. and did contribute thereto, by hounding, levying and sending out Men, as he had promised to Thomas Ingham, and the other Persons mentioned in the first Indictment, and that he had sent out to the Rebellion, the Tenants and Servants mentioned in the said Indictment; at least having gone out to the Rebellion, he thereafter reset them upon his Ground. *It is answered*, 1<sup>mo</sup>. That is a great Mistake, for it is not so much as libelled in the first Indictment, that the Defender promised to Thomas Ingham and the other Persons therein mentioned, to send out Men to the Rebellion.

2<sup>do</sup>. It is absolutely denied, that the Pannel did send out these or other Persons to the Rebellion, and the Tenants going out to the Rebellion, cannot make the Master liable as a Contriver, unless they went out by his express Order.

3<sup>io</sup>. Albeit the Defender had reset any of the Persons mentioned in the Indictment, on his Ground after the Rebellion, yet it was not relevant to infer the Crime of Treason, far less to make him a Contriver, because it is offered to be proven, that these Persons did either take the Bond *debito tempore*, obliging themselves never to rise in Arms against his Majesty or his Authority, and so it was no Crime to reset them, or they were Feuars, and he could not remove them; or they were Tenants to other Men, and so he could not be liable as resetting them on his Ground, or if any of these Persons had been in the Rebellion, it was never known to the Defender, or they were not declared Rebels, or in any porteous Roll, or denounced.

4<sup>to</sup>. As to Mr. James Brown, it is positively offered to be proven, that he removed out of the Defender's Family about fifteen Months before the Rebellion, and was never a Servant thereafter in his Family, but was Servant to the deceased Lord Craigy Lord Justice Clerk; and if at any Time thereafter the said Mr. James came to his House, it was only transiently for a Night's Time, and no Man could refuse to give a Night's Lodging to one that was a Servant to an Officer of State: And the said Mr. James Brown did continue a Servant to the Lord Craigy till he died, and thereafter was a Servant to Baldoon, but was never a Servant in the Defender's Family after the Rebellion, nor for fifteen Months before.

5<sup>io</sup>. As to William Gilmore, the Defender denies he was ever in the Rebellion, or that he gave him a Certificate in the Terms mentioned in the Indictment.



610. The resetting and intercommuning with the Persons mentioned in the Indictment, could be no Crime, seeing they were not denounced Rebels at the Market-cross of the head Burgh of the Shire where they dwell, as is clear from the 126 Act, Parl. 12. Jam. VI. by which it is provided, *That albeit Denuncation at the Market-cross of Edinburgh, shall be sufficient for the intruding with the Escheat, as the same had been made at the Market-cross where they dwell.*

As to the third Indictment, seeing his Majesty's Advocate passes from it, the Pannel's Procurators take Instruments thereupon.

Mr. William Fletcher further alledges for the Pannel, that the Libel is not relevant. For 1<sup>mo</sup>. All criminal Libels, especially such, by which Mens Lives, Fortunes, Reputation and Posterity are drawn in question, ought to be founded on clear and positive Law and Statute, and the Sublumption and criminal Fact ought to quadrate with the Laws contained in the Proposition; whereas the Crime libelled in this Indictment, consisting of certain Sentences and Expressions, gathered up five Years after the same are pretended to have been spoken in a transient way, to Persons who were passing by, are not founded upon any of the Acts of Parliament libelled, which do only declare what Actions are treasonable, but do not infer Forfeiture from light and rash Words, and the utmost Extent as to which the Acts of Parliament go as to this Point, is only to punish with Forfeiture, such treasonable Speeches as are malicious and advised, as appears by second Act, second Session of his Majesty's first Parliament, where it is declared to be Treason, for any Person, by writing, printing, preaching, or other malicious and advised speaking, to express or declare their treasonable Intentions, to plot, contrive or intend Death or Destruction to the King's Majesty. And this Indictment not bearing that the Expressions were advised and malicious, is not founded on the Acts of Parliament, and so is not relevant.

2<sup>do</sup>. It has been the Wisdom of the best governed Nations, not to infer the Crime of Treason from light Words, which may be rashly spoken, and the Import and Sense whereof may be easily mistaken; And therefore the Romans, who did not allow Actions to arise from Contracts, and Pactions, and Words, unless the same had been done by Stipulation, or *verba solemnia*, took Care to provide by their Laws, that rash Words should not be drawn in Consequence, as appears by the *Lex 7. § 3. Dig. ad Leg. Jul. Majest.* which bears, that *lubricum lingue ad pœnam facile trahendum non est, quanquam temerari digni pœna, sic tamen ut insaniis illis parcendum est, si non tale sit delictum, quod vel ex scriptura legis descendit, vel ad exemplum legis vindicandum est.* And by the *Lex Vinnia Cod. si quis Imperatori maledixerit*, the Emperors Theodosius, Arcadius & Honorius have declared, that *si quis improbo perulantique maledicto nomina nostra crediderit laceSSenda, ac turbulentius obrektor tempore nostrum fuerit, eum pœna nolumus subjugare, sed, integris omnibus, hoc ad nostram scientiam referatur, ut ex persona hominis dicta pensemus.* And by the Laws of England, the Crime of Treason cannot be inferred from bare Words or Expressions, without an overt or open Act, as appears by what that learned Lawier Sir Edward Coke hath written in his *Institutions*, upon the Chap. of high Treason, where he says expressly, that *drivers late Acts of Parliament have ordained, that compassing by bare Words or Sayings, should be high Treason: But all these are either expell'd or expired, and it is commonly said, that bare Words may make an Heretick, but bare Words cannot make a Traitor, without an overt Act.* And the Wisdom of the Makers of this Law would not make Words only to be Treason, seeing such Variety among the Witnesses about the same, as few of them agree together; but if the same be set down in writing by the Delinquent himself, this is a sufficient overt Act within the Statute. And the Reason of these Laws is, that the various accenting and pronouncing of Words may give them a different Sense, and that the Memory of Witnesses may be lubrick, and by the Custom and Practice of this Kingdom, Treason has not been inferred from naked Words without Writ, unless there had been a long Context of Sermons and Declarations, whereof the Scope and Design, as well as the Words themselves, were clear and evident: But Treason was never inferred from transient Words and half Sentences, which might be gathered together by ignorant Hearers, who cannot take up the Import and Sense of a Discourse.

3<sup>ro</sup>. As to that Part of the Libel, by which the Words therein mentioned are constructed to be a treasonable Counsel and Advice of Encouragement to the Rebels to go back; the Words cannot bear any such Construction, and at most they can only amount to a rash, advised and a treasonable Speech, and not to any Advice that these Rebels should return.

4<sup>to</sup>. Albeit the Words could be stretched to infer a Counsel of Rebellion, yet the same being *consilium nudum, sine instructione*, it cannot import an Accession to Rebellion, which can only be inferred from such Counsels which may be useful for carrying on the Crime; and Law hath distinguished betwixt an Exhortation and a Counsel to commit a Crime, as appears from the last Paragraph of the *Institutions de facto*. The Words are, *certe qui nullam operæ ad furtum faciendum adhibuit, sed tantum consilium dedit, atque hortatus est ad furtum faciendum, non tenetur furti.* And Vinnius upon this Paragraph says expressly, that *simplex consilium sine instructione, neminem furti obligat, quantumvis furtum secutum sit.* And Ulpianus in *lege 50. § penult. Dig. de furtis*, explaining what kind of Counsel imports an Accession to a Crime, hath these exprets Words. *Consilium dave videtur, qui persuadet & impe'it, atque instruit consilio ad furtum faciendum.* And Papinian, in *Leg. 20. Dig. de his qui notantur infamia*, says expressly, that, *is qui exhortatur, mandatoris operæ non fungitur.* And this is the Opinion of Clarus, *Parag. fin. Qual. 86.* who says, that it is *communis*. And albeit that such a Counsel may import the Crime of Treason, the Expression it self being treasonable, yet it cannot infer Act and Part of the Crime of Rebellion, when that comes under a distinct Consideration from treasonable Speeches.

5<sup>to</sup>. As to the Qualifications of Art and Part inferred from hounding out and Ratihabition, the same are no ways relevant, and such Qualifications can only import an Accession to private Crimes, which are committed for, or in Name of any Person, v. g. in Revenge of a Wrong done to him, but not at all in publick Crimes, which are not committed in Contemplation of the Party who hounds out or ratihabites. And therefore Lawiers are generally of Opinion, that such hounding out, or Ratihabition, does only take Place in such Crimes *ubi vertitur interesse privatum, vel vindictam privatam.*

6<sup>to</sup>. The Libel is not relevant in these Terms, that the Pannel spoke the Words libelled, or some such like Words to that Purpose, because, in *criminibus non licet vagari*, and all criminal Libels ought to be clear and



and distinct, and especially as appears from *Dambuderi Prax. Crim. Cap. 30. Num. 4.* where he says, That *omnes libellos criminales oportet esse clarissimos*, and that they ought to express *omnes criminis perpetrati qualitates*. Wherein also *Barolus* and other Lawyers upon the *Lex 3. Dig. de accusationibus*, do agree with him. And seeing the specifick Form of this Crime consists in Words, it is necessary that the same should be express'd, *nec enim accusata, cum existimatione aliena jactura & discrimine vagari. Dig. de rei vind.* And by such a way of libelling the Pannel should be prejudged of his Defences; for if the Words which are to be such like, were libelled, he would make it appear that they are not Words to the same Purpose, and that they cannot import the Crime of Treason, which can only be inferred from clear and liquid Expressions, and thereupon he would obtain an Interlocutor from the Lords of Justiciary as to the Relevancy; and it were a dangerous Preparative, should Points be remitted to an Assize: And if this should hold, then his Majesty's Advocate needed not to libel any further than that the Party were guilty of Treason by giving Counsel to Rebels in general, which were most dangerous and absurd.

As to that Qualification of the Libel, that the Defender ought to have apprehended the Rebels, conform to 144 Act, 12 Parl. K. Jam. VI. the same is not relevant to infer the Conclusion of the Libel. For it is evident that the Act of Parliament could only take Place when the Country is peaceable, but not when Armies are in the Fields, for *inter arma silent leges*, and it would not be expected that any private Gentleman should, by seizing upon the Rebels, expose himself to the Fury of a standing Army, and *quævis excusat a crimine*, which consists only in Negligence & *non faciundo*.

It is likewise alledged, that the Defender cannot be called in question for the Crime arising from the Words libelled, in respect the same are libelled to be prior to his Majesty's Act of Indemnity, which ought to be inviolably observed: For 1<sup>mo</sup>. Amnesties and Acts of Indemnity and Oblivion, after Countries have been universally engaged in Crimes, do become the *magna charta* and fundamental Security of the Lieges, as to their Lives, Fortunes and Posterity. And therefore all Judges ought to be tender thereof, and rather to extend nor straiten the same by their Decision and Interpretation thereof.

2<sup>do</sup>. It is the publick Interest of the King and Nation, that such publick Indemnity should take full Effect, seeing the same bears to be made for removing all Fears and Jealousies of the People, which do expose them to commit new Crimes, and the least violating of, or impinging upon the very Borders of such Indemnities, doth again open a Way for new Fears and Jealousies, no Man knowing but what is another Man's Case this Day, may be his to morrow; and the Interpretation of such Indemnities being drawn from Grounds of Law, the People cannot know how far they may be overtaken thereby, and therefore may return to their former Apprehensions; the Consequences whereof may come to be very dangerous for the Peace and Quiet of the Kingdom. And it has been the Prudence and Policy of this and all other Nations, that when Crimes did abound and spread as a Contagion, Indemnities were granted in ample Terms, and most punctually observed.

3<sup>io</sup>. All Pardons and Graces of their own Nature are favourable, and are to be extended, and Crowns are preserved by Mercy as well as Justice; for, as *Solomon* says, 20 Prov. Ver. 28. *Mercy and Truth preserve the King, and his Throne is upholden by Mercy*. And it is the Duty of the Judges, inviolably to preserve in the Minds of his People, a Sense of his Majesty's Goodness, in securing to them these universal and publick Pardons, for *nulla dote, nullo genere virtutis mortalitas propius accedit ad divinam naturæ similitudinem, quam miserrando humana imbecillitati, ignoscendo erroribus, & injurias obliviscendo*. And there was never any King in the World, that has given greater Demonstrations of private Bounty and Clemency to his Subjects, than his sacred Majesty, and therefore the Indemnity being suited to his Majesty's own regal Temper and Disposition, it ought not to be straitned, but rather enlarged, if need were, by a rational Interpretation.

4<sup>to</sup>. His Majesty hath declared his *enixa voluntas*, that the foresaid Indemnity should be interpreted with all possible Latitude and Favour, and hath commanded his Judges to do the same upon no less Certification, than the highest Peril, which demonstrates, how serious his Majesty hath been, that all the Imperfections of his Subjects should be covered, and that nothing might remain which might give them the least Jealousy in time coming.

5<sup>to</sup>. By the 18 Act, 7 Parl. K. Jam. I. it is expressly ordained, That no Man interpret the King's Statutes otherwise than the Statutes bear, and to the Intent and Effect they were made for, and as the Maker of them understood, and who so does in the contrary, to be punished at the King's Will. And this Act of Indemnity being one of his Majesty's Statutes and Proclamations, wherein the Peace and Security of the Kingdom is highly concerned, the Sense and Extent thereof ought not to be wrested and inverted contrary to his Majesty's Meaning and the Propriety of the Words; and his Majesty having expressly indemnified all treasonable Speeches and Advices contrary to the Laws, under which General, the Words mentioned in the Indictment are genuinely and naturally comprehended; for it is evident, that the general Notion of treasonable Discourse doth comprehend the same.

### King's Advocate's Answers. N<sup>o</sup>. XCVI. C.

**H**is Majesty's Advocate craves Leave to declare, that he is very much astonished to hear, that, by our Law, it is not Treason to hound out Men to Rebellion, and therefore, to shorten the Debate, resolves only to take Notice of these Four Points.

1<sup>mo</sup>. That the Words spoken are Treason.

2<sup>do</sup>. That the conversing in these Terms, is an intercommuning with notour and open Traitors, whom he knew to be such from the Persons themselves.

3<sup>io</sup>. That these Words are relevantly libelled, *quoad* Time and Place, and there is no Place for *alibi* here.

4<sup>to</sup>. That the Words and Converse being treasonable, are not taken off by the Act of Indemnity.

As



As to the *First*, it is undeniable, that, to advise People to Rebellion, is, by the Law of all Nations, Rebellion, tho' the Advice consisted only in Words, as all Advices generally do; and tho' there be no particular Act of Parliament, declaring the advising to rise in Rebellion to be Treason, yet all Acts of Parliament, that declare any Crime to be punishable, but much more punishable by Treason, do, by an infallible and necessary Consequence, declare the advising that Crime, or that Species of Treason, to be punishable as the Crime it self, and a special Law were needless; and with us particularly, Art and Part of Treason is Treason by Statute, and Counsel and to advise, is the highest Qualification of Art and Part, because it gives Life, and Courage, and Being to the Crime: Nor can it be denied, that if the Doctrine of the Defence were sustained, any Man might at present go up and down the whole West, and invite and hound out to a Rebellion, and who can doubt but he would be highly guilty of the Rebellion, who did thus raise a Rebellion? and Advice certainly is far more dangerous than Action, and so should be more punishable. Nor can it be denied, but if thir Words be true, *Cesnock*, the Pannel, did more contribute to the Rebellion, than these pitiful Creatures he advised, his Prudence, Influence and Interest being extraordinarily greater than their Actions could have been. Likeas it is as undeniable, that, by the Roman Law, Advice to commit Lese-majesty, were Lese-majesty, *cujus opera, consilio, & L. 1. Sect. 1. d. L. Jul. Majest.* and the Seventh Law cited does expressly answer it self, making Words to be punished for Treason, *si tale sit delictum quod ex scriptura legis desentit*, as with us Art and Part, or where it is *ad exemplum legis vindicandum*, the Words being of great Consequence, and of extraordinary evil Example. And albeit, by that Law, light and unadvised Words, proceeding from Petulance and Extravagance, which are the very Words of these Laws, were ordinarily covered, by the Emperors, with Contempt, Pity, or Pardon; yet *ubi locus venia, ibi semper subest crimen*, else there needed no *venia* but in this Nation; and in this Case there is no Place for this Debate, for the Speaker, and the Advice, and the Design, and every Circumstance shew that these Words are malicious, and advised Words; for what could be more advised, than seriously to give Advice to poor People whom he knew he could influence in many repeated Expressions, all tending to the same End, *inculcatione & geminatione verborum*? and what could be more malicious than to upbraid them for leaving a Rebellion, with the hateful Name of *Rumaways*; and not only advise them to return to an open and most flagitious Rebellion, but to encourage them thereto, by promising them Help, or Assistance, or Officers, which shew a rooted and malicious Design to have that Rebellion prosper? Nor are the Words such mysterious Expressions, as that every Country Fellow could not but necessarily understand, being fitted designedly for their Capacity, nor could they forget them as loose and scattered Words, being a sage, a designed Advice from a Man, whose Parts, Piety and Interest they admired. And what Man alive could be such a Brute as to forget the most remarkable Thing they ever heard, upon the most remarkable Occasion, and upon a Point wherein they were so much concerned, and which they could not but lay deeply to Heart, and think often upon because it concerned them all together? and so they would remember one another, and because it was to be the Foundation of the greatest Resolutions that ever they could be concerned in. As to the Generality, objected against, of some such Words, his Majesty's Advocate craves Leave to say, That an Advice was never in more explicate and specifick Terms libelled; and in whatever Terms an Advice be given, it is still an Advice to rebel, and so Art and Part of Rebellion; nor seeks he any Latitude in his libelling the Words, further than that he said, they should have Officers, or Help, or some Expression of Help: And it cannot be denied, but if one Man should say, they would get Help, or another that they should be helped, yet all these are the same Expressions, and the same Advice, and the Words are the more to be believed, that they are not expressly the same, being to the same Purpose, and as to this he opposes his Libel.

And as to the second Point, it is undeniable, that this is not an accidental Meeting with Rebels, but it is an intercommuning with them upon the Rebellion, and upon Encouragements thereto, and tho' they were not denounced, yet he knew them more to be Rebels, than he could have known them by their Denunciation; for they themselves told him they had come from the Rebellion, and they were only going home to seek clean Clothes, which was an Acknowledgment that they were yet in the Rebellion, and a Part thereof: And this is far stronger than *Monkland's* Case, and many others, who have been condemned for going to seek their Bairns, or their Horses; nor do the Acts of Parliament requiring Denunciation militate in this Case, since Denunciation is but a legal, and supposed, whereas this is a certain and proper Knowledge.

To the *Third* it is urged, that it is an uncontroverted Principle in our Law, that no Defence contrary to the Libel can be admitted, for that were to admit a formal Probation, that the King and the Pursuer's Witnesses are still perjured, it being undeniable, that if the King's Witnesses prove that *Cesnock* was in such a Place at such a Time, spoke such Words to such Men; but if *Cesnock's* Witnesses prove that *Cesnock* was not there, certainly either of the Two Witnesses must be guilty of Perjury, the Fact being clearly libelled to have been expressly done, and therefore our Law has justly abhorred, as well as rejected such Defences as are contrary to the Libel, and as, amongst many other Instances, was expressly so decided in the Case of *Mr. William Somerwel*, and in the Case of *M<sup>r</sup> Leod*, and *M<sup>r</sup> Niel of Bara*, in which Case *alibi* of Five Miles Distance was repelled: And albeit *alibi* may be sometimes admitted, where it is consistent with the Libel, as where the Deed is not very specifickly libelled; yet in this Case, where the Fact is specifickly and clearly libelled to have been expressly done, and that the Witnesses knew the Pannels, and that there is no Impossibility in the Thing; as for Instance, if *Cesnock* should have proven himself to have been for Six Months both by Sea, and after, at *London* or *Paris*, and should have proven this by Witnesses, beyond all Exception, the Justices might, *eo casu*, possibly prefer him to the Probation of his *alibi*, because of the Inconsistency and Impossibility of the Thing: Yet it were most absurd, and of very irreparable Consequence, to admit *Cesnock* to prove an *alibi* of Half a Mile, and by his own Friends, Tenants and Servants, for he might, in few Minutes, have gone to that Town without Observation; and is it not much more equitable, as well as legal, to believe Three Witnesses, who must be eternally damned for no Advantage, and living in a Country to which it will be impossible to return, if the Thing be false, than the Laird's own Tenants and Servants, who, besides the general Kindness, are of one Sect, that think there is no Sin to bring off their own Friends, as is to be seen in very palpable Instances? And by the Nature of our Assizes of Error, it is clear, that our Law believes, that Men are much more inclined to assuage than to condemn; nor shall ever the King prove the Treason, or any clapped Man may be proved criminal, if



if this Kind of *alibi* be sustained, and for this Cause no Evidences are received and sworn against the King in England.

As to the Act of Indemnity, the Act it self is opposed, wherein the whole Scope will shew, that there is no Design to secure by it, fanatick Heritors and Ministers, but only the poor and deluded Multitude; and therefore his Majesty does expressly except, not only the Heritors and Ministers who have been in the Rebellion: But

2do. Such as were Contrivers of it. And 3<sup>io</sup>. Such Heritors as contributed thereto by Men or Money; and what is a more clear and express contributing to a Rebellion by Men, than to advise Men to go to it, and to encourage them to go to it, and to promise them Assistance? And the Laird of *Cesnock's* Countenance and Well-wishing to that Cause, could have actually contributed more than a little Heritor sending out one or Two Men, and yet that little Heritor would have been guilty, tho' contributing far less. As also, according to this his Promise and Encouragement, the Pannel did send, or at least connive at a great many of his Tenants and Servants going to the Rebellion, and, as a Sign of his Affection, did suffer them peaceably to live upon his Ground, after their Return from the Rebellion: Nor is his Majesty's Advocate resolved to debate this Refet, as he might, to be, *per se*, the Crime of Treason and Rebellion, being resolved here only for to use it as an high Aggravation and Qualification of his having contributed toward the Success and Encouragement of that Rebellion; for tho' a Nobleman or Gentleman, who lived in a Country distant from his Tenants, or being amongst them, meddled a little with them, might pretend some favourable Construction for his Ignorance, Oversight, or Connivance; yet *Cesnock* having promised Encouragement, and being himself, and for many Years, founded upon the Principles of Self-defence, whereupon *Bothwell-bridge* was built, and having gone alongst, in the last Age, in far more open and dangerous Opposition to the King's Authority than *Bothwell-bridge* was, and having very many Tenants amongst whom he conversed every Day, being a diligent and knowing Man, it is impossible for any Man of common Sense to understand how any Man of his Intelligence and Sense could not have been most watchful over them, and not suspect, having so much Interest in these Tenants and Servants, whom even silly and remote Strangers knew to have been in the Rebellion, especially seeing so notorious a Man as Mr. *Brown*, who, tho' he was not his Servant, yet frequented his House, and wherever he lived, *Cesnock* could not but hear that he was in the Rebellion, being the ken-speckled Man in it, and his own Porter, being born within a Mile of his House, in his own Land, and notoriously known by all his own Servants, to have been in the Rebellion, he having owned universally, without Reserve or Secrecy, to the whole Servants, that he was in the Rebellion; and yet, after he had kept him as long as he could agree with the young Lady, he sent him away with a Certificate and Recommendation. All which being joyned, does clear that he was one of these ringleading contriving Heritors, who is excepted by the Act of Indemnity, especially seeing writing and speaking is not at all relative to Rebellion, but to misrepresenting Judicatories, &c. The Citations adduced by the Pannel's Procurators are not answered, because his Majesty's Advocate thinks them only Places common, and ill applied. The Lords continue this criminal Action and Cause, and all further Trial therein till to morrow, and ordain the Pannel to be carried back to Prison, under the Pain of Four hundred Merks, the Witnesses and Assizers to attend.

### *Cesnock's Lawiers Duplies.* N<sup>o</sup>. XCVI. D.

MR. *Walter Pringle*, for the Pannel, as to the Defence founded upon the Defender's *alibi*, when the pretended Expressions were alledged to have been spoken, duplies, that the said Defence is most relevant, and is no ways elided by the Replies; for albeit the Defence is a Negation of the Libel, yet it is not *pura negatio*, but is *negativa, coercitata loco & tempore, qua maxime cadit sub sensu testis*, and such Negatives are perpetually sustained in all criminal Actions, *ad probandam innocentiam rei*, according to the unanimous Opinion of all Lawiers who write upon the Subject of Crimes; and the Defence that *Cesnock* was at home in his own House all that Day, that the Persons mentioned in the Libel came to *Galsfoun*, is so circumstantiated and circumscribed by Time and Place, as that it is naturally impossible he could have met with them at *Galsfoun-bridge* that same Day, except the Absurd of *bilocatio corporum* were allowed. And whereas it is pretended, that the Defence is never sustained, but where the Distance of the Place is such, as that it was impossible the Parry could be present:

It is duplied, that this Pretence is most irrelevant; for albeit the Distance of *alibi* were but Half a Mile, or only distinct Rooms in the same House, yet it is as really *alibi*, as if the Distance were an hundred Miles; so that whatever be the Distance, if it be clearly proved for the Pannel, by famous Witnesses, that he was all that Day in his own House, it is as naturally impossible he could have been at *Galsfoun-bridge*, as if he had been all that Week at *Paris*. And it cannot be controverted, but if a Murder were committed in the next Room, and that a Person in another Room of the same House should be accused for it, the Defence of *alibi* would be sustained, if he could prove by Witnesses, that he went not out of his own Room all that Day when the Murder was committed, the Witnesses being present with him all that Time; and as this Defence is unquestionably relevant, so it cannot be presumed but to be most true, it being well known that *Cesnock* is a most circumspect Person, and hath constantly, upon all Occasions, declared his Abhorrence of all rebellious Courses, and hath always, at the Bar, declared before almighty God, upon his solemn Oath, that he never spoke these Words, nor any treasonable Words to that Purpose, directly or indirectly, to these nor any other Persons; and if he were of such wicked Principles, it is not rational to imagine, that he would disown them upon so solemn and sacred an Oath, but that he would rather satisfy himself with a bare Denial; especially when he knows his Oath cannot absolve him, and consequently there was never greater Reason, in any Case, for sustaining the Defence of *alibi*, than in this Case; and his Majesty's



sty's Advocate ought to condescend upon the precise Day that the alledged Words were spoken, all Lawiers being positive, and particularly *Carpf. Par. 3. Quæst. 103. Num. 35.* that when the Defence of *alibi* is proposed, the express Day, when the Crime was committed, must be exprest; and he asserts this as the common Opinion, *a qua nequaquam est recedendum*, and cites many of the famous Lawiers, as *Bajon, Clarus, Juson* and *Mascardus*.

As to the Replies against the Defence founded upon the Act of Indemnity, it is duplied, that the Defence is unanswerably clear: For *1<sup>mo</sup>*. It cannot be controverted, but that the pretended Expressions, mentioned in the Libel, are comprehended in clear and express Terms, under the general Clause of the Act of Indemnity, whereby, in express Words, all Persons are indemnified, who have spoken, written, printed, published and dispersed any traiterous Speeches, or have advised any Thing contrary to the Laws; which Clause is so clear and comprehensive, that it is impossible to suppose any Case where Treason had been committed, either by transient Speeches, or even by a Tract of Discourse, or by treasonable Counsel or Advice, but the same will fall under the said general Clause, and be thereby indemnified.

*2<sup>do</sup>*. The Exception, in the said Act of Indemnity, of all such Heritors or Ministers, who have been in the late Rebellion, or were Contrivers thereof, and such Heritors as have contributed thereto any Levies of Men or Money, can never be stretched to deprive *Cesnock* of the Benefit of the Indemnity; because, albeit the Expressions libelled were true, as they are not, it is impossible that they can ever infer the several Cases whereupon the Exception is founded; for it is neither libelled, nor can it be pretended, that *Cesnock* was actually in the late Rebellion, nor yet that he contributed thereto by the Levies of Men or Money, but on the contrary he concurred, to the utmost of his Power, to suppress the same, and did always declare his Abhorrence thereof, and kept his Houses and Arms from being taken by the Rebels. And as to the other Case of the Exception, whereby Contrivers are excepted, it is not possible, with any Propriety of Words, to infer from the Expressions in the Libel, that *Cesnock* was a Contriver of the Rebellion, because the true and proper Sense and Meaning of Contrivers, is only where a Person hath consulted and combined with the Ringleaders to raise the Rebellion, and hath laid down Methods for that effect, which cannot in the least be inferred from the Words of the Libel, seeing the Rebellion was contrived, formed, and had proceeded to a great Height, before the pretended Expressions were emitted; and therefore, by a necessary and clear Consequence, can never be understood to have been contrived by these pretended subsequent Expressions, which could never be the Cause or Occasion of that which had formerly taken effect, and had been so far consulted and contrived, as to break out to an open Rebellion before the pretended Expressions.

*3<sup>io</sup>*. What is understood by Contrivers, is clearly explained in the subsequent Words of the Exception, *viz.* Such Heritors are only to be understood who have contributed by Levies of Men or Money; which Words are not infer *alternative*, but *copulative*, and as an Explanation of the Word *Contriver*.

*4<sup>to</sup>*. If reasonable Expressions relating to the late Rebellion be so interpret, as to infer a Contrivance thereof, then the Benefit of the Indemnity, as to all Heritors and Ministers, will be frustrated in every Case, just as if the Exception had been absolute and simple, without any Qualifications: For it is certain, that in all House and Field-conventicles, the Ministers did not only preach in downright Terms, and maintained and defended the horrid Principles of Rebellion against his sacred Majesty and his Government, but also, in direct Terms, encouraged and incited the People to rise in open Arms, and the Rebellion did immediately follow: And yet the Lords of Justiciary have never denied the Benefit of the Indemnity to any such Ministers or Heritors present at such Conventicles; so that it appears evidently that treasonable Preachings and Discourses, albeit previous to the Rebellion, never have been interpret to infer the Contrivance mentioned in the Exceptions, and far less can the same be inferred from treasonable Expressions, emitted after the contriving and actual raising of the Rebellion. And if such Expressions should be stretched to infer a Contrivance, it is impossible to suppose a Case where an Heritor or Minister is guilty of traiterous Speeches relating to the late Rebellion, but he may still be brought under the Compass of that Exception, and be debarred from the Benefit of the Indemnity, because it may be always pretended, that such Expressions and treasonable Speeches, if previous to the Rebellion, did encourage the People to rise in Arms, and if subsequent to the Rebellion, that they encouraged the People to continue, and infer a Ratification; so that, by these Pretences, the Exception is as large as the Rule, and the Indemnity will prove a Snare to all Heritors and Ministers who had just Reason, by the general Clause of the Indemnity, and the express Words, to look upon themselves as thereby secured from the Guilt of all treasonable Speeches, spoken, written, printed, published, or, and of all Counsel and Advice contrary to the Laws, unless a clear Contrivance of the Rebellion by contriving with the Ringleaders in raising thereof, and contributing thereto by Levies of Men or Money, were made out against them, which is not, nor cannot be pretended against the Pannel.

As by the common Laws of all Nations, all Indemnities and Acts of Oblivion must be favourable, and largely interpret and extended, and not merely limited in Prejudice of the Persons who claim the Benefit thereof, so, by the Indemnity it self, all his sacred Majesty's Judges are expressly commanded to interpret the same with all possible Latitude and Favour, as they will be answerable upon their highest Peril; and such Clauses are usual in all his Majesty's Indemnities and Acts of Oblivion, as may appear by the Indemnity after his Majesty's Restauration; whereby it is expressly ordained, that every Clause and Word thereof be understood in the most favourable Sense the Expression can bear; and consequently the Pannel may justly expect, that the Lords of Justiciary will allow him the Benefit of his Majesty's gracious Pardon, will not suffer the general Word in the Exception of Contrivers, to be inferred from the pretended Expressions mentioned in the Libel, upon nice and empty Debates and Stretches, contrary to the true Meaning, Import and Design of the said Indemnity.

*6<sup>to</sup>*. Whereas it is pretended, that the Exception does comprehend all Heritors who have been actually in the Rebellion, so it may comprehend all such Heritors who are not Art and Part of the Rebellion, or are accessory thereto.

It is answered, that the Allegiance ought to be repelled, because the Exception can only be understood according to the express Terms and Qualifications thereof, *viz.* That such Heritors are only debarred who have been in the late Rebellion, or were Contrivers thereof by contributing thereto, of levying of Men or Money, and Art and Part, or any Accession to the Rebellion, otherwise than according to these express







Contriving imports an antecedent Accession, which could not take Place here, it being acknowledged by the Libel, that the Rebellion was formed in Being before this accidental Rencounter, so that he is certainly within the Terms of his Majesty's Indemnity, and craves his Majesty's Advocate's Concourse for Maintenance thereof.

Sir George Lockhart's Triplies to Cefnock's Advocates. No. XCVI. E.

Sir George Lockhart for the Pursuer, does insist upon that Point of the Libel, that the Pannel did intercommune and converse with the Persons condescended upon and libelled, who had been, and still were to be considered as in the State of Rebellion. And as to the Objection, that they were not denounced at the Market-crofs of the head Burgh of the Shire of the same, is most irrelevant, because, albeit after a Rebellion is sopped and extinguished, and that Persons who had been engaged in the same, did publicly converse, and go up and down, the Act of Parliament mentioned in the Defence, may take Place by Denunciation at the Market-crofs, to proceed to put Persons in *mala fide*; yet it is absurd and contrary to all Law and Reason, that the said Act of Parliament requires any such Solemnity, as to Persons engaged in an actual State of Rebellion, it being strange to suppose or imagine, that his Majesty's Subjects might converse with Rebels actually engaged in Arms, or that it were a possible Case to use the Solemnities of Denunciations at a Market-crofs against a Concourse and Combination of execrable Rebels, before they were dissipated, or the Rebellion extinguished.

2<sup>do</sup>. The Pursuer does also insist upon the Libel, as founded upon the Words and Expressions condescended upon, as being treasonable in the highest Degree, and a downright Accession to the Rebellion, it being certain by the common Principles of all Law, that *mandans vel consulens delictum, tenetur ad poenam ordinariam delicti*, as being the Spring, Rise, and Source of the same; and the Words libelled, do directly import a Counsel and Advice to the Persons condescended upon, to return to the Rebels, and the Reasons and Motives condescended upon, that they would not want Help or Officers, were equally Treason. And as to the Objection made, that it was *nudum consilium*, and there was no Instruction, and albeit the Words should import the Crime of Treason, yet not an Accession to the Rebellion.

It is answered: The Words and Expressions libelled, are a clear, evident and plain Advice, that are not capable of any benign Sense or Interpretation: And the Pursuers do not understand what is meant by Intrusion; for there was no Necessity to condescend upon the particular Way and Method, how they were to return and serve in the Rebellion: But the Words contain more than the Law requires; for they not only contain a Counsel and Advice, but condescend upon Motives and Reasons, which are the highest and most rational Instruction for enforcing of Counsel, not only from the Authority and Influence of the Person Giver, in expressing his Dislike with their coming from the Rebels, but also containing a Motive and Reason of their Encouragement, that they would not want Help, or be supplied with Officers.

And as to the Pretence that the Words are treasonable, yet they import no Accession to the Rebellion. It is answered, That all Counsels and Advices import and assume the Nature of that Crime to which the Counsel and Advice is given. As for Example, a Counsel and Advice to commit Murder, is an Accession to Murder, and just so in the Crime of Theft, and all other Crimes, and a Counsel and Advice to joyn with, or return to Rebels, is directly an Accession to the Rebellion, the Action it self, and the Counsel to which it relates, being in all Cases one and the same Crime.

And as to that Objection against the Relevancy of the Libel, that the Words condescended upon bear that Expression, or such like, and that *non licet vagari in criminalibus*.

It is answered: The Objection is frivolous, and the Libel being special as to the Words, there is no Generality or Uncertainty as to that Clause, or such like, because it cannot admit of any Variation which is material, or can alter the Sense or Import of the Words libelled; and whatever Defences can be competent to the Pannel for taking off the Words libelled, will no less militate against any Words or Expressions which are equivalent; and it is a rare Conceit to imagine, that if the Witnesses to be adduced to prove the Libel, should vary in Expressions not material, that therefore the Libel were not relevant, or were not proven.

As to that Allegiance, that the Pannel was *alibi*, and was in his own House at Cefnock at the Time, when the Witnesses can be able to prove the Words libelled, and that the Pursuer ought to condescend upon the Day, to the effect the Defence of *alibi* may be competent.

It is answered, 1<sup>mo</sup>. That this Objection is contrary to Law, and there cannot be a more dangerous Precomparative to his Majesty's Interest, and whereupon the greatest of Criminals and Malefactors might escape. For 1<sup>mo</sup>. both the common Law, and the Laws of this Kingdom, and the inviolable Practick of the Court in criminal Libels, there needs no more Condescendence than the Year and Month, and as to which the Law is clear and positive, in that Title where the same is *ex professo* under Consideration, viz. *Digest. de accus. & inscript. Leg. 3.* where the Words are, *libellorum inscriptionis conceptio talis est. Lucius professus est se meminisse, Leg. Jul. de Adult. ream deferri quod dicat eam cum Gaudio Sevio in civitate illa, domo illius, mense illo, consulibus illis, &c.* and again, *neque autem diem neque horam invitum comprehendit.*

2<sup>do</sup>. It is the common Opinion of all Lawiers, particularly Gomes, in that Title *qualiter formetur accusatio*, where he states the Question, and does positively resolve in these Words, *Si vero factum aut delictum omni tempore est punibile, dies & hora commissi criminis non debet poni nec inseri in libello, nec probare, quia per hoc nimis coarctaretur accusator, & tenderet in grave damnum reipublica.* And again he says in the same Place in express Words, *imo quod accusator, etiam monitus & requisitus ab adversario, non tenetur ponere diem, nec horam commissi criminis, nec iudex possit eum ad hoc compellere;* and of the same Opinion is *Johannes Clarus, Quast. 12. Num. 13. Farin.* and others.

3<sup>do</sup>. How is it possible it can be otherwise? for suppose that the Witnesses to be adduced by the Pursuer shall prove positively the Crime, and the Person who commits the same, and the Circumstances in which it



it was committed, can there be no contrary Probation allowed, either directly, or by Inference, to take off the Force of that Probation? which were just to allow Witnesses to depone *contra dictum testium*: But as the Point is clear in the general, so there is no Necessity to enlarge upon this Debate, as to this special Case, in regard the *alibi* condescended upon, viz. that the Pannel was at his House in the Town of *Galsoun*, about Half a Mile distant from the Place condescended upon and libelled, by no Law was ever admitted, either in *judicio civili* or *criminali*; and the Reason is clear and undeniable, in respect it is possible in such a circumstance, that the Pannel might have been guilty of the Words libelled, and might have had Opportunity of meeting with the Witnesses, specially there being no Qualifications condescended upon to enforce the *alibi*, as that he was *detentus in carcere*, or *affixus lecto*, but does acknowledge to be in perfect Health, going up and down doing his Affairs, and so is a Case *toto caelo* different from an *alibi* so circumstance and qualified by reason of the Distance, that there was *impossibilitas natura*. And as to that Allegiance, that the Pannel has the Benefit of his Majesty's Indemnity, which extends to all treasonable Speeches, and to be interpreted in the greatest Latitude, and most benignly and favourably.

It is answered, 1<sup>mo</sup>. That the Act of Indemnity is opposed; for first, it is clear by the Act it self, it is not a simple Indemnity, but contains the Exceptions therein mentioned, and therefore must be congruously interpret, that it may not only import an Indemnity, as to such for whom it was intended, but also that such as were excepted and excluded, should not enjoy the Benefit of the said Indemnity.

2<sup>do</sup>. It is acknowledged, that treasonable Speeches having no Relation to the Rebellion, do fall under the Indemnity, and are secured thereby; and there are many Instances of treasonable Speeches, which need not be condescended upon.

The Exceptions in the Act of Indemnity are plain and clear, that Heritors who were Contrivers of the Rebellion, and Contributors thereto, by Levies of Men or Money, should not enjoy the same. The plain Meaning, and English whereof, does comprehend all Accession to the Rebellion, and the Words libelled do import a direct Accession to the Rebellion.

And as to the Objection, that none can be reputed a Contriver of the Rebellion, but such who advised the first Rising and Eruption of the Rebels.

It is answered: The Pretence is most irrelevant; for a Rebellion being equally to be considered in relation to the first Eruption, and to all breaking forth of the same, it is against Sense to pretend, that there is any rational Difference, whether one did advise the first Eruption of the Rebellion in one Corner of the Kingdom, or did advise, in order to the increasing and strengthening of the Rebellion in another Corner of the Kingdom, the Crime as to the Atrocity being the same; and Rebellions are not to be looked upon as the Result of formed and communicated Counsels, but every Act and every Advice in relation to Rebellion is of the same Nature, and a Contrivance, and a strengthening and increasing of the Rebellion, and so justly excluded from the Act of Indemnity; and to advise, and to contrive a Rebellion in the West, was just the same Contrivance as to contrive a Rebellion in *Galloway*, where it first broke out.

The Case does also fall under that Clause by contributing to the Rebellion, by Levies of Men or Money; for contributing by Levies, cannot be understood as if Levies were raised by Authority, but only that Persons run to the Rebellion; and therefore the giving Advice to any, either to go to Rebellion, or to return to the same, was perfectly to contribute by sending of Men to the Rebellion; and if it were otherwise, the Exceptions contained in the Act of Indemnity were of no Import or Significance; and all that was intended by the Indemnity in relation to that Rebellion, was but to secure the deluded Multitude, who were easily imposed upon, and led by Influence or Example, but otherwise to secure Heritors who were Contrivers of the Rebellion, or contributed thereto; and if any such Thing could be sustained, it would evacuate the Indemnity as to the Exception, and condemn the publick Procedures already made against such Persons who fall under that Head of Contrivers of the Rebellion, or Contributors thereto, albeit with that Artifice and Cunningness they did not appear, nor were not actually engaged in the Rebellion.

### Cesnock's Lawiers Quadruples. N<sup>o</sup>. XCVI. F.

Sir Patrick Home quadruples to that, that the Expressions mentioned in the Dictay are not only treasonable Words, but do import Counsel and Advice to these Persons to go back to the Rebellion. It is answered, That the Expressions mentioned in the Indictment, are not treasonable Words, seeing they do not fall under any express Law against Treason; and albeit such rash and inconsiderate Expressions might make a Man liable to an arbitrary Punishment, yet they can never infer the Pain of Treason, which can only be inferred from these express Cases mentioned in the Laws; and penal Laws are to be restricted and not extended, as is clear from all Lawiers on that Subject, and particularly *Carp. Par. 1. Quast. 9. Num. 13. Penales sanctiones in iis tantummodo casibus recipienda sunt, quorum expressa fit mentio in legibus, neque enim poena gravior alicui imponi debet, nisi in casibus jure expressis*. And *Par. 2. Quast. 56. Quod in poenis, vel statutis poenibus extra proprietatem verborum fieri non debet, ad Leg. 42. Dig. de poenis, interpretatione legum, poena multanda sunt potius quam asperanda*.

2<sup>do</sup>. The Expressions cannot import Counsel and Advice, so as to infer the Crime of Treason, seeing Crimes cannot be inferred from remote Causes and Inferences, to make the Party liable *ad poenam ordinariam*. As for Instance, if a Man having been fighting with his Neighbour, they should be separated, and as they were coming out of the Way, should meet with another, and he should ask him from whence he came, and he should answer him, he came from such a Place where he was fighting with his Neighbour, and that he came away and left him, and the Person should say, he liked not Runaways, and bid him take Courage, and if he would bide by it he would get Help; it were absurd to pretend the Person that met him by the Way, and had these Expressions



to him, should be guilty of the Man's fighting with his Neighbour; and the like may be instanced in many Cases of the like Nature.

It is the Opinion of all Lawiers, that when it is provided by a Statute, that the Person who gives Counsel and Advice should be liable to the same Punishment, is only understood of Counsel and Advice before the committing of the Crime, but not thereafter. *Bartol. in Leg. furtum, Dig. de furtis, par. 2. Marcel. Con. 30. Num. 31 and 32. Statutum dicens quod prestans auxilium, consilium vel favorem malefico, tali pœna puniatur, debet intelligi quando maleficium est in fieri, secus autem in malefico jam facto perfecte & consummato, & sic ante non post delictum, quia de illo statuto loquitur.* And *Minochius Cas. 351. Num. 6. requiritur quod consilium præcedat delictum, nam si secuto delicto daret consilium, illud certe is frustratorum, nec enim suafus delinquens eo consilio ad delictum perpetrandum processit.*

Whereas it is pretended, that the Indictment, in so far as it is libelled that the Defender spoke these Words, or some such Words to that Purpose, is relevant in these general Terms, seeing the Pursuers condescend that the Defenders had the like Words to encourage the Party.

It is answered, That the Defender spoke these Words or such like *alternative*, is not relevant, it being a certain Principle in Law, that whenever a Crime consists in Words, the specifick Words ought to be condescended upon, for if the libelling of a Crime arising from a particular Fact, as the Fact and Deed must be condescended upon, and the Libel will not be relevant in these Terms, that the Defender committed the Fact and Deed, or some such Deed to that Purpose; so by the same Reason when a Crime is libelled arising from Words, the particular specifick Words ought to be condescended upon, seeing the varying of a Syllable or a Letter, will also alter the Meaning and Sense of the Words, and if it were otherwise, then the Pursuer might libel no more but treasonable Words in general, which were absurd.

Whereas it is alledged, that the conversing with the Persons mentioned in the Indictment, doth infer Intercommuning with notour Rebels, seeing the Defender did know that they had been in the Rebellion. It is answered, That it is absolutely denied that the Defender did know that any of these Persons had been in the Rebellion, and private Knowledge being *actus animi & intellectus*, which can only be proven by Writ, or Oath of Party, which cannot be admitted in this Case; but if it were allowed, he could very freely declare, as he has already done, that he did not know that these Persons were in the Rebellion. And seeing the Law has fixed on that solemn and specifick Act of Denunciation at the Market-crofs of the Shire where the Rebels dwelt, to be the only Thing that puts Lieges in *mala fide*, to supply or intercommune with these Persons who had been at the Rebellion, no other Thing, how notour soever, can put the Lieges in *mala fide*, but only the Denunciation at the Market-crofs of the Shire, conform to the expresse Act of Parliament. And it is evident by his Majesty's Proclamation in April last, that the resetting, supplying and intercommuning with Persons that have been in the Rebellion, does not infer the Crime of Treason, unless they were denounced at the Horn, and forfeited for Rebellion. And seeing his Majesty's Advocate has already declared, that he makes only Use of that Article of the Libel as a Qualification, the Defender needs say no more but oppose the Act of Parliament, which sufficiently takes it off.

610. Whereas it is alledged that the Defence of *alibi* is contrary to the Libel, and so cannot be sustained. It is answered, that albeit it be no Nullity in a criminal Libel, if the Libel bear the Crime to have been committed upon one or other of the Days of such a Month, in such a Year of God; yet if the Defender desire the Pursuer to condescend upon a precise Day, he ought to condescend thereupon, that he may not be precluded of his Defence of *alibi*, which is not contrary to the Libel, but elides the Libel. As for Instance, if it had been libelled that the Defender had killed a Man at Edinburgh, on one or other of the Days of June 1679. and the Pursuer condescending upon a particular Day, and the Defender should prove, that all that Day he was at home at Cefnock, this were enough to elide the Libel, which is clear both from the civil and common Law. *Cap. final. parag. libellorum, Quæst. 8. and from all the Lawiers who write upon that Subject.* And particularly *Bartol. in Leg. is qui reus, Num. 10. Dig. de Imp. judiciis, & Jason in lege arbitraria, 2. parag. si quis Ephefi. Num. 6. de eo qui certo loco.* And *Farin. Quæst. 1. Num. 20. And Gail. Lib. 1. Obser. 64.* who is expresse, that albeit it be no Nullity of the Libel, albeit the particular Day be not condescended upon, yet if the Party desire, he ought to condescend, *nam omisso diei reo auferret defensionem, ergo exprimenda, quia probare possit eo die in tali loco non fuisse.* As also, this is clear from the Law of our neighbour Nation of England; as appears by 37 Statute K. Henry VIII. by which it is statute, that in all criminal Libels, the Day and Place must be condescended upon; and from our own Law, *Cap. 8. Quon. attac.* By which it is provided, that the Names of the Parties, Day, Year, and Month should be expresse, and Damage must be condescended upon; So that by the Law it is as necessary to expresse the precise Time in the Libel, if required, as to condescend upon the Party's Name, the Cause of Complaints, and the Place where the Crime was committed. And as this is clear in the general, much more ought the Pursuer to condescend in this particular Case, seeing if the Pursuer condescend on the Day, the Defender not only offers to prove *alibi* that Day, but that he was all the Day at home in his own House. *Quæ est defensio certata loco & tempore*; and so being a positive Exception, ought to be sustained to elide the Libel, especially seeing it is likewise offered to be proven by Persons that were present in Company with *Ingrham, Crawford and Fergusson* the Time they past through the *Galsfoun*, that the Defender was not with them at that Time, and albeit the Defender's House be not at that Distance from the *Galsfoun*, that it was impossible in Nature he could be there, yet he condescends so pregnantly, that it is equivalent to a physical Impossibility that he could be there, seeing it is positively offered to him in Company all the whole Day, and the Persons who were present with *Ingrham*, and the rest mentioned in the first Indictment, all the Time they past the *Galsfoun*, and the Defender was not with them, which is so circumstantiated an *alibi*, that it is beyond all question relevant to elide the Libel. And as to *Gomez* and other Lawiers cited, that seem to be of the contrary Opinion, it is evident, that there they do not state the Case of *alibi*, but only if the Libel without condescending on the Day be relevant, as to which it is not controverted; But these and all other Lawiers upon that Subject are clear of the Opinion, that when the Defender requires the Pursuer to condescend upon the precise Day, that it ought to be condescended upon, that the Defender be not precluded of his just Defence of *alibi*.



7<sup>mo</sup>. Whereas it is alledged, that the Defender falls under the Exception of the Act of Indemnity, both as a Contriver and Contributor to the Rebellion.

It is answered, 1<sup>mo</sup>. That the Defender cannot be reputed a Contriver, neither can those Words and Expressions contained in the Indictment import a Contrivance, being only, as is acknowledged by the Indictment, spoken at a transient Meeting on the High-way, and it is not to be imagined that any Man of common Sense or Reason would go and contrive a Rebellion with any Persons he met on the High-way.

2<sup>do</sup>. Contrivance must necessarily be understood of consulting and advising Things that are previous to the Rebellion, and which might give a Rise thereto, and not by a transient Discourse, and that Contrivance should be so largely extended, as to comprehend all Expressions that looked like Treason; the Exception would be as general as the Rule, and upon that Ground the former Part of the Act of Indemnity would be altogether evacuate.

3<sup>10</sup>. As these Expressions cannot infer a Contrivance, far less a contributing by levying of Men, which can only be understood in the proper Terms of assembling Men together to carry on the Rebellion, which cannot be in the least pretended in this Case; and the Defender was so far from countenancing any Thing that had the least Tendency to Rebellion, that he did upon all Occasions testify his Abhorrence of all rebellious Courses, and gave a signal Instance of it in April 1679. about a Month before the Rebellion; in so far as fines of the Shire, immediately the Noblemen and Gentlemen of the Shire met, and wrote a Letter to the Lord Chancellor, which was drawn by the Defender, and subscribed by him, and a great Part of the Gentlemen of the Shire, by which they acquainted his Lordship with the Murder of one of the Soldiers in the Night, and the wounding the other; as also of some armed Field-conventicles of a considerable Number of the Commons occasioned by unsound, turbulent and hot-headed Preachers, making it their Work to draw the People to Schism and Separation from the pure Ordinances, and instil in them the Seed of Rebellion; and out of their Sense of their Duty to Authority, the Good of Religion, the Peace and Quiet of the Kingdom, did think it fit to signify to the Lord Chancellor, their Detestation and Abhorrence of such horrid Practices, and that they should endeavour not to be wanting in their Capacities and Stations, what was becoming good Christians and loyal Subjects. Which was a most loyal Letter, and a clear Demonstration that the Defender is of most loyal Principles, and was so far from being a Contriver of the Rebellion, or having any Access thereto, that upon the first Appearance of any Insurrection, he did give timely Advertisement to the Lord Chancellor, that effectual Course might be taken for preventing thereof, and for crushing the Cockatrice in the Egg; so that it is not to be imagined that a Man of these Principles, and who did write such a Letter, could be guilty of any Expressions that had the least Tendency to Rebellion. And as a further Evidence of his Detestation and Abhorrence of the Rebellion, it is offered to be proven, that whenever he was informed that any of his Servants went to Conventicles, immediately he paid them their Fees, and dismissed them out of his Service, and would not retain any who haunted Conventicles; and when he got Notice of any of his People that abstained from publick Ordinances, he did always acquaint the Sheriff-depute of the Shire, and caused fine and punish them according to Law, and did never suffer any of the Rebels to come to his House, nor got they any of his Horses, Servants or Arms to assist. But immediately when he heard of any of the Rebels being near his House, he left his House and came to Edinburgh to joyn with his Majesty's Forces, which was all a prudent and loyal Man could do at that Time. As also, it is positively offered to be proven, that he dissuaded all his Tenants to joyn in the Rebellion, and informed them to take the Bond; and therefore he ought to have the Benefit of his Majesty's gracious Act of Indemnity. And if such as have been at Field-conventicles, or illegal Administrators of the Sacraments, and had maintained Positions, that it was lawful to rise in Arms for Reformation of Religion, condemned by the second Act of the second Session of his Majesty's first Parliament, and the Preachers at all these Conventicles, if such as these should have the Benefit of his Majesty's Indemnity, as certainly they have, much more the Defender, who has given such signal Testimonies of his Loyalty. Seeing it is clear, that his Majesty's Design is, that the said Act of Indemnity should be extended in the utmost Latitude, which is agreeable to the common Law, *L. 3. Dig. de constitutione. Principio beneficium imperatoris, quod a divina sciz. ejus indulgentia proficiscitur, quam plenissime interpretari debemus.* And if the Exception of the Act of Indemnity should be otherwise understood, there were hardly a Gentleman in the West of Scotland, but he might be brought under the Acts of Parliament against Treason; and the Act of Indemnity which his Majesty designed for removing of all Fears and Jealousies, and the quieting the Minds of his good Subjects, should be rendered altogether elusory and ineffectual.

Mr. William Fletcher for the Pannel further adds, and conjoyns, that the Defences stand most relevant, notwithstanding of the Replies: For, 1<sup>mo</sup>. Whereas it was pretended, that the conversing and intercommuning with Daniel Crawford and the other Rebels, was flagrant Rebellion, and before any Course could be taken to declare or denounce them.

It is answered, 1<sup>mo</sup>. That the pretended Converse, being only a casual Rencontre on the High-way, it could not subject the Pannel to any Crime, but especially the highest Crime of Treason; and there is no Man in the World so innocent and loyal, who might not have fallen in the same Accident, considering the Number of the Rebels that were swarming in the Country. 2<sup>do</sup>. Any such Converse and Intercommuning being antecedent to the Act of Indemnity, the Pannel is thereby secured, in respect that Converse and Intercommuning is none of the Cases excepted in this Indemnity, and *exceptio firmat regulam in non exceptis.*

2<sup>do</sup>. Whereas it is replied, That the pretended Words do import a Counsel cum instructione, in regard they contain Motives and Reasons for returning to the Rebellion, viz. that they should not want Officers and Help. It is answered, That Law, in this Case of Counsel, requires more than Reasons and Arguments to persuade, viz. Directions how to commit the Crime, as in *crimine furti*, and what Place and House may be most easily broke, and what Instruments are most fit, which Species of Instructions are expressly cited in the forecited Paragraph of the Institutions.

3<sup>10</sup>. Whereas it is replied, That the Counsel takes the Nature of the Crime which is counselled; it is acknowledged that this holds true in the general, but still it must be such Counsel as is instructed, and in this Case it was impossible that the Pannel might have instructed the Rebels, both with proper Ways how to manage the Rebellion, and likewise with Arms and Horses.

4<sup>10</sup>. Where-



400. Whereas it is pretended, that the Indemnity is not simple, but contains Exceptions, and that albeit treasonable Expressions be indemnified in the general, yet the Indemnity cannot be extended to such treasonable Speeches as import a Counsel to Rebellion, that being a proper Accession to the Crime by which the Pannel becomes Art and Part thereof.

It is answered, 1<sup>mo</sup>. That *verba legis, præsertim favorabilis, non sunt cavillanda*; and it is impossible, without offering manifest Violence to the Propriety of Words, that the Expressions libelled should not be comprehended under the General of traiterous Speeches; and albeit treasonable Expressions may be distinguished into two Sorts, viz. 1<sup>mo</sup>. These which do only import a Counsel, Mandate or Command, to commit the Crime of Treason; yet it would be a very bad Rule in Dialectick, to say that these Words are not traiterous Speeches, because they are not of the first Kind of treasonable Speeches. 2<sup>do</sup>. If it be the Sense and Opinion of all Persons, who hear these Words repeated in this Libel, that the same are traiterous Speeches, then that Genus of treasonable Speeches must necessarily comprehend the same: But so it is, that the Pannel doth appeal to the Lords of Justiciary, and all who hear the Libel read, if that was not the Notion which they had of these Words, that the same are traiterous Speeches. And albeit his Majesty's Advocate and these who concur with him, may subtilize upon the Nicety of Words, and reduce them to another Class than these which are contained in the Indemnity, yet Words are to be understood *ex populari, quem penes arbitrium est, & jus & norma loquendi*, or otherwise Words should become Captions and Snares, and the People for whose Satisfaction the Proclamation of the Indemnity was made, should not be capable to understand the same; and it is not *usus artis*, but *usus popularis* which must be the Rule in this Case. 3<sup>mo</sup>. According to all the Rules of Interpretation, in Things which of their own Nature are not odious, the Words are to be taken according to all the Propriety of popular Use, v. g. an indefinite Speech should be taken for one that is universal, and the Indemnity is not only a Matter not odious, but most favourable, and therefore *a proprietate verborum non est recedendum*.

410. It is a strange Nicety and catching of Words, to pretend, that Words libelled should be pardoned, in so far as they are traiterous Speeches, and should not be pardoned in so far as they are a Counsel to Rebellion; for this were indeed to cleave an Hair, and it is noways suitable to that free and native Liberty which is inherent in such Acts, to run to metaphysical Niceties.

510. Whereas it is pretended, that the Pannel falls under the Exceptions of the Act of Indemnity in so far as an Heritor, and that it is clearly imported by the Words libelled, that he has contrived the Rebellion, and contributed thereto, by sending out Men to the same, and that the Accession arising from Counsel, imports as much against the Pannel, as if he had been actually in the Rebellion.

It is answered, 1<sup>mo</sup>. That the Act of Indemnity is opposed, which excepts only Heritors in three Cases distinctly express in the Act, viz. 1<sup>mo</sup>. Actual Rebellion arising from these Words, *Heritors who were in the Rebellion*. 2<sup>do</sup>. Contriving. 3<sup>mo</sup>. Contributing by Levies; and that Counsel and Intercommuning is not under any of these three Heads, for the Extent of the Rule cannot be better cleared and determined, than by the Nature of the Expression; and where Laws have Exceptions, nothing does so much illustrate and confirm the Rule, as appears from *Novel. 7. Cap. 2. in initio*, where these Words are to be found, *necessarium existimavimus quasdam exceptiones dare legi, cum multis vigilis & subtilitate adinventas, ut eas habens in auxilio, lex nequaquam moveatur*; and the Exception in some Case doth enlarge the Rule, and does fully clear the same, and makes it extend to Cases which otherwise would not be understood to be comprehended, as appears from *Lex 12. Parag. 43.* where the Case being stated, if when *domus instructa, legata an contineatur vestis*. The Lawier doth resolve, that it is doubtful in the general; but if there be an Exception added of *aurum or argentum*, that the *domus instructa* must necessarily comprehend *vestis*, *nam qui hæc exceptit, non potest non videri de cæteris rebus, quæ mea essent, sensisse*.

2<sup>do</sup>. The Words *Contrivance* and *Plotting* are synonymous Words, and are express in the Latin by *ordinatio & tractatus*, and according to the common Acception of the Words, these only are understood to have contrived and plotted a Rebellion, who have taken Measures, and laid down Ways how to carry on and maintain the same, they keeping Correspondence in order to that End, drawing what Number could be engaged, how they should be provided with Arms and the like, which can noways be inferred, as is pretended, from Words spoke on an High-way in a passing Discourse. Likeas, Plots and Contrivances of Rebellion are of their own Nature secret and latent Actions, which are done *clam & occulto*; and no rational Man will presume that the Pannel, who is known to be a Man most circumspect in his Words and Carriage, could have fallen into that Madness, as to have contrived a Rebellion with ignorant, silly and mean Persons (some whereof he did not know) in an open High-way: And 'tis hoped the Lords of Justiciary will in this Case consider the Person of the Pannel; and seeing the Words do not amount to a Contrivance, or plotting a Rebellion, *rapienda est occasio quæ præbet benignius responsum*; and albeit in a lax and improper Signification, these Words might import a Contrivance, yet the Pannel doubts not but the Lords will have regard to the proper Signification of the Words, seeing otherwise it is impossible to interpret the Indemnity with that Latitude which his Majesty hath expressly required.

Whereas it is pretended, that these Words do import a contributing to the Rebellion, by levying of Men or Money. It is answered, That levying of Men and Money is a physical Act, and not a moral Periwasion; and no Man will imagine that levying of Men and Money, can consist in Words, but the same doth necessarily import Deeds of drawing Men together, and taking of their Names in order to the forming them into an Army; if Words were levying of Men or Money, an Army would be very easily supplied.

As to the former Defence against the second Libel, viz. that it wants Month and Year, and there is not the least Answer made, and therefore there cannot be least Use made thereof.



*Proclamation for the Oaths of Masters of Vessels, September 15. 1684.*  
N<sup>o</sup>. XCVII.

**C**HARLES, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith: To Our Lyon King at Arms, and his Brethren, Heralds, Macers of Our Privy Council, Pursewards, or Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting. Forasmuch as, many wicked and rebellious Persons, being conscious of their own Guilt, have fled from this Kingdom, into foreign Kingdoms or Countries, where they continue to carry on their traitorous and hellish Designs against Our sacred Person, and the Government of this Our Realm, by corresponding and keeping of Intelligence with their rebellious Complices, lurking within this Kingdom: Therefore, and for preventing of the said Designs as much as can be, We, with Advice of the Lords of Our Privy Council, do hereby require and command all Masters of Ships, going from this Kingdom or returning to the same, to present all and every one of their Passengers upon Oath, to the several Persons to be named by the Customers in the several Precincts following, viz. All Masters of Ships, Barks, Boats, or other Vessels, going from or returning to any Place within the Precincts of the Custom-office of *Leith* and *Prestonpans*, to the Collector there for the Time; all within the Precinct of the Custom of *Borrowstounness*, to the Collectors there for the Time; those of the Precinct of *Kirkaldy*, to the Collectors there for the Time; those of the Precinct of *Montrose*, to the Collectors there for the Time; those of the Precinct of *Aberdeen*, to the Collectors there for the Time; those of the Precinct of *Inverness*, to the Collectors there for the Time; those of the Precinct of *Portpatrick*, to the Collectors there for the Time; those of the Precinct of *Air*, to the Collectors there for the Time; those of the Precinct of *Port-glasgow*, to the Collectors there for the Time; and those of the Precinct of *Port-glasgow*, to the Collectors there, for whom the Tacksmen and Customers are to be answerable. Declaring hereby, that whatever Master of Ship, Bark, Boat, or Vessel, shall do in the contrary, shall lose his whole Goods, (the one Half to the Informer, and the other Half to Us) his Person shall be imprisoned, and he declared incapable to be a Master of a Ship, Bark, or other Vessel, hereafter. And if any of the said Masters of Ships, or other Vessels foresaid, shall import to this Kingdom, any Traitors, Rebels, Fugitives, intercommuned or banished Persons, it is hereby declared, they shall be liable therefore, conform to the Laws and Acts of Parliament, and Proclamations made against Resettlers of Rebels; requiring also the Persons abovementioned, authorized to take the said Oath, to give an exact Account of their Diligence, the first Tuesday of every Month, to the Clerks of Our Privy Council: And We do hereby require and command the Collectors and Clerks of Our several Custom-offices, to accept of no Report inward, from any Master of a Ship, Bark, Boat, or other Vessel, and the Keepers of the Cocquet-office not to give out the same to any such Master outward bound, until he receive Testificate from the Persons abovementioned, authorized as said is, within whose Precinct any such Ship, Bark, Boat, or other Vessel is, that he has made Faith anent his Passengers, as aforesaid, and that he neither hath, had, nor has any other Passengers from Abroad, nor outward bound, than these mentioned in his Oath, as they will be answerable at their highest Peril. And further, declaring, that the Master and Owner shall lose the Ship, Boat, Bark, or Vessel and Goods, in which any Person, not given up as said is, shall be in-brought unto this Kingdom, or transported forth hereof; and that all Magistrates of Burghs of Royalty or Regality, and Heritors on whose Ground such Persons shall be landed, are to be liable and punished therefore, as Our Privy Council shall think fit, in case they do not Diligence to prevent the same, or apprehend the Persons so landed. And to the effect Our Pleasure in the Premises may be known to all Persons concerned, Our Will is, and We charge you strictly and command, that incontinent, these Our Letters seen, ye pass to the Market-cross of *Edinburgh*, and the remanent Market-crosses of the head Burghs of this Kingdom, and other Places needful, and thereat, in Our Name and Authority, by open Proclamation, make Publication of the Premises, that all Persons concerned may have Notice thereof, and give punctual and exact Obedience thereto.

*Given under Our Signet, at Edinburgh the Fifteenth Day of September, One thousand six hundred eighty and four, and of Our Reign the thirty sixth Year.*

*Per actum Dominorum Secreti Concilii.*

*Will. Paterson Cl. Secr. Concilii.*

God save the King!

*Proclamation for Passes, September 16. 1684. N<sup>o</sup>. XCVIII.*

**C**HARLES, by the Grace of GOD, King of Great Britain, France and Ireland, Defender of the Faith: To Our Lyon King at Arms, and his Brethren, Heralds, Macers of Our Privy Council, Pursewards, or Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Forasmuch as We having thought fit to commissionate some of Our Privy Council, to go to the Southern and Western Shires of this Kingdom, for suppressing and punishing Disorders there, and We being resolved to prevent the travelling of skulking and vagrant Persons, and others disaffected to Our Government, in the said Shires, during the Abode of Our Commissioners there, for carrying of false News, and



and other wicked Purposes, do therefore, with Advice of the Lords of Our Privy Council, hereby strictly prohibit and discharge all Our Subjects, of what Quality soever, to go out of one Jurisdiction to another, in the said Southern and Western Shires, without a Pass from one of Our Privy Counsellors, Our said Commissioners, or the Sheriffs, Bailiffs, Magistrates of Burghs, Commissioners of Excise, or Justices of Peace of the Jurisdiction from whence they came, or any one of them, under the Pain of being punished as Persons disaffected to Our Government. And We hereby require the several Magistrates foresaid, to apprehend and secure any Person coming within their respective Jurisdictions, without having a Pass, as said is, until the Return of Our said Commissioners, as they will be answerable. Our Will is herefore, and We charge you strictly and command, that incontinent, these Our Letters seen, you pass to the Market-cross of *Edinburgh*, and remanent Market-crosses of the Head Burghs of the Western and Southern Shires of this Kingdom, and other Places needful, and there, by open Proclamation, make Publication of the Premises, that all Persons concerned may have Notice thereof, and give Obedience thereto, as they will be answerable.

*Given under Our Signet, at Edinburgh the Sixteenth Day of September, One thousand six hundred and eighty four, and of Our Reign the Thirtieth and sixth Year.*

*Per actum Dominorum secreti concilii.*

*William Paterson Cl. Secr. Concilii.*

God save the King.

*Society People's Declaration, especially against Informers and Intelligencers, November 8. 1684. N<sup>o</sup>. XCIX.*

**A**lbeit we know that the People of God in all Ages, have been cruelly persecuted, and maliciously reviled by Apostates from, and Enemies to the Truths of our Lord Jesus Christ; yet such hard Usage, and virulent reproaching, hath not (at least ought not to have) abated the Zeal of tender hearted Christians, in the Prosecution of holy and commanded Duties. Therefore, as hitherto, (through Grace assisting) we have not been driven to lay aside necessary obliging Duties, because of the viperous Threatnings of Men, who are given up of an holy and wise God, to lay out all their Might and Power for promoting a Course of wicked Profanity by virulent Persecution, and ignominious Calumnies, (to all of whom nevertheless, that are reconcilable unto God, we heartily wish eternal Salvation) so we declare our firm Resolution of constant Adherence to our Covenant and Engagements, where we are bound to have common Friends and Foes with our covenanted Reformation, and to look upon what is done to one, as done to all of us; and also our unanimous Adherence to our faithful Declarations, wherein we have disowned the Authority of *Charles Stuart*, (not Authority as God's Institution, either among Christians or Heathens) and all Authority depending upon him, for Reasons given elsewhere; (disclaiming all such Things as infer a magistratical Relation betwixt him and us) and wherein also we have declared War against him, and his Accomplices, such as lay out themselves to promote his wicked and hellish Designs. Therefore, that therein our Mind may be the more clearly understood, and for preventing further Mistakes anent our Purposes, we do hereby joyntly and unanimously testify and declare, that as we utterly detest and abhor that hellish Principle of killing all who differ in Judgment and Perswasion from us, it having no Bottom upon the Word of God, or right Reason; so we look upon it as a Duty binding upon us, to publish openly unto the World, that forasmuch as, we are firmly and really purposed not to injure or offend any whomsoever, but to pursue the Ends of our Covenants, in standing to the Defence of our glorious Work of Reformation, and of our own Lives: Yet (we say) we do hereby declare unto all, that whosoever stretcheth forth their Hands against us, while we are maintaining the Cause and Interest of Christ against his Enemies, in the Defence of our covenanted Reformation, by shedding our Blood actually, either by authoritative commanding, such as bloody Counsellors (bloody we say) insinuating clearly by this, and the other adjective Epithets, an open Distinction, betwixt the cruel and blood-thirsty, and the more sober and moderate, especially that (so called) Justiciary, Generals of Forces, Adjutants, Captains, Lieutenants, and all in civil and military Power, who make it their Work to embue their Hands in our Blood, or by obeying such Commands, such as bloody Militia Men, malicious Troopers, Soldiers and Dragoons; likewise, such Gentlemen and Commons, who, through Wickedness and ill Will, ride and run with the foresaid Persons, to lay Search for us, or who deliver any of us into their Hands, to the spilling of our Blood, by inticing morally, or stirring up Enemies to the taking away of our Lives, such as designedly and purposely advise, counsel, and encourage them to proceed against us, to our utter Extirpation; by informing against us wickedly, wittingly, and willingly, such as viperous and malicious Bishops and Curates, and all such Sort of Intelligencers, who lay out themselves to the Effusion of our Blood, together with all such as, in obedience to the Enemies their Commands, at the Sight of us raise the Hue and the Cry after us; yea, and all such as compearing before the Adversaries their Courts, upon their Demands delate us, and any who befriend us to their and our extreme Hazard and Suffering. We say all, and every one of such shall be reputed by us, Enemies to God, and the covenanted Work of Reformation, and punished as such, according to our Power, and the Degree of their Offence; chiefly, if they shall continue after the Publication of this our Declaration, obstinately and habitually, with Malice to proceed against us, any of the foresaid ways, not at all excoiming from present Punishment, such as formerly have been chief Ringleaders and obstinate Offenders. Withal leaving Room for civil and ecclesiastick Satisfaction, before lawful and settled Judicatories, for the Offences of such Persons as our Power



at this Time cannot reach, or the Degrees of whose Punishment, according to their Offences, is hard for us to be determined. *Finally*. We do hereby declare, that we abhor, condemn, and discharge any personal Attempts, upon any Pretext whatsoever, without previous Deliberation, common or competent Consent, with certain Probation by sufficient Witnesses, the guilty Person's Confession, or the Notourness of the Deeds themselves. Inhibiting also and discharging any of our Emisaries whatsoever, to stretch forth their Hands beyond the certainly known Degrees of any of the foresaid Persons their Offences.

Now let not any think, that (our God assisting us) we will be so slack-handed in Time coming, to put Matters in Execution, as heretofore we have been, seeing we are bound faithfully and valiantly to maintain our Covenants, and the Cause of Christ. Therefore, let all these foresaid Persons be admonished of their Hazard, and particularly all ye Intelligencers, who, by your voluntary Informations, endeavour to render us up into the Enemies their Hands, that our Blood may be shed; for by such Courses ye both endanger your immortal Souls, it Repentance prevent not, seeing God will make Inquisition for shedding the precious Blood of his Saints, whatever be the Thoughts of Men; and also your Bodies, seeing you render your selves actually and maliciously guilty of our Blood, whose Innocency the Lord knoweth. However, we are sorry at our very Hearts, that any of you should choose such Courses, either with bloody *Deed* to shed our Blood, or with the flattering *Ziphites*, to inform Persecutors where we are to be found. So we say again, we desire you to take Warning of the Hazard that ye incur, by following such Courses; for sinless Necessity for self Preservation, accompanied with holy Zeal for Christ's reigning in our Land, and suppressing of Profanity, will move us not to let you pass unpunished. Call to your Remembrance, all that is in Peril is not lost, and all that is delayed is not forgiven. Therefore, expect to be dealt with as ye deal with us, so far as our Power can reach, not because we are acted by a sinful Spirit of Revenge, for private and personal Injuries, but mainly because by our Fall Reformation suffers Damage; yea, the Exercise of Godliness through enflaming Flatteries, and terrible Threatning, will thereby be brought to a very low Ebb, the Consciences of many more dreadfully surrendered, and Profanity more established and propagated.

And as upon the one Hand we have here declared our Purpose against malicious Injurers of us, so upon the other Hand, we do hereby beseech, invite, and obtest all you who with well unto Zion, to shew your good Will toward us, by acting with us, and in your Places and Stations, according to your Ability, counselling, encouraging, and strengthening our Hands for this great Work, of holding up the Standard of our Lord Jesus Christ. Think not that in any ways ye are called to ly by neutral and indifferent, especially in such a Day; for we are a People by holy Covenants dedicated unto the Lord, in our Persons, Lives, Liberties, and Fortunes, for defending and promoting his glorious Work of reformation, notwithstanding all Opposition that is, or may be made thereunto; yea, and sworn against all Neutrality and Indifferency in the Lord's Matters. And moreover, we are fully perswaded, that the Lord, who now hideth his Face from the House of Jacob, will suddenly appear, and bring Light out of Darkness, and perfect Strength out of Weakness, and cause Judgment to return again to Righteousness.

Thus having declared our deliberate, lawful, and necessary Purposes concerning this Matter, in order to the Publication of the same, we do hereby statute and ordain, that upon the Eighth Day of November, Copies of this our Declaration, be affixed upon a sufficient and competent Number of the publick Market-crosses of the respective Burrows, and of the patent Doors of the respective Kirks within this Kingdom.

Given at  
four Years.

upon the 28 Day of October, One thousand six hundred and eighty

Let King Jesus reign, and all his Enemies be scattered.

*Proclamation against a treasonable Declaration, Dec. 30. 1684. N<sup>o</sup>. C.*

*Present in Council.*

Earl of Perth Lord high Chancellor.  
Lord Archbishop of St. Andrews.  
Duke of Queensberry Lord high Treasurer.  
Lord Archbishop of Glasgow.  
Marquis of Douglas.  
Earl of Drumlanrig.  
Earl of Mar.  
Earl of Glencairn.

Earl of Strathmore.  
Earl of Southesk.  
Earl of Panmure.  
Earl of Tweeddale.  
Earl of Balcarres.  
Earl of Kintore.  
Lord Yester.  
Lord Kinnaird.

L. President of the Session.  
L. Register.  
L. Advocate.  
L. Justice-clerk.  
L. Castle-hill.  
Gosford.

**C**HARLES, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith: To Our Lyon King at Arms, and his Brethren, Heralds, Maces of Our Privy Council, Pursuivants, and Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting. Forasmuch as several insolent and desperate Rebels, having frequently refused the reiterated Offers of Our Clemency, have of late associated themselves, under a pretended Form of Government, in Societies, Fellowships, &c. and have, in their Meetings, at last pulled off the Mask under which they formerly endeavoured to disguise their bloody and execrable Principles, and openly and avowedly declared in a treasonable Paper, emitted by them, and affixt at several Parish-churches, (intituled, *The apologetical Declaration and admonitory Vindication of the true Presbyterians of the Church of Scotland, especially against Intelligencers and Informers*) that they have disowned Us and Our Authority, and have declared War against Us; and from that



that do infer, that it is not only lawful, but a Duty upon them, to kill and murder all who do any manner of way serve Us, or bear Charge under Us, or who do assist Our Judicatures, or Forces in the Execution of Our Laws ( Principles inconsistent with all Government and Society, and tending to the Destruction of the Lives of Our loyal and honest Subjects ) Therefore We, with Advice of the Lords of Our Privy Council, do hereby ordain, that whosoever shall own the said most execrable and treasonable Declaration, or Assassinations therein mentioned, and the Principles therein specified, or whosoever shall refuse to disown the same, in so far as it declares a War against his sacred Majesty, and asserts that it is lawful to kill such as serve in Church, State, Army, or Country, shall be tried, and executed to the Death. And further, We hereby require and command all Our good Subjects, especially these dwelling in the Southern and western Shires of this Our ancient Kingdom, besouth the River of *Tay*, that they be ready, upon all Occasions, to concur with Our Magistrates and Officers, in seeking, searching and apprehending; and that they, and each of them do their utmost Endeavour, to seek, search, delate and apprehend any who shall own the said *apologetical Declaration*, and the treacherous and assassinating Principles therein mentioned, or refuse to disown the same, as said is; certifying them, if they fail herein, they shall be proceeded against, for their said Collusion and Connivance, with the utmost Severity of Our Laws: As also that, when they are required, they shall actually concur to keep and secure (as Prisoners) the said Rebels, when they are taken; and to search for, and drive away their Goods, when required by those commissioned by Us. And since these Rebels, after declaring their hellish Intentions, for the better Performance of their mischievous Designs, do lurk in secret, and are never discerned, but in the Acts of their horrid Assassinations, and passing up and down unknown amongst Our loyal Subjects, take Opportunity to murder and assassinate, and it being necessary to provide a Remedy against so imminent a Danger, which cannot be so well done, as when the good are discriminated from the bad by discriminating Signs; at least constant Inquiries may occasion a continual Trouble, even to Our good Subjects: Therefore, as a Remedy for these Inconveniencies, We declare it to be Our Royal Will and Pleasure, and We hereby command and require all Our Subjects, within this Our ancient Kingdom, both Men and Women, past the Age of Sixteen Years, not to presume to travel without Testificates of their Loyalty and good Principles, which they are to have in manner following. And We hereby command all Heritors, Liferenters and Wadsetters, and, in their Absence, their Factors and Chamberlains, to convocate all the Inhabitants upon their Lands, in every respective Parish, and to bring them before any of Our Privy Counsellors, or Our Commissioners appointed by Our Council, in the Shires and Bounds underwritten, *viz.* *Lanerk, Renfrew, Air, Dumbarton Shire, Nithsdale, and Stewartry of Anandale, Wigton, and Stewartry of Kirkcudbright, Berwick, Selkirk, Fife, and Kinross, Mid, West, and East Lothians, and Bathgate,* ( including Our City of *Edinburgh*, with the Suburbs and Liberties thereof, ) and Bounds betwixt *Spey and Ness*, ( including *Strath-spey and Abernethy* ) or any Three of them, or before the Sheriffs of the Shire, where there are no such Commission, to deliver them an exact List of the Names of all their Inhabitants; and the Master and all the Inhabitants, shall, in solemn Manner, in presence of the said Commissioners, take the following Oath, *Viz.*

*I A. B. do hereby abhor, renounce and disown, in presence of the almighty God, the pretended Declaration of War, lately affixed at several Parish-churches, in so far as it declares a War against his sacred Majesty, and asserts, that it is lawful to kill such as serve his Majesty, in Church, State, Army, or Country.*

And such as can subscribe, are to subscribe the same, on a large Sheet of Paper, for every Parish; and on Performance thereof, the said Commissioners are hereby ordained to deliver to every such Person, a Testificate of the Tenor following, *Viz.*

*We A. B. &c. do, by these, testify and declare, that C. in the Parish of D. did compare before us, and on his, or her solemn Oath, before almighty God, did abjure and renounce the late traitorous apologetical Declaration, in so far as it declares, War against his Majesty, and asserts, that it is lawful to kill such as serve his Majesty in Church, State, Army, or Country.*

Which Testificate we declare is to serve for a free Pass to all who have the same for all Time thereafter, and shall preserve them from all Molestation and Trouble in going about their Affairs; and if it shall happen any of the said Testificates to be lost by the Persons who receive the same, that they are to have them renewed by them who first granted them, and the Ministers of the respective Parishes; certifying hereby, all such who shall adventure to travel without a Testificate in Manner foresaid, that they shall be holden and used as Concurrers with the foresaid execrable Rebels, and as guilty of the foresaid treasonable Declaration, and accessory to the Designs therein. And to the effect this Our Will and Pleasure may be made known to all concerned We hereby require and command all Our Sheriffs, and Magistrates of Our Royal Burghs respectively, to cause intimate the same at all the Parish-churches within this Kingdom, upon the Lord's Day after divine Service, and that with all possible Diligence; and that the Heritors, Liferenters and Wadsetters in every Parish give in their foresaid Lists, before the regular incumbent Minister, and such a Person or Persons as shall be appointed by the Sheriff and Stewart of each Shire and Stewartry, within the Space of Fifteen Days after the said Intimation at the Parish-churches respectively; and in case it shall happen any to be absent from their Residences, at that Time, upon lawful Occasion, their Master shall take a competent Day to produce them, conform to the Distance of the Place; and all who are otherwise absent, and for whom their Masters will not engage in Manner foresaid, shall be considered as Fugitives, their Families seized on in order to their Transportation, and their Goods inventared and secured; and it is hereby declared, that the Master shall be answerable that none of the Goods of the said Persons be taken off the Ground until those employed by Us shall intromit with them; and if any of these who compare shall own the said traitorous Declaration, and the Principles and Practices therein asserted, or shall refuse to disown the same in manner above prescribed, the said Commissioners are hereby required instantly to secure and apprehend their Persons, and carry them to the next Burgh, Sheriff, Bailie of Regality, or any of Our Forces who are nearest; and any who shall receive them, are hereby required to carry them to the surest Prison next adjacent, there to be kept till Our Council be acquainted therewith, and give Order therein; and the Apprehenders are hereby empowered to call to their Assistance, such of Our Lieges as they shall think fit for executing of Our Commands; and if any shall refuse to concur, We declare they are to be holden as Concurrers with and Assistors of these Rebels; and that if any Heritor, Liferenter, or Wadsetter shall fail in doing as aforesaid, they shall be holden as guilty of the foresaid Crimes, and pursued and punished



nished accordingly: And We do hereby strictly prohibit and discharge all Our Lieges whether to Burgh or Land, as well all other House-keepers, as Hostler-houses, Inn-keepers, and other Houses of common Refect, to harbour, lodge, or entertain any Person whatsoever, unless they have such Certificates as is above prescribed, under the Pain of being punished as Refecters of, and Intercommuners with Rebels. And for further Security and Prevention of Fraud, it is hereby required, that the Users and Havers of the foresaid Testificates shall be holden and obliged to swear, that these Testificates are true and unforged Testificates, and that they are the Persons mentioned and expressed in them, if the same shall be required of them. And finally, for the Encouragement of such as shall discover any of the said Traitors and Assassins, or any who have been any ways in Accession to the said traiterous and damnable Paper, or to the publishing and spreading of the same, as said is, or to have been a Member of the said pretended Societies and Fellowships, &c. We hereby declare and ensure to them, and every one of them, who shall discover any of these Assassins, or pretended Members, a Reward of the Sum of Five hundred Merks *Scott*, for each of them who shall be discovered, so as to be apprehended, and found guilty. And to the effect that all Our Lieges may have notice of Our Pleasure in the Premises, Our Will is, and We charge you strictly, and command, that incontinent, these Our Letters seen, ye pass to the Market-cross of *Edinburgh*, and remanent Market-crosses of the whole head Burghs of the Shires of this Kingdom, and there, in Our Name and Authority, by open Proclamation, make Publication of these Presents, that all Persons concerned may give exact and punctual Obedience thereunto, as they will be answerable at their highest Peril. And We ordain these Presents to be printed.

*Given under Our Signet, at Edinburgh the Thirtieth Day of December, One thousand six hundred and eighty four, and of Our Reign the Thirty sixth Year.*

*Per actum Dominorum secreti Concilii.*

*Will. Paterson Cl. Secr. Concilii.*

God save the King.

*Proclamation for Lieutenants in Tarbet and the Highlands, May 5. 1684.*  
N<sup>o</sup>. CI. A.

**H A R L E S**, by the Grace of God, King of *Great Britain, France and Ireland*, Defender of the Faith: To Our Lovits  
Our Privy Council, Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially in rure, Greeting. Forasmuch as We understanding that *Archibald*, late Earl of *Argyle*, hath not only consulted and concurred with the *English* Conspirators, in their late treasonable Plot against Our Person, Our dearest and only Brother, and Our Royal Government, but hath been eminently active therein, encouraging his Complices, by undertaking to raise a considerable Force in this Our ancient Kingdom, for beginning and carrying on of that villanous Conspiracy; and We being obliged, by the Law of God and Man, to endeavour, by all just Means, to disappoint those hellish Machinations, and to prevent the Ruin of Our good People, which necessarily would ensue, if the malicious Designs of the said late Earl of *Argyle*, and others his Accomplices, should take any Effect; and We having, in order thereto, established Lieutenants in the Shires of *Argyle* and *Tarbet*, for preventing and suppressing the Projects and Seditions intended by the said late Earl's descending in these Places, and his convocating others who are ill principled, and disaffected to Our Government; and it being fit that the said Lieutenants should be assisted by Our other good Subjects, in case of any such traiterous Attempts, We therefore, by virtue of Our Royal Authority, and with Advice of the Lords of Our Privy Council, do hereby command and require, that the Persons afternamed have in Readiness, with all convenient Diligence, the respective Proportions, and Number of Men after mentioned, well provided in Feir of Weir, well armed, and with Thirty Days Provision, for concurring with, and assisting Our said Lieutenants, in maintaining Our Royal Authority, and executing of Our Laws, and preserving the Peace of this Our Realm, as they shall be required by Our said Lieutenants, on any necessary Occasion, viz. The Earl of *Monteth* Two hundred Men, and the Laird *Luss* One hundred Men, for assisting the Lieutenant of *Cowal*, when they shall be required; the Marquis of *Athole* Three hundred Men, and the Earl of *Broad-albin* Three hundred Men, to assist the Lieutenant of *Inveraray*; the Sheriff of *Bute* Two hundred Men, the Laird of *M'clean* Two hundred Men, *M'Leod of Harris* Two hundred Men, and for *Ilay* Two hundred Men, for assisting the Lieutenant of *Sadel or Kintyre*; the Marquis of *Huntley*, and Earl of *Perth* Three hundred Men, the Laird of *M'Intosh* Two hundred Men, the Laird of *M'kinnon* One hundred Men, and the Laird of *Appin* One hundred Men, for assisting the Lieutenant of *Craigueloch*; the Marquis of *Huntley* and Earl of *Perth* Three hundred Men, the Laird of *Lochylell* Two hundred Men, the Captain of *Clanronald* Two hundred Men, and the Laird of *Glengarry* One hundred Men, for assisting the Lieutenant of *Dunstaffnage*; the Earl of *Mar* Three hundred Men, the Laird of *Weem* One hundred Men, the Earl of *Seaforth* Three hundred Men, and Sir *Donald M'Donald* of *Slair* Two hundred Men, for assisting the Lieutenant of *Tarbet*. And all the Persons abovenamed are hereby required to have their foresaid Number in Readiness, and to certiorate Our Chancellor thereof, with all convenient Diligence, and to have their said Numbers fitted and prepared to march with all Diligence to the said respective Lieutenants, as they shall require the same. And to the effect the ill affected People may be the more terrified from attempting any Thing to the Prejudice of Us, or of Our good Subjects, We hereby command and require all Our Lieg-men, betwixt Sixty and Sixteen, within the respective Shires aftermentioned, well provided in Feir of Weir, to march on Six Days Warning, with Thirty Days Provision, to the Assistance of the several



ral Lieutenants, when they shall require the same, and there to act and do as they shall be commanded by the said Lieutenants, or others having Command from Us, viz. All within the Shires of *Dumbartoun* and *Stirling*, and Stewartry of *Monteith*, for to answer the Lieutenant of *Cowal*; all within the Shire of *Perth*, to answer the Lieutenant of *Inveraray*; all within the Shires of *Forfar* and *Kincardin*, and Stewartry of *Snathern*, to answer the Lieutenant of *Craigness*; all within the Shires of *Aberdeen* and *Banff*, above *Kincardin* of *Neil*, *Kildrummy* and *Keith*, to answer the Lieutenant of *Tarbet*; all within the Shire of *Bute*, Isles of *Mull* and *Ilay*, to answer the Lieutenant of *Sadel* or *Kintyre*; and all within the Shires of *Inverness*, *Elgin*, *Nairn* and *Ross*, to answer the Lieutenant of *Dunstaffnage*. And all Our Lieges are hereby required to give Obedience to the said Lieutenants, to act, assist and concur with them in Manner foresaid, under the Pain of Tinsel of Life, Lands and Goods; and thereby, and attour, all the fencible Men within ilk respective Division, are hereby required to give Obedience to the said Lieutenants, in Manner, and to the effect above-written, under the foresaid Pains. And to the effect Our special Pleasure in the Premises may be made known, that all Persons concerned may give exact and punctual Obedience thereunto, Our Will is, and we charge you strictly, and command, that incontinent, these Our Letters seen, ye pass to the Market-cross of *Edinburgh*, and remanent Market-crosses of the head Burghs of the Shires of this Kingdom, and there, by open Proclamation, make Publication of the Premises, that none may pretend Ignorance. As also, We ordain these Presents to be affixt on the several Parish-kirk Doors within the *Highlands*, and the several Sheriffs of the Shires foresaid, to see the same done accordingly, as they will be answerable.

Given under Our Signet, at *Edinburgh* the Fifth Day of May, One thousand six hundred and eighty four, and of Our Reign the Thirty sixth Year.

Per actum Dominorum secreti Concilii.

Will. Paterson Cl. Secr. Concilii:

God save the King.

*Secretaries Letter to the Council upon the King's Death, Feb. 6. 1685. N<sup>o</sup>. CI. B.*

*Whitehall, Feb. 6.*

Right Honourable,

IT having pleased God this Day to call, to his eternal Rest, his late Majesty King *Charles II.* of ever blessed Memory, we are, by his now Majesty King *James VII.* (whom God long blefs and prosper) commanded to give you notice thereof, and to send you his Letter here inclosed, with a Proclamation to be published assoon as conveniently can be, after your first Meeting, of both which we send you the Copies under this Cover, and so need not trouble you with the Repetition of the Contents, not doubting but your Lordships will take special Care to see his Majesty's Royal Pleasure, therein mentioned, soon and effectually put in Execution. In the mean while we judge it our Duties, to put your Lordships in mind of proclaiming his said now Majesty King *James VII.* by the Grace of God, King of *Scotland, England, France and Ireland*, Defender of the Faith, &c. with the Solemnities, and in the most proper Methods, on the like happy Occasions accustomed, with all possible Diligence after your Meeting, and before the publishing of the said Proclamation. And altho' we are in great Haste to dispatch this Packet, which is of so great Importance to his Majesty's Service, and the Well and Happiness of that his ancient Kingdom; yet we cannot but add, what we have further in Command from his Majesty, that in case there be any Embargo, by you, laid upon Ships from going to any Place beyond Sea, it is his Pleasure, that the same be now taken off, but nevertheless, that all possible Care be taken for searching all Ships that shall arrive in any Port of that Kingdom from beyond Sea, and that such Passengers, as shall come over, may be secured, and not set at Liberty until your Lordships shall be fully informed and satisfied, that they are guilty of no Crime against the Government, either in Church or State, as now established by Law in any of his Majesty's Dominions.

To the right Honourable,  
Earl of *Perth* Lord high  
Chancellor.

Right honourable, &c.  
*Murray,*  
*Drummond.*

*Proclamation, King James VII. Edinburgh, Feb. 10. 1685. N<sup>o</sup>. CII.*

The Earl of *Perth* Lord high Chancellor.  
The Lord Archbishop of *St. Andrews*.  
The Duke of *Queensberry* Lord high Treasurer.  
The Lord Archbishop of *Glasgow*.

The Lord Marquis of *Athole* Lord Privy Seal.  
The Lord Duke of *Hamilton*.  
The Lord Marquis of *Douglas*.  
The Earl of *Drumlanrig*.



The Earl of *Winton*.  
 The Earl of *Linlithgow* Lord Justice-general.  
 The Earl of *Southesk*.  
 The Earl of *Pannure*.  
 The Earl of *Tweeddale*.  
 The Earl of *Balcarras*.  
 The Lord *Tester*.  
 The Lord *Kinnaird*.  
 L. President of the Session.

L. Register.  
 L. Advocate.  
 L. Justice-clerk.  
 L. *Castle-hill*.  
 General Lieutenant *Drummond*.  
*Drumelzier*.  
*Abbotshall*.  
 Colonel *Graham* of *Clawerhouse*.  
*Gofford*.

FORasmuch as it hath pleased the almighty God to call *Charles II.* our late sovereign Lord of glorious and ever blessed Memory, from a temporary Crown, to inherit an eternal in the Heavens; whereby the undoubted Right of Succession to him, in the imperial Crown of this Realm, was immediately devolved on the sacred Person of his Royal and dearest Brother, our present sacred Sovereign (whom God long preserve) Therefore we, the Lords of his Majesty's Privy Council, authorized in that Capacity, by his Majesty's Royal Letter, bearing Date, at *Whitehall* the sixth Day of *February* instant, do, with the Concurrence of several other Lords spiritual and temporal, Barons, and Burgeses of this Realm, hereby declare and proclaim to all the World, that our sovereign Lord *James VII.* is, by lawful and undoubted Succession and Descent, King of *Scotland, England, France* and *Ireland*, and the Dominions thereunto belonging, Defender of the Faith, &c. (whom God preserve and bless with a long, glorious, happy Life, and prosperous Reign) and whom we shall humbly obey, dutifully and faithfully serve, maintain and defend, with our Lives and Fortunes against all deadly, as our only righteous King and Sovereign, over all Persons, and in all Causes, as holding his imperial Crown from God alone. And, for Testification whereof, we here, in presence of the almighty God, and a great Number of his Majesty's faithful People, of all Estates and Qualities, who are assisting with us at this solemn Publication of our due, humble and faithful Acknowledgment of his supreme sovereign Authority, at the Market-cross of the City of *Edinburgh*, declare and publish, that our said sovereign Lord, by the Goodness and Providence of almighty God, is of *Scotland, England, France* and *Ireland*, and Dominions thereunto belonging, the most potent, mighty and undoubted King. And hereby give our Oaths, with uplifted Hands, that we shall bear true and faithful Allegiance unto our said sacred Sovereign *James VII.* King of *Great Britain, France* and *Ireland*, Defender of the Faith, &c. and to his lawful Heirs and Successors, and shall perform all Duties, Service and Obedience to him, as becomes his faithful, loyal and dutiful Subjects. So help us God.

*Per actum Dominorum secreti Concilii.*

*Will. Paterson* Cl. Secr. Concilii.

God save King *James VII.*

*King's Indemnity, February 26. and March 2. 1685. N<sup>o</sup>. CIII.*

JAMES R:

JAMES VII. by the Grace of GOD, King of *Scotland, England, France* and *Ireland*, Defender of the Faith, &c. To all and sundry Our good Subjects, whom these Presents do, or may concern, Greeting: We taking into Our Royal Consideration, that notwithstanding the Prudence, Justice, and unparalleled Clemency, which did ever accompany the Government of Our most dear, and most entirely beloved Brother, King *Charles II.* of ever blessed Memory, several wicked and seditious Subjects, did break out into open Rebellions and Conspiracies, against his sacred Person and Government. And albeit, God did on all Occasions manifest his Wrath against them and their Enterprises, so as their Designs were defeated, and several of their Persons brought to condign and just Punishment, yet some few of them were either so malicious or foolish, as to be ensnared by others to persevere in their hellish Principles and Practices, both in Defiance of all Law and Justice, and in open Contempt of the reiterated Pardons, published and offered by his said late Majesty. And now Our Royal Prudence, and the Care of Our People obliging Us to take full Information of the chief Movers, and most active Instruments in these pernicious Commotions, before We determine Our Royal Pleasure concerning them, which We hope to attain in a very short Time; yet as a Demonstration of Our innate Clemency, (which also has shin'd in the whole Line of Our Royal Race) and of Our Resolution to imitate the glorious Example of our said dearest Royal Brother, We have resolved to pardon: Likeas, We do hereby pardon, indemnify, and forgive all Our Subjects in Our ancient Kingdom of *Scotland*, under, and below the Degree of Heritors, Liferenters, Wadsetters, Burgeses of Burghs Royal, and vagrant Preachers, of all Rebellions, Treasons, Seditions, Insurrections, Refet, Intercommuning, Fire-raising, Robberies, Slaughters, free Quarters, Leasing-making, concealing of Treason, and of all Crimes in general committed by them, or any one of them, by Word, Writ, or Deed, against Our Government and the Laws of Our Kingdom, in any Time preceeding the Date of this Our Royal Proclamation. Declaring hereby all and every one of them free and secure from all Punishments, or Trouble for the same, either in their Persons or Goods, in all Time coming. Excepting only as to such Fines, for which already Sentences are pronounced: And likewise excepting from this Our gracious Pardon, all those who are guilty of the Assassination of *James* late Archbishop of *St. Andrews*,

*Pearson* Minister at *Carsfairn*, *Thomas Kennoway*,



*Kenmoway, and Duncan Stuart.* And We do hereby declare Our Royal Will and Pleasure, that this Act of Indemnity and Pardon, shall be extended to all who are at present declared Fugitives, providing these Fugitives make Address within Twenty Days after the Publication hereof, to Our Privy Council, Our Justice-court, or any of Our Sheriffs in Our said Kingdom, testifying their Acceptance of this Our Pardon, by taking the Oath of Allegiance, or otherwise finding Caution to transport themselves out of Our Three Dominions of *Scotland, England, and Ireland*, before the Twentieth Day of *May* next, ensuing the Date of these Presents, and to live peaceably after the said Publication, until they shall transport themselves, and never to return to any Part or Place of Our said Dominions, without a Licence from Us, or Our Privy Council aforesaid, under Pain of Death. And We do command, that this Our Pardon and Indemnity be applied and understood in the most ample Sense and Meaning, whereof the Words are capable and that no Person included therein be troubled or molested, for any Cause aforesaid in Judgment, or outwith the same in any Time hereafter. And lastly, to the end all Our good Subjects may have Notice of this Our Royal Will and Pleasure, We do hereby command Our Lyon King at Arms, and his Brethren, Heralds, Mucers, Pursuivants, and Messengers at Arms, to make timeous Proclamation hereof, at the Market-cross of *Edinburgh*.

*Given at Our Court at Whitehall, the Twenty sixth of February, 168<sup>5</sup>. and of Our  
Reign the first Year.*

*By his Majesty's Command,*

*John Drummond,*

*Edinburgh, the Second Day of March, 1685.*

**T**He Lords of his Majesty's Privy Council ordain his Majesty's gracious Indemnity above-written, to be published at the Market-cross of *Edinburgh*, with the usual and accustomed Solemnities; and thereafter ordain the same to be printed, and published at the whole Market-crosses of the head Burghs of the Shires of this Kingdom, and other Places needful, by the several Sheriffs, and others concerned; and recommend to the Archbishops and Bishops, to cause their several Ministers read from the Pulpit on a Lord's Day, after divine Service, his Majesty's said gracious Indemnity, that all Persons concerned may have Notice of the same.

*Col. Mackenzie Cl. Secr. Concilii.*

GOD save the King.

*Commission to Colonel Douglas, March 27. 1685. No. CIV.*

**J**AMES, by the Grace of GOD, &c. Greeting. Forasmuch as We and the Lords of Our Privy Council, understanding that the Insolence and Numbers of some desperate Rebels, skulking up and down in some Southern and Western Shires, do daily increase through supine Negligence of these Sheriffs and other Magistrates, who ought to expel them, and the Refet and Harbour they have had from others; and We being fully resolved as to extirpate these Rebels, so to put Our Laws in Execution against these Sheriffs and other Magistrates, who have not done their Duty, and against such as have, do, or shall refer, entertain, or correspond with any Rebels, vagrant or skulking Persons, who can give no good Account of themselves, and have not given Intelligence of them and their Haunts timeously, have therefore thought fit, with Advice of Our Privy Council, to commissionate; likeas, We do hereby make and constitute, Our trusty and well beloved Counsellor, Colonel *James Douglas*, Colonel of Our Regiment of Guards, to be Our Justice in all the Southern and Western Shires, to the Effect underwritten; with full Power to him to call Courts at such Times and Places as he shall find expedient, and then and there to create Clerk, Sergeants, Demytters, and other Members of Court needful, to call Assizers and Winesses necessary, Absents to amerciate, Unlaws and Amerciaments to uplift and exact; and if he find any Persons, Heritors or others, guilty of Refet, harbouring, or entertaining, or corresponding with Rebels, that he cause Justice forthwith to be done upon them, conform to the Laws and Acts of Parliament of this Kingdom; with Power also to the said Colonel *James Douglas*, to call and convene before him all Persons, whether Heritors or Commoners, upon whose Ground Rebels have appeared, and no Intelligence or Advertisement thereof given, and to proceed and punish them conform to the Laws of this Our Realm; and particularly conform to a Proclamation of Our Council, dated the \_\_\_\_\_ Day of \_\_\_\_\_ And to the effect these desperate Rebels may be absolutely reduced and expelled forth of this Kingdom, We hereby empower you Our Commissioner foresaid, to call to your Assistance, all Magistrates, Heritors, Officers, and Soldiers of Our standing Forces, and of Our Militia upon the Place, and under your Command, and all fencible Men within these Shires, as you shall have Occasion, conform to the Instructions formerly given, who are hereby strictly required and commanded to rise, concur with, fortify, and assist you, and obey your Orders, as they will answer the contrary upon their Allegiance; and generally you are to do all and every Thing which may conduce to Our Service, and the Peace of the Kingdom. And to the effect you may be assisted in the Prosecution of Our Commission aforesaid, to the haill Ends and Purposes abovementioned, by able, loyal, and qualified Persons, We, with Advice of the said Lords, do hereby authorize, empower, and command the Persons underwritten, viz. *John Earl of Carnwath, William Hamilton of Orbistoun, Cromwel Lockhart of Lee, John Johnstoun Provost of Glasgow, James Lundie of Stratharby, Somerwel of Spittle Sheriff-depute of Lanerk, William Hamilton of Barn-*  
*cleugh Bailie-depute of the Regality of Hamilton, and William Sirlug Bailie-depute of the Regality of Glas-*



gow, all in the Sheriffdom of Lanerk; the Earl of Glencairn, the Lord Cochran, the Lord Ross, the said William Hamilton of Orbistoun, Houston younger of that ilk, John Schaw younger of Greenock, and Sir Archibald Stuart of Blackball, all in the Shire of Renfrew; John Lord Bargeny, Sir Blair of that ilk, Sir Archibald Kennedy of Collean, Sir William Wallace of Craigy, Hugh Cathcart of Carletoun, and Robert Hunter of Luss, Major Provost of Air, all in the Shire of Air; the said William Hamilton of Orbistoun, of Ardincaple, John Graham of George Arnot Lieutenant-governor of the Castle of Dumbarton, all in the Shires of Dumbarton and Dougalstoun, the Earl of Mar, his Sheriff-deputes in the Shire of Stirling, all in the Shires of Dumbarton and Stirling; the Earl of Anandale, Sir Robert Dalziel of Glenae, Sir Robert Grierson of Lag, Sir James Johnston of Wester-rav, Thomas Kilpatrick of Cloburn, and Robert Lawry of Maxwelltoun, in the Shire of Nithsdale, and Stewartry of Anandale; the Viscount of Kenmuir, the said Robert Grierson of Lag, Sir David Dunbar of Baldoon, Sir Godfrey M'Culloch of Murestoun, and Mr. David Graham Sheriff of Galloway, in the Shire of Wigton, and Stewartry of Kirkcudbright; the Lord Jedburgh, Lord Cranstoun, M'Dougal of Mackerstoun, Sir William Douglas of Cavers, Sir William Ker of Greenhead, Sir William Elliot of Stobs, and William Ker of Chatto, all in the Shire of Teviotdale; John Riddel of Hayning, Sir Francis Scot of Thirlstone, Thomas Scot of Whitfdale, Sir Robert Pringle of Stichel, Plumber of Middlestead, and James Murray younger of Deuchar, in the Shire of Selkirk; Sir Archibald Cockburn of Lantoun, Sir James Cockburn of that ilk, Hume of Nineholes, the Earl of Hume, and Mr. Charles Hume of Aytoun, Hume of Linthill, for the Shire of Berwick; Sir Archibald Murray of Backbarony, David Murray of Stenhope, James Naismith of Posso, James Geddes of Kirkhurd, Richard Murray of Spittle-haugh, and William Horsburgh of that ilk, all in the Shire of Peebles; and Captain John Dalziel, Captain John Strachan, Captain John Inglis, Captain William Cleland, Captain Alexander Bruce, Captain-lieutenant Thomas Windram, Lieutenant James Murray, Lieutenant Livingstone, Lieutenant John Creighton, Lieutenant Lawder, Cornet James Dundas, Baily, and James Cornets, all Officers of Our standing Forces, to concur with you when present, and in your Absence, any Three of them, to follow such Directions and Instructions as they shall from you receive, from Time to Time; it being always but Prejudice to such of the said Persons as were formerly commissioned in the said Shires, to act, do, and perform every manner of way, conform to the former Commissions and Instructions given them by Our Privy Council, except where you judge necessary to alter the same; for doing all which, this shall be to you and them a sufficient Warrant and Exoneration: And this Our Commission to you and them, We declare is to endure in full Force, until the Twentieth Day of April next, unless the same be further prolonged, or recalled.

Given at Edinburgh the Twenty seventh Day of March, One thousand six hundred eighty and five, and of Our Reign the first Year.

Subscribed ut federunt, except Claverhouse.

### Proclamation, Magistrates of Edinburgh, January 9. 1685. N<sup>o</sup>. CV.

FORasmuch as the Lords of his Majesty's Privy Council, by their Order, of the Date the Day of January instant, did thereby require and command the Provost, and Bailies of Edinburgh, to take exact Lists of the whole Inhabitants of the said City of Edinburgh, Leith, and the other Suburbs thereof, and Liberties pertaining thereto, in Manner following, viz. all the Heritors, Liferenters, Factors, or Doers, Tutors and Curators of Minors, according to the Cess-rolls, or otherwise, that they, and all concern'd, may make Faith thereupon, all which Persons are to be given in upon Oath to the said Magistrates; and the Masters and Mistresses of Families, are to give up Lists of all their Children, above the Age of Sixteen Years, and of their Servants or Lodgers, which they have had entertained or lodged, since the Beginning of November last, and that upon Oath: These are therefore to give Intimation, that at the first Advertisement given to the Heritors, Liferenters, Factors or Doers, Tutors, and Curators of Minors, and Inhabitants, Masters and Mistresses of the Families of this City, and Suburbs thereof, by the Town-officers, that they appear before the Magistrates of their respective Bounds, and there give Obedience to the said Act of his Majesty's Privy Council, immediately after the said Intimation, without Delay; certifying such as shall fail, their Names shall be given up to his Majesty's Privy Council, that they may be proceeded against as Persons disaffected to the Government.

Jo. Richardson Cl.

### King's Letter to Parliament, Commissioner and Chancellor's Speech, with the Parliament's Answer, April 28. 1685. N<sup>o</sup>. CVI.

JAMES R.

My Lords and Gentlemen,

THE many Experiences We have had of the Loyalty and exemplary Forwardness of that Our ancient Kingdom, by their Representatives in Parliament, assembled in the Reign of Our dearest and most entirely beloved Brother, of ever blessed Memory, made Us desirous to call you at this Time, in the Beginning of Our Reign, to give you an Opportunity not only of shewing your Dury to Us in the same Manner,



ner, but likewise of being exemplary to others, in your Demonstrations of Affection to Our Person, and Compliance with Our Desires, as you have most eminently been in Times past, to a Degree never to be forgotten by Us, nor ( We hope ) to be contradicted by your future Practices. That which We are at this Time to propose unto you, is, what is as necessary for your Safety, as Our Service, and what has a Tendency more to secure your own Privileges and Properties, than the aggrandizing Our Power and Authority, ( though in it consists the greatest Security of your Rights and Interests, these never having been in Danger, except when the Royal Power was brought too low to protect them ) which now We are resolved to maintain in its greatest Lustre, to the end We may be the more enabled to defend and protect your Religion, as established by Law, and your Rights and Properties ( which was Our Design in calling this Parliament ) against fanatical Contrivances, Murderers and Assassins, who, having no Fear of God more than Honour for Us, have brought you into such Difficulties, as only the Blessing of God upon the steady Resolutions and Actions of Our said dearest Royal Brother, and those employed by him, ( in prosecution of the good and wholesome Laws by you heretofore offered ) could have saved you from the most horrid Confusions, and inevitable Ruin. Nothing has been left unattempted by those wild and inhumane Traitors, for endeavouring to overturn your Peace; and therefore We have good Reason to hope, that nothing will be wanting in you to secure your selves and Us from their Outrages and Violence in Time coming, and to take Care that such Conspirators meet with their just Deservings, so as others may thereby be deterred from Courses so little agreeable to Religion, or their Duty and Allegiance to Us. These Things We considered to be of so great Importance to Our Royal as well as the universal Interest of that Our Kingdom, that We were fully resolved in Person to have proposed the needful Remedies to you; but Things having so fallen out, as render this impossible for Us, We have now thought fit to send Our right trusty and right entirely beloved Cousin and Counsellor, *William Duke of Queensberry*, to be Our Commissioner amongst you; of whose Abilities and Qualifications We have Reason to be fully satisfied, and of whose Faithfulness to Us, and Zeal for Our Interest, We have had signal Proofs, in the Times of Our greatest Difficulties: Him We have fully entrusted in all Things relating to Our Service, and your own Prosperity and Happiness; and therefore you are to give him entire Trust and Credit, as you now see We have done; from whole Prudence, and your most dutiful Affection to Us, We have full Confidence of your entire Compliance and Assistance, in all those Matters wherein he is instructed, as aforesaid. We do therefore not only recommend unto you, that such Things be done as are necessary in this Juncture, for your own Peace, and the Support of Our Royal Interest, both at Home and Abroad, but also that you do them so speedily, as may evidence to the World, that you are still in the same Manner addicted to the Royal Interest, of which We had so much Experience when amongst you, that We cannot doubt of your full and ample expressing the same on this Occasion, by which the great Concern We have in you Our ancient and kindly People, may still increase, and you may transmit your loyal Actions ( as Examples of Duty ) to your Posterity. In full Confidence whereof, We do assure you of Our Royal Favour and Protection, in all your Concerns; and so We bid you heartily Farewell.

*Given at Our Court at Whitehall, the Twenty eighth Day of March, 1685. and of Our Reign the first Year.*

*By His Majesty's Command,*

DRUMMOND:

### *The Speech of the Lord High Commissioner:*

*My Lords and Gentlemen,*

**H**is Majesty has been pleased, so fully and obligingly, by the Letter you have now heard, to intimate his Royal Pleasure to you, as what I am to say seems in a Manner superfluous, so I need not take up much of your Time, nor shall I do more than touch a few Things as briefly as is possible.

And in the first Place, *my Lords*, this being the Day of his Majesty's Coronation in Our neighbouring Kingdom, you see he is no sooner placed on the Throne of his Royal Ancestors, than he inclines to have your Advice in what may import the Good of his Service, and Subjects here; by which you ought not only to be convinced of the great Confidence his Majesty has in the Loyalty of this his ancient Kingdom, and their good Example to his other Dominions, but also how fully he makes good his Royal Word and Declaration, to follow ( in his Reign ) the Example of his late Majesty of ever glorious Memory, under whose Protection and Government we enjoyed so long Peace and Quiet; I say ( *my Lords* ) as by calling you so soon, his Majesty expresses great Confidence in you, and seems still mindful of the Zeal and Affection of the last Parliament, for the Rights and Prerogative of the Crown, so ( in a due Return ) it is not to be doubted, but you will upon this Occasion not only exceed what has been formerly done, but also comply with all that can be proposed for establishing his Majesty's Greatness and your own Security, and by this convince the World how sensible you are of the great Honour his Majesty has allowed you, of being the first Parliament of his Dominions to do so.

I am in the next Place to tell you, that his Majesty is very mindful of the Duty and Loyalty of this Kingdom to his late Majesty and himself, when he was here amongst us: And the better to compose the Minds of his faithful Subjects, I am allowed to assure you of his princely Resolutions to protect and maintain the Religion and Government of this Church as they are now established by Law, and that he will take the Persons and Concerns of the regular Clergy into his special Care and Protection; and in order thereunto, I am to give the Royal Assent to such Laws and Acts as can be reasonably proposed.

I am likewise to let you know, that his Majesty will concernedly maintain your just Rights and Properties according to the established Laws of this Kingdom, and will not allow of oppressive arbitrary Proceedings in Soldiers or others. And further his Majesty being sensible of the great Decay of our Trade, has

warrant:



warranted me in his Royal Name, to consent to such Laws as can reasonably be proposed for Recovery and Improvement thereof.

And, my Lords, to conclude what I am to say on this Subject, his Majesty is so concerned in the Encouragement, Welfare and Prosperity of this his ancient Kingdom, as he will not only do what can justly be desired or expected for these Ends, but even in Business of the Exchequer and Militia (his immediate Concerns) I am warranted to go the greatest Lengths for your Ease and Conveniency, that the Nature of these can bear, and his Majesty's Service and your own Security will allow.

And, my Lords, his Majesty having in all Things so evidently discovered his gracious Inclinations for the Good of this Kingdom, and given us the fullest Assurances of his Favour and Protection that our Hearts can desire, what suitable Returns and Acknowledgments can we make to so excellent and incomparable a Prince, who, in all Things relating to our Quiet and Prosperity, prevents our very Desires? so if during his Reign (which I pray God to make long and glorious) we be not the happiest People in the World, we have only our selves to blame.

And now the King having so fully done his Part, it concerns you in the next Place to mind yours; and in order thereunto, I make no doubt but you will assert the Rights and Prerogatives of the Crown, and establish the Revenue as amply upon his Majesty and his lawful Successors, as it was enjoyed by the late King, or any of his Royal Predecessors, since you cannot (in the least) doubt but his royal Care for your Repose and Security, will rather exceed than fall short of any of his Ancestors. But to use any further Arguments to incite you to what is so much your Duty and Interest, were at the same Time to question your Loyalty and Zeal for his Majesty's Service, and your Concern for the Interest and Honour of your native Country, whose Representatives you are, so I shall not injure you, nor lessen your Thanks, by saying more upon this Subject.

My Lords, his Majesty certainly expects from the Prudence and Loyalty of this Parliament, that effectual Ways will be fallen upon for destroying that desperate fanatical and irreclaimable Party, who have brought us to the Brink of Ruin and Disgrace, and are no more Rebels against the King, than Enemies of Mankind, Wretches of such monstrous Principles and Practices, as past Ages never heard, nor those to come will hardly believe: What Indemnities and Acts of Grace and Clemency have they not contemned? And all the Use they made of them, has still been to harden and confirm them in their execrable Villanies; and how inconsiderable soever they appear, assure your selves they ought not absolutely to be contemned, for if they had not Support and Correspondence not yet discovered, it is not to be supposed they could have so long escaped the Care and Vigilance of the Government: It therefore concerns you both in Honour and Prudence, no longer to dally with them, but that the utmost Severities be most effectually applied, and always taken, both to find out their Favourers, and retired and secret Haunts.

My Lords, I doubt not but all of you sufficiently know that some of our Nation are deeply involved in the late horrid Conspiracy, who (and some others for other treasonable Crimes and Practices) are to be proceeded against before this Parliament; the Evidence of their Guilt I shall leave to its proper Place and Time, and do not doubt but his Majesty's Advocate will manage that weighty Matter with suitable Care and Faithfulness: So all I shall further say upon this Subject at present, is, that if Almighty God (who watches over the Security of Princes) had not miraculously discovered and disappointed those the most hellish and barbarous Designs that were ever contrived, in Place of that Peace, Happiness and Tranquillity which we now enjoy, these Kingdoms had certainly been at this Day a Sea of Blood, and in all imaginable Miserie and Desolation; which (being evident beyond Denial) will certainly provoke your and all good Mens Indignation and Resentment against those who can be reached, not only as Advisers and Contrivers of such Villanies, but Concealers of them: And since our Honour and Security every way seems absolutely bound up in the Life of his sacred Majesty, ought we not most cheerfully to grant what the Exigencies of his mild and gentle Government requires? especially seeing what we give is still bestowed upon our selves, and for maintaining us in our just Rights and Possessions, against the most cruel and barbarous Designs of his and our Enemies.

And now, my Lords and Gentlemen, in the last Place touching my self I shall not say much, my Unfitness for this eminent Station is possibly more obvious to me, than to any of you; however since his Majesty has been graciously pleased to place me in it, I am resolved to serve him boldly and firmly, and thereby labour to make up my other great Defects: And as this has still been my Practice in the other great Trusts I have the Honour to carry under his Majesty, so I know his Goodness will always accept the sincere Endeavours of his Servants in place of greater Performances.

### *The Lord high Chancellor's Speech.*

*My Lords and Gentlemen,*

**A**fter what my Lord Commissioner hath so well represented to you, it will be very little necessary for me to say much.

I shall only take the Liberty to put you in mind, (of what I believe you are very sensible already) of the many Obligations this Nation lies under to be grateful to our great Monarch.

When by the Command of the late King, his Majesty, who now reigns, came first hither, what Disorders, Divisions, and Animosities found he amongst us? To bring the State of Things into your Prospect as it was then, could not be very grateful to you, nor pleasing to me, but we all remember with Joy how well he left us, and by what easy gentle Ways he brought about the Establishment of that Unity, which we were beginning to despair of.

Since that Time, how much we have been in his particular Care, during the happy Reign of that excellent Prince his Brother, of ever blessed and glorious Memory, is known to all the World.

But



But of all the Instances of his Majesty's Care for us, his Favour towards us, and his good Opinion of us, this of his calling us together in the very Beginning of his Reign, (which God grant may be long and prosperous) that we might have the Opportunity of presenting him with the first Fruits of the Service of his Parliaments, and of becoming Examples to his other Dominions, is the greatest, and what we should prize the most, improving it as far as it will go.

When we consider what strange Turns the extravagant Follies of some, and the malicious devilish Contrivances of others among us have taken, since the last Meeting of Parliament, what Convulsions have attacked the Body of this Nation, and how vile a Ferment has raged in it, to have our Advice called for by our Prince, now to provide proper Remedies for it, is the greatest Honour could be put upon us.

That we may do what in Duty we are bound in Return, let us lay aside all private Aims and Ends; for how can we hope to serve his Majesty, or promote the Interest of the Nation, while our Eye is directed only towards our own Particular? and let us with the Frankness and Cheertulness of honest SCOTSMEN, use all possible Means for uniting of the Nation, and the driving from amongst us, whoever will not joyn with us upon such Terms, as may conduce to the Advancement of the Honour and Interest of our King and his Crown, and the Well-being of this our native Country, which we should not suffer to be defiled and rendered contemptible to the whole World, by entertaining so venomous a bastardly Brood of villanous Men, as have of late, to the Reproach of Scotland, and of human Nature it self, maintained Principles, and ventured upon Practices not to be named amongst any who have ever heard of a Government, much less of Religion.

*My Lords and Gentlemen,*

You all know what a Conspiracy hath been entred into by ill Men of both Kingdoms, against the sacred Lives of the late King and his present Majesty; and who but incarnate Devils could think of attempting any thing against such precious Lives? For what Prince in Europe, or the whole World, was ever like the late King, except his glorious Brother who now reigns? and to have cut off any of them, had been barbarous to a Degree of making us appear more abominable than any People ever were, but for us to have lost both, had been our utter Ruin. Yet against both was the Design laid, and had succeeded, if that watchful Providence, which hath often preserved the two Royal Brothers in so many Difficulties, had not defeated the Success, by an unforeseen Accident, and had it succeeded, what Confusion, what Cruelty, what Blood, what inexpressible Misery had overflowed these Kingdoms?

But besides this, we have a new Sett sprung up amongst us from the Dunghil, the very Dregs of the People, who kill by pretended Inspiration, and instead of the Temple of the Lord, the Temple of the Lord, have nothing in their Mouths but the Word of God, wresting that blessed Conveyance of his holy Will to us, to justify a Practice suggested to them, by him who was a Murderer from the Beginning, who having modelled themselves into a Common-wealth, (whose Idol is that accursed Paper the Covenant, and whose only Rule is to have none at all) have proceeded to declare themselves no longer his Majesty's Subjects, to forfeit all of us who have the Honour to serve him in any considerable Station, and will be sure ere long to do so by this great and honourable Court. It is how to rid our selves of these Men, and of all who incline to their Principles, that we are to offer to his Majesty, our Advice, Concurrence, and utmost Assistance. These Masters bring a publick Reproach upon the Nation in the Eyes of all our Neighbours abroad, while in their Gazetts we are mentioned as acting the vilest Assassinations and the horrid Villanies, they render us unquiet and unsecure at home, they bring Reproach upon our Religion, and are our great Plague.

Let us for the sake of our Allegiance, for his Majesty's Honour, for our Reputation abroad, for the Vindication of our Religion, and for our own Peace and Tranquillity, make haste to get our selves cured of it.

If this were once effectuated, we might yet hope for Quiet, and in order to the making our Quiet the more comfortable to us, when once we are come to a Resolution about what relates to the publick Peace, and to the Respect we owe to his Majesty, we may have Occasion of considering what Laws may be necessary towards the facilitating the Well-governing of our selves and native Country, both as to the regulating our Carriage one towards another, and the securing our Estates, from any thing that may be uneasy, from the Distribution of Justice between Man and Man, as to the improving of our Trade and Commerce abroad, and encouraging Industry and Frugality at home; for in all these Things his Majesty's Care will not fail us. And my Lord Commissioner, amongst his many other Advantages, is so well known to be a Lover of his Country, that we need not fear, but that he will give his Concurrence in what he is allowed so freely to consent to.

*My Lords and Gentlemen,*

To encourage us to do all we can towards the Service and the Honour of our glorious Monarch, let us consider him in all his personal Advantages; whether in what relates to War or Peace, where has the World afforded such another? One whose natural Endowments have been improved by his great Experience, at home and abroad, in Armies and Courts, by the greatest Trials of the most differing Kinds, those of Prosperity and Success, and of Adversity and Opposition, of Hazards and Toil, and of Authority and Command. Did ever Man shew so exact an Honesty, in the strictest adhering to his Word, such Temperance and Sobriety, so indefatigable a Diligence in Affairs, so undaunted a Courage upon all Occasions, and so unwearied a Clemency towards the most obstinate malicious Offenders? Did ever Heroe complete the Character so fully, in overcoming bravely, and shewing Gentleness to the vanquished? And I must say, the Triumphs of his Patience are not his obscurest Glories; nor is the forgiving of those whose virulent Tongues would have tainted his Fame, if their Malice could have reached it, what is least to be admired in him; what Reputation other Princes have laboured for, at the vast Extent of Blood and Treasure, and the



the putting of a constant Constraint upon themselves, sits so easy upon him, that what they would have, he forces from the Consciences of his very Enemies by his Merit, and it costs him no more than to be himself. But this Theme is not for me, I do him Wrong, and while it may be, at this very Moment, he is receiving the Acclamations of his good Subjects, in the chief City of our neighbour Nation, at the great Solemnity of his Coronation there, I am detracting from him here, by giving him too low a Character. I shall only add, that he gave to Subjects the greatest Example of Loyalty and Obedience while he was one himself; and now he is an Example to all Kings in his Love, his Clemency, and Care towards his People. Let us give him the Return of our Love, our Fidelity, and our Obedience. And seeing he takes Pleasure in nothing so much, as in our Felicity and Prosperity, let it be an additional Tie upon us to advance his Honour and Greatness, by all the Endeavours of our Lives, without Reserve, and with our whole Fortunes, which under his Protection we may (if we please) so peaceably and comfortably enjoy.

*The Parliament's Answer to his Majesty's Letter.*

*May it please your sacred Majesty,*

**Y**our Majesty's gracious and kind Remembrance of the Services done by this your ancient Kingdom, to the late King your Brother of ever glorious Memory, shall rather raise in us ardent Desires to exceed whatever we have done formerly, than make us consider them as deserving the Esteem your Majesty is pleased to express of them, in your Letter to us, dated the 28 of March. The Death of that our excellent Monarch is lamented by us to all the Degrees of Grief, that are consistent with our great Joy for the Succession of your sacred Majesty, who has not only continued, but secured the Happiness which his Wisdom, his Justice and Clemency procured to Us; and having the Honour to be first Parliament which meets by your Royal Authority, of which we are very sensible, your Majesty may be confident that we will offer such Laws as may best secure your Majesty's sacred Person, the Royal Family and Government, and be so exemplarily loyal, as to raise your Honour and Greatness to the utmost of our Power, which we shall ever esteem both Our Duty and Interest. Nor shall we leave any Thing undone for extirpating all Fanaticism, but especially those fatal Murderers and Assassines, and for detecting and punishing the late Conspirators, whose pernicious and execrable Designs did so much tend to subvert your Majesty's Government, and ruin us and all your Majesty's faithful Subjects. We can assure your Majesty, that the Subjects of this your Majesty's ancient Kingdom, are so desirous to exceed all their Predecessors, in extraordinary Marks of Affection and Obedience to your Majesty, that (God be praised) the only Way to be popular with us, is to be eminently loyal. Your Majesty's Care of us when you took us to be your special Charge, your Wisdom in extinguishing the Seeds of Rebellion and Faction amongst us, your Justice, which was so great, as to be for ever exemplary; but above all, your Majesty's free and cheerful securing to us our Religion, when you were the late King your Royal Brother's Commissioner, now again renewed when you are our Sovereign, are what your Subjects here can never forget. And therefore your Majesty may expect that we will think your Commands sacred as your Person, and that your Inclination will prevent our Debates. Nor did ever any who represented our Monarchs, as their Commissioners, (except your Royal self) meet with greater Respect, or more exact Observance from a Parliament, than the Duke of Queensberry (whom your Majesty has so wisely chosen to represent you in this; and of whose eminent Loyalty, and great Abilities in all his former Employments, this Nation hath seen so many Proofs) shall find from,

*May it please your sacred Majesty,*

*Your Majesty's most humble, most faithful,*

*and most obedient Subjects and Servants,*

*In name of the Parliament,*

*Perth Cancel. I. P. D. P. &c.*

*At Edinburgh the 28 of April, 1685.*

*Parliament's Offer of Duty, April 28. 1685. N<sup>o</sup>. CVII.*

**T**he Estates of Parliament, now convened by his Majesty's sovereign Authority, taking into their Consideration, how this Nation hath now continued upwards of Two thousand Years, in the unaltered Form of our monarchical Government, under the uninterrupted Line of One hundred and eleven Kings, whose sacred Authority and Power hath been, upon all signal Occasions, so owned and assisted by almighty God, that our Kingdom hath been protected from Conquest, our Possessions defended from Strangers, our civil Commotions brought into wished Events, our Laws vigorously executed, our Properties legally fixed, and our Lives securely preserved; so that we and our Ancestors have enjoyed those Securities and Tranquillities, which the greater and more flourishing Kingdoms have frequently wanted. Those great Blessings we owe in the first Place to divine Mercy, and in Dependence on that, to the sacred Race of our glorious Kings, and to the solid, absolute Authority wherewith they were invested, by the first and fundamental Law of our Monarchy; nor can either our Records, or our Experience instance our being deprived of those happy Effects, but when a rebellious Party did, by Commotions and Seditions, invade the King's sovereign Authority, which was the Cause of our Prosperity; yet so far hath our primitive Condi-



tution, and fundamental Laws prevailed against the Innovations and Seditions of turbulent Men, as that these Interruptions never terminated, but either in the Ruin, or at least the Suppression of these who at any Time did rebel, or rise in Opposition to our Government. And since so many Ages have assured to us the great Advantages, which flow down to all Ranks of People from the happy Constitution of our Monarchy, and that all our Calamities have ever arisen from seditious Invasions, upon those sacred Rights; therefore the Estates of Parliament for themselves, and in Name of the whole Kingdom, judge themselves obliged to declare, and they do declare to the World, that they abhor and detest, not only the Authors and Actors of all preceding Rebellions against the Sovereign, but likewise all Principles and Positions which are contrary, or derogatory to the King's sacred, supreme, sovereign, absolute Power and Authority, which none, whether Persons, or collective Bodies, can participate of, any manner of way, or upon any Pretext, but in Dependence on him, and by Commission from him. And as their Duty formerly did bind them to own, and assert the just and legal Succession of the sacred Line, as unalterable by any human Jurisdiction; so now on this Occasion, they for themselves and the whole Nation represented by them, in most humble and dutiful Manner, do renew the hearty and sincere Offer of their Lives and Fortunes, to assert, support, defend, and maintain King *James VII.* their present glorious Monarch, and his Heirs and lawful Successors in the Possession of their Crowns, Sovereignty, Prerogatives, Authority, Dignity, Rights and Possessions against all Mortals, and therewithal to assure all his Enemies, who shall adventure on the Disloyalty of disobeying his Laws, or on the Impiety of invading his Rights, that these shall sooner weary of their Wickedness, than they of their Duty, and that they firmly resolve to give their intire Obedience to his Majesty without Reserve, against all his Enemies, foreign or intestine; and they solemnly declare, that as they are bound by Law, so they are voluntarily and firmly resolved, that all of this Nation, betwixt sixty and sixteen, armed and provided, according to their Abilities, shall be in Readiness for his Majesty's Service, where, and as oft as it shall be his Royal Pleasure to require them.

And since the Excise of inland and foreign Commodities, granted to King *Charles II.* of ever blessed Memory, by the Fourteenth Act of the Parliament 1661. during all the Days of his Lifetime, and prorogate by the Eighth Act of the Parliament 1681. for Five Years thereafter, will shortly terminate; and the Estates of Parliament considering the Usefulness of this Grant, to support the Interest of the Crown, do, as the first Evidence of their Sincerity, in the foresaid Tender of their Duty, humbly and unanimously offer to his most sacred Majesty, King *James VII.* their present Monarch, and to his lawful Heirs and Successors in the imperial Crown of *Scotland*, the said Excise of inland and foreign Commodities, express in the said Fourteenth Act of Parliament 1661. to be collected in the Manner prescribed by the said Eighth Act of the Parliament 1681. for ever; and his Majesty and Estates of Parliament, by force of this Act, have united, annexed, and incorporated, and unite, annex and incorporate the same to the Crown of this Realm, to remain therewith in annexed Property, in all Time coming: And in respect that the Alteration in the Method of collecting the inland Excise, from what it was by the Act 1661. to that prescribed by the Eighth Act of Parliament 1681. will require some Time to establish it in Collection; therefore his Majesty, with Consent of the Estates, continues the Collection prescribed by the Fourteenth Act, Parliament 1661. of the inland Excise for Three Months, from the first of *May* next allenarly.

*Proclamation for putting the Kingdom in a Posture of Defence, April 28. 1685.*  
N<sup>o</sup>. CVIII.

**JAMES**, by the Grace of God, King of *Great Britain, France and Ireland*, Defender of the Faith: To Our Lyon King at Arms, and his Brethren, Heralds, Macers of Our Privy Council, Purservants, and Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting. Forasmuch as these traiterous Conspirators, who designed the horrid and sacrilegious Murder of Our dearest Brother, the late King, of renowned and eternal Memory, and the Destruction of Our ancient Monarchy, continuing still in the same hellish Project and Fury against Us, and Our Royal Government, are now again setting their Designs on Work, to raise Commotions in this Our ancient Kingdom, as being the last Strugglings of them and their execrable Party, and the utmost Effects of their absolute Despair; for preventing whereof, and bringing these desperate and execrable Traitors to just and condign Punishment, We, with Advice of Our Privy Council, do hereby strictly require and command, all and every of the Subjects of this Our Realm, that they be in a Readiness, in their best Arms, to concur and assist Us against any the foresaid Commotions, or Insurrections, as they shall be advertised; and particularly, We hereby require and command all and every the Colonels of Our Militia Regiments of Foot, and Captains of Horse, and the inferior Officers and Soldiers under their Command, in the Shires respective underwritten, *viz.* the *Merse, Teviotdale, Peebles, Selkirk, East, Mid and West Lothians, Town of Edinburgh, Stirling Shire, Fife and Kinross* Shires, the Four Companies of the low Country, of the Earl of *Perth* Our Chancellor's Regiment, and the Three Companies of the low Country, of the Marquis of *Athole* Lord Privy Seal his Regiment, the Sheriffs of *Forfar and Kincardin*, and all the Heritors, Literenters, Feuars and Wadsetters in the Shires of *Air, Renfrew, Clidisdale, Wigton, Dumfries*, and Stewartries and Bailiaries within the same, to be in Readiness with Fourteen Day Provision, to march when, and whither Our Privy Council shall give them Orders, and, to that end, to have their Arms fixed, and their several Companies of Our Militia presently mustered, and the Heritors and others aforesaid, listed, modelled in Companies, and mustered for the putting them in a Condition of a greater Readiness. And further, We hereby require and command all Persons, fencible Men, betwixt Sixty and Sixteen, within the Shires of *Aberdeen, Bamff, Elgin, Nairn, Inverness, Ross, Sutherland and Cathness*, to be in Readiness in Manner foresaid. As likewise, We hereby require and command all Our Lieges on the Sea-coasts of this Kingdom, or near to them, or to any of the Islands thereunto belonging,



ing, so soon as they hear, or get Notice of any Vessels arriving at any Place from abroad, or at home into any Coasts, Ports, Creeks, or Harbours, with Men, Arms, or Ammunition, forthwith to convocate, and rise in their best Arms, and to beat them off, or seize upon, and secure the Ships or Vessels, and the Men, Arms and Ammunition, and give immediate Advertisment to Our Privy Council: And for their Security in obeying these Our Royal Commands, We he hereby fully pardon and indemnify them for ever, of all Slaughter, Blood, Mutilation, Fire-raising, burning of Ships, or such like warlike Inconveniencies as may follow, in case they meet with hostile Opposition. And We hereby require and command all Our Collectors, Customers, or Waiters, to make strict and diligent Search and Inquiry in all Ships arriving in any Part of this Kingdom, for Traitors, Rebels, Fugitives, or disaffected Persons, and for Arms and Ammunition, and to seize upon the Ships, Men, Arms and Ammunition, until they acquaint Our Privy Council, and receive their Directions thereanent: And to the effect they may the better be able to perform this Service, We do require all Our Subjects nearest to them, as they shall be by them advertised, to rise, concur with, fortify, and assist them, who, and these so assisting, are hereby declared to be fully indemnified in Manner foresaid, And that all the Persons aforesaid may know their Hazard, if they fail in any of the Premises, We hereby declare, that they shall not only incur Our high Displeasure, but also shall be punished with the utmost Severity, conform to their Demerit, and the Laws and Practice of this Kingdom, and that the Heritors, which shall be deficient in sending out their Tenants, and other fencible Men, or shall not give Advertisment, as said is, and of any Rebels and Traitors appearing on their Lands, that they shall be punished accordingly. And to the end the said desperate Traitors and Rebels may have no Refect, Harbour, Comfort, or Refuge from any of the Subjects of this Our Realm, We hereby strictly prohibit and discharge all and every of Our Subjects therein, to furnish House, Meat, Drink, or any other Thing comfortable to them, or to keep Intelligence or Correspondence with them, by Word, Writ, or Message, or to transport them to, or from Ferries, or any ways to be aiding, abetting, or assisting to them, under the Pain of being reputed and esteemed Art and Part with them in all their wicked Deeds and Practices, and proceeded against, as do meaned and punished accordingly. And that Our Pleasure in the Premises may be fully known to all Our Lieges, Our Will is, and We charge you strictly, and command, that incontinent, these Our Letters seen, ye pass to the Market-crofs of Edinburgh, and all the other Market-croffes of the head Burghs of the Shires of this Kingdom (and all Places else needful) and there, by open Proclamation, in Our Name and Authority, make Publication of Our Royal Will and Pleasure in the Premises, that none pretend Ignorance.

Given under Our Signet, at Holy-rood-house the Twenty eighth Day of April, One thousand six hundred and eighty five, and of Our Reign the first Year.

Per actum Dominorum secreti Concilii.

Will. Paterson Cl. Secr. Concilii.

God save the King.

### Act for the Test, May 13. 1685. N<sup>o</sup>. CIX.

Our sovereign Lord, with Consent of the Estates of Parliament, statutes and ordains, that all Protestant Heritors, Liferenters, and others having Right to Liferents *jure mariti*, Wadsetters, Tacksmen having Tacks for longer Time than for Eighteen Years, all Masters of Ships, and such other Burghesses, and Inhabitants of Burghs, whether of Royalty, Regality, or Barony, as are not Heritors, who shall be appointed by the Privy Council, take the Test prescribed by the sixth Act of the Parliament, 1681. before the first Day of November, for all such as live besouth the River of Tay, and the first Day of January next, for all benorth Tay; and for that end, that all Noblemen, and their eldest Sons, above the Age of Eighteen Years, shall compare before his Majesty's Privy Council; all Masters of Ships, and Burghesses aforesaid, before the Sheriff of the Shire where they live, at some Time before the said Day, and there shall swear and subscribe the said Test, before the Judge, and Clerk of the Court, with Certification, that such as fail in swearing and subscribing the Test, as said is, shall be punished in such pecunial Sums, as the secret Council shall determine, to be disposed of by his Majesty, at his Royal Pleasure. It is always declared, that this Act extends not to Women; and all Clerks are hereby ordained to send in Lists of such as have taken the Test, within their respective Jurisdictions, to the Clerks of his Majesty's Privy Council, before the first Day of February next to come, under the Pain of losing their Office, and to be punished otherwise as the Privy Council shall determine: But such as have already sworn and subscribed, shall not be obliged to renew it on this Occasion. And further, his Majesty, with Consent foresaid, doth ratify and approve what is already done in offering the Test by his Majesty's Privy Council, Justice-court, or any commissionate from any of them, or by Sheriffs and other Magistrates, declaring the same to have been good Service to the King and Country.



*Act anent Justices of the Peace, May 13. 1685. N<sup>o</sup>. CX.*

**O**ur sovereign Lord considering the many Advantages which his Lieges might have had, if the Justices of Peace had exercised their Function, with that Diligence which the Law required, and the many Evils, especially in ecclesiastick Disorders and Irregularities, which might have been prevented by their Care: For Remedie whereof, in Time to come, his Majesty, with the Consent of his Estates in Parliament, doth hereby ratify, approve, and confirm the Eighth Act of the Parliament 1617. Intituled, *Act anent the Justices for keeping of the King's Peace, and Constables*, the Twenty fifth Act of the Parliament 1633. and the Thirty eighth Act of the Parliament 1661. Intituled, *Commissions and Instructions to the Justices of Peace and Constables*, in the whole Heads, Articles, and Clauses contained in them. And further, his Majesty gives full Power, Authority, and Commission to the said Justices, to put the Laws in Execution against all who shall be guilty of Conventicles, irregular Baptisms and Marriages, withdrawing from Church Ordinances, and other such Disorders, in so far as they are not capital, conform to the Laws made thereanent; and where the Crime is capital, they are to secure the Persons, and acquaint the Sheriff, or other Judge ordinary thereof: And it is declared, that in their Proceedings against Church-irregularities, Baptisms, Marriages and Conventicles, the Justices may proceed immediately without waiting any Time after the Crimes are committed; and their Clerk is appointed to send Information of their Proceedings once in the Quarter, to the Clerks of the Court, as they will be answerable. And for their further Encouragement, his Majesty allows unto the said Justices of Peace, the Fines of all, except Heritors, which shall arise from these Delinquencies judged by them, to be employed for explicating of their Jurisdiction, as they shall think fit, and for discovering of what the Fines of Heritors shall amount to. The Clerks of these Courts are hereby appointed to send a subscribed List of them to the Clerks of Exchequer, in the first Week of November yearly, under the Pain of Deprivation. And his Majesty, with Advice foresaid, allows the Justices to nominate their own Clerks at their first Meeting. Attour, his Majesty and Estates foresaid, give full Power, Authority and Commission, to the Lords of his Majesty's Privy Council, upon the Decease of any of the Justices of Peace, to nominate others in their Place, and to set down and impose Penalties upon such of the Justices as shall not keep and observe the Diets prefixed for their several and particular Meetings, according to former Acts, and an Act made in this Parliament. And with Power likewise to the said Lords of Privy Council, to enlarge and amplify the Power and Authority of the said Justices of Peace, if they shall find it necessary and expedient: And what the Council shall decree and determine thereanent, find and declare, that the same shall have the Force, Strength and Power of an Act of Parliament. It is always declared, that Sheriffs, Stewarts, and Bailies of Bailiaries, Regalities and Baronies, are to remain in the Possession and Exercise of their former Rights, according to the Laws of the Kingdom; any Thing in this Act notwithstanding.

*Act for Regularity, June 2. 1685. N<sup>o</sup>. CXI.*

**O**ur sovereign Lord, with Advice and Consent of the Estates convened in Parliament, does statute and ordain, that all Masters, whether Heritors, Liferenters, proper Wadsetters, Tutors, Tacksmen, Donators of Wards or Liferents, shall in all Time coming, insert in all Tacks to be set by them to their Tenants, as well in Burgh as Landward, an express Clause, whereby the Tenant shall oblige himself, that he, his Family, Cottars and Servants, shall live peaceably and regularly, free of all fanatical Disorders, under the Pain of the Tenant, Cottar, or Servant contravening, their losing the Half of their Moveables respective, each for their own Fault; and where there is no written Tack, that all the Tenants shall enact themselves in the Masters Court-book, or in the Town Court-books within Burgh, or give Bond to that effect, and in the Tenor foresaid. Which Enrolment of Court is to be subscribed by the Tenant, or if he cannot write, by the Clerk of the Court in his Name; and if the Master, or any of the Persons foresaid shall fail herein, they shall pay a Year's Rent of the Lands set otherwise, a Third Part whereof to the Discoverer, if he prove the same, and Two Parts to the King's Majesty: And all Masters and others foresaid, who have Lands already set in Tack, without the said Clauses, are hereby ordained to renew the same, and insert the said Clauses in them, betwixt and *Whitsunday*, One thousand six hundred eighty and six, or to take an Obligation apart from the Tenant, bearing these Clauses, otherwise to remove summarily such Tenants as refuse to accept them on the said Conditions, notwithstanding of any former Tacks, which in this Case are hereby declared void and null; and in case the Tenants will not immediately remove, that the Master may commit them to Prison. And it is hereby statute and ordained, that if any Tenant shall refuse to renew his Tack, enact himself, or give Bond in the Terms foresaid, he shall be liable to pay to his Master a Year's Rent of the Lands set to him. And this but Prejudice or Derogation to all former Acts of Parliament, whereby Masters are obliged for their Tenants, in the Manner therein specified.



*Declaration of the Earl of Argyle, with the Noblemen, Gentlemen, &c. 1685.*  
N<sup>o</sup>. CXII.

**T**hey must be altogether Strangers, or very little concerned in the Christian World, who (after all that the Nations and Churches about have seen, of the Lord's mighty Hand and stretched out Arm, in the late Wars betwixt King *Charles I.* and his People and Parliaments of *Scotland, England* and *Ireland*, against the then Conspirings of Popery and Tyranny, to the Ruin of true Religion and Liberty, the wonderful Advancement of the Gospel and Kingdom of our Lord Jesus within these Kingdoms, that thereupon ensued, with the general Refreshment, Joy and Security of all the Protestant Churches abroad, that thence redounded, and the no less rooted and firm Loyalty of the same People, who, notwithstanding their long, bloody and fatal Contendings with the Father, did yet, upon reasonable, fair and just Treaties concluded with all the Assurance that either Religion, Honour, or Gratitude could promise, call back and re-clude *Charles II.* his Son, to his Throne and Empire) are not fully convinced and satisfied, that, considering the perpetual Contradictings and Counteractings of all these sacred and solemn Engagements, that immediately, and ever since have been practised, the whole Reign of the aforesaid *Charles II.* (through the sinister and subtil Influences of a wicked and Popish Party, now manifestly discovered) was a constant and uniform Course of Perjury, Apostacy and Violence, begun with open Rebellion against God, the resolving not only of particular Laws, but by an unparalleled, most unpolitick and pernicious Device of whole un-exceptionable Parliaments, for the Space of Twenty seven Years preceeding, notwithstanding both our Religion and Liberties were therein expressly, legally and well provided for, and the cruel shedding of the best Protestant Blood, in the most unjust Execution of the late Marquis of *Argyle*, and many other Worthies contrary to all Law and Reason, carried on by the smiting and casting out of more faithful and pious Pastors, and scattering and dissipating more true Flocks and Followers of Christ, than was done in most of the Ten primitive Persecutions, and the deluding of these Lands with all villainous Debaucheries and abominable Licentiousness, to the very profligating of Conscience, Morality and common Honesty from among Men, and thence forward accomplished by a most unrelenting Persecution, and Oppression of the Generality of God's People, in their Consciences, Persons and Estates, with Vexations and Rigours almost incredible, and that for no other Reason, but because they could not actively comply with these notorious Perfidies, and the manifold Profanations and Mischiefs wherewith they are attended.

But this hellish Mystery of antichristian Iniquity and arbitrary Tyranny, imposing upon many at home, too willing, through their Love of Ease, to be abused, and deluding the Protestant Churches abroad (in that woful and visible Indifference that every where reigns) by the vain Pretext of the mere Notion of our Courts empty and simulate Protestant Profession, having of a long Time, under the late King, made most remarkable Advances in the following Particulars, and many more that might be enumerated, all too evidently seen, and heavily felt, to need any explicate Proof or Demonstration.

As *1<sup>mo</sup>*. Not only in the abovementioned open and avowed revolting from God, by Breach of sworn Treaties, Covenants and Coronation Oaths, and slighting and despising spontaneous Promises and Proclamations, the overturning the very Foundations of Parliaments, and ranversing, at one Blow, our best and most legal Establishments; the ungrate, as well as unjust putting to Death of most innocent and faithful Men, upon absurd Pretences, cancelled by the Laws and Customs of Nations, and that in the Time of God's greatest Indulgence towards the Authors; the desolating of the Churches, and changing of the Ordinances of God, for setting up the frivolous and superstitious Inventions of Men, the countenancing and encouraging all Vice and Profanity, and the violent and grievous persecuting of all Conscience and conscientious Men.

But next, and more particularly, in the conniving at Papists their Meetings and idolatrous Masses, while, in the mean Time, all Protestant Nonconformists are persecuted with endless Severities.

The raising, keeping up and increasing of standing Forces, the very Bane of all civil and lawful Government, and that without any other Measure, save what the Indigence of Court Luxury, and Profusion did necessarily put unto it.

The declaring and appointing all Judges and Officers to enjoy their Places only during Pleasure, on purpose to make them more supple and compliant to all their Master's Designs.

The abusing of the great Trust of calling and dissolving Parliaments, the most high and necessary Courts of the Kingdoms, by iniquous packing, unseasonable proroguing, pernicious discharging, and insolent baffling them at Pleasure.

The exalting of the King's Supremacy, under the Colour of his pretended Right and Power, about the external Government and Policy of the Church, to an express and absolute Power of enacting and statuting in all Church-meetings and Matters, as he, in his Wisdom, shall think fit, a ready and prepared Tool to bring us back, not only to Popery, but to Paganism.

The strange Perversiop of the high Trust of the Militia, committed to his Majesty expressly for the Protection of good Subjects, and the Assistance of all our Protestant Friends abroad, only to the invading and oppressing, by lawless Hosts of the worst, both of *Highlanders* and *Lowlanders*, in Times of profound Peace, the best Parts of the Kingdom, purposely to ruine them, because too Protestant, by free Quarter, and other illegal Exactions, and the making War most causelessly and obstinately against the States of the united *Netherland*, our best Neighbours, and the strongest Bulwark of the Protestant Interest.

The forcing of poor People, by the extreme Rigours of exorbitant Finings, Imprisonings, Beatings, Stigmatizings, Spoilings, Banishments, and other Violences, for the simple Cause of Nonconformity, to take Arms in their own Defence, as at *Pentland* and *Bothwell-bridge*, and then demeaning and executing them, what in Fields, what on Scaffolds, as the most desperate of Traitors, and, at the same Time, involving whole Countries, upon the most slender and absurd Pretences of inevitable Intercommunings and Reset, both in their Crimes and Punishments.



The setting up of the most violent and obnoxious of Men to be Ministers of the Law, and packing Juries and Assizes most partially for their worst Ends.

The straining, stretching and wresting of Law, not only in Prejudice of every one suspected to be disaffected to their evil Courses, but the Violation of all Right, for spoiling and robbing Cities and Incorporations of their ancient and undoubted Privileges.

The transporting of Freemen, as Slaves, to foreign Plantations, for not making Faith to answer (against Law) *super inquirendis*, as also for not delating Men upon Oath (according to a most impious Law lately made against Nonconformists) in Matters, wherein the Party, put to swear, judges them to be in their Duty, and without Exception of his nearest Relations.

The arbitrary Imprisonings and detaining of free Subjects, without either bringing them to Trial, or allowing them any hearing.

The torturing of several Persons, even five Times more, of conscientious Nonconformists within these Twenty Years, than of all Sorts of Felons and Malefactors in Scotland these hundred Years bypast, and that without either just previous Grounds, regarding of legal Methods, or observing the Measures of common Humanity.

The eliciting of Promises of Indemnity, and the publick Faith interposed, for that effect voluntary Confessions of some, as of Mr. *James Mitchel*, &c. and then not only retracting and disowning the Promise and Condition upon Oath, in Face of the Justice-court, but farther, witnessing the Confession to the poor Min's Condemnation, notwithstanding the Books of Council, containing the foresaid Indemnity, were produced and laid open before, and at the very Time of their Swearing: Likens, of late, after most cruel and exquisite Tortures practised upon Mr. *Spence* and Mr. *Carstairs*, and a full and ample Promise thereafter made them, with an Act upon it, that neither they, nor their Evidence should ever be made use of to their, or to any other Mens Hurt, they nevertheless cause produce, and do sustain Mr. *Carstairs's* Deposition against *Baily of Jerviswood*, for an Adminicle or Aid to their lame and defective Probation.

The making Men Offenders, yea, Traitors for Words, and these true, fair and innocent; as the Earl of *Argyle* for declaring before the Council, after Leave given, and with Submission, and only for exonerating his own Conscience, that he believed, the Parliament intended no Contradiction in the *Test*, and therefore was willing to take it in their Sense, viz. for securing the Protestant Religion, and that he did not thereby mean to bind up himself from endeavouring lawfully, in Church and State, what Religion and Loyalty might oblige and allow him to do; for which Words nevertheless he was tried and condemned, as a Traitor, in the Loss of his Life, Lands and Goods, and stands *de facto* deprived of both Lands and Goods, having only saved his Life, in the Extremity, by a gracious providential Escape.

The cruel executing to the Death of several Hundreds within these Twenty Years, besides many Hundreds more, that have either fallen in the Fields, or been made to perish in their Imprisonments, or Transports, and that for the alone Cause, or on the Occasion of their conscientious nonconforming: And some of them (of which Number several poor Women) for their bare Opinion about the King's Breach of Trust, never before by them vented, but simply declared upon Examination, and most Part of them dispatched with that barbarous Inhumanity, as that (after no better Example than that of the bloody Duke of *Alva*) they were, by beating of Drums, hindred to speak to the People their last and dying Words; and some of them, contrary to the perpetual Custom of Scotland, and all the Forms used in the Christian World, and as if it had been on Design to destroy both their Souls and Bodies, tried, sentenced, and put to Death in one Day, yea, the Time and Hour of their Death industriously concealed from them, that they might be cut off by a more mortal Surprise.

The condemning some to Death, others to the boring of their Tongues, and fining many in most exorbitant Sums, even to 10000 Pounds *Sterling*, for calling the Duke of *York* a Papist, notwithstanding the Notoriety of the Matter to all Men, and his Recusancy found and declared by a grand Jury, and expressly supposed by an Exception in his Favours, contained in an Act of Parliament, and that now he goes openly to the Mass, and marches in solemn Processions to the Horror of all good Protestant Subjects.

The loosing and exempting the King's Sons and Brothers, from what themselves conceived to be the best Fence, and greatest Security for the Protestant Religion.

The imposing and pressing of Oaths, without Law, manifestly contradictory, and that by terrible Menacings, violent Beatings, rigorous Imprisonings, and irreligious Swearings, no less barbarous than what was practised by the *Spaniards* in christianizing the wild *Indians*.

The eating up of Men by free Quarters, or otherwise falling on them by downright Violence, as driving with drawn Swords, to constrain them to hear, whom they, in their Conscience, judged unsent and uncalculated Curates, to the effacing of all Conscience, and open Scorn of God, and that pure and free Religion which he only accepts.

The compelling the Heritors of Shires to assess themselves and the free Subjects within their Bounds, a Thing expressly denied by Law to the King himself, and only reserved to Parliaments.

The forning upon, harassing and destroying the best Parts of the Country by Four extraordinary Circuits upon one and the same Subject of *Bathroel-bridge* on purpose, as it were, to justify his Highness's Judgment to his late Majesty, that it would not be well with Scotland until the South of *Forth* (the better and more substantial Half of that Kingdom) were turned to a hunting Field. And to verify the late Chancellor, the Earl of *Aberdeen*, his Affirmation at the Council-board, that there was not a loyal Subject westward of the Castle of *Edinburgh*.

The industrious rising, hindring and eluding the Detection of all Popish Plots.

The shamming of mock Plots upon good Protestants.

The suborning of Witnesses, hounding out and encouraging of Assassines to murder and cut the Throats of honest Men.

And generally in the studied and constant ensnaring, or ruining, upon every Shadow of Pretence, all esteemed either fixed to the Protestant Interest, or well affected to their Country's Liberty.

This wicked Mystery, we say, and Conspiracy of Popery and Tyranny, inseparably twisted both in Experience and Reason in all their Attempts, upon these great and mighty Nations, so unanimously united, and firmly fixed in their contrary Profession, Rights, and Liberties, having made so great a Progress by the Steps



abovementioned, is now at length evidently disclosed, revealed, and brought to full Maturity, by the most suspicious (though withal most ingrate) cutting off of the late King, as having indeed very unhappily acted all that Part of which the Conspirators did judge him capable. The ascending of *James Duke of York*, a notorious Apostate, and bigot Papist, to the Throne, notwithstanding his being thrice excluded by the Commons of *England*; and that he neither hath given, nor can give, without an hypocritical and damning Cheat, repentant to his Profession, and contemptible to all ingenuous Men, the Oath and Security indispensably required of him, before and at his Entry to the Government. *Jam. VI. P. 1, C. 8.* the approaching of Two Parliaments both called by him, one in *Scotland* by his own vigilant Providence, (in procuring it to be enacted in the last Parliament held by him in that Kingdom, that for the future, not only all Members of Parliament, but also all their Electors should take that contradictory and irreligious Oath, commonly called the *Test*, which no Man owning Conscience, or caring for any Religion, can possibly approve) long since prepared for all his Pleasure. And the other in *England* packed, caballed, and returned by all the Arts and Methods that either Fraud or Injustice could invent, to render it pliable to his Intentions; and which no doubt he will cajol with all the fair Promises, and large Offers of Laws, that can be desired for securing both the Protestant Religion and their Liberties, providing they will but give Money, which answers all Things, and which will as assuredly frustrate and ranverle all their vain Cautions. The pursuing with indefatigable Malice, even without the Bounds of the Kingdoms, and in all foreign Parts, all honest Men, escaped for their Lives, and that either by publick Addresses or private Violences, so that they are necessarily reduced to that fatal *Dilemma*, either to do, or die. The entering into, and entertaining more close Correspondences than at any Time before, with Popish Princes and States, especially the King of *France*, a most notorious Enemy both of the true Religion and Liberty of Mankind. And lastly, by all that may be already seen in the Changes and Alterations he hath lately made, and that for hereafter may be apprehended from a false and bloody Religion, always breathing forth, and practising Fire and Faggot, Murders and Massacres, and a provoked and enraged Mind, possessing and reigning in the most determined of Princes, unquestionably capable, and ready to execute all these bloody Cruelties.

Which Things being all of them either palpable Perversions, or utterly inconsistent with the true and great Ends of Government, rendring our Common-wealth our common Calamity, and him who pretends to be its Protector, its most hostile Enemy, and consequently importing no less to, than a total Dissolution of all the Bonds of Subjection, which the Rulers have first so wickedly broke and cut asunder; and the liberating and allowing all distressed Subjects, whether those already overwhelmed by, or who may justly for hereafter fear to be involved in these Miseries, that undoubted Right and Power, which both God and Nature, with common Reason, and the constant Custom of all Nations have given us, for recovering, defending, and maintaining our Lives and Liberties, and above all, the inestimable Blessing of our pure Religion, to the effect that the same pure Religion, with our just Rights and Liberties, so valiantly asserted by our Ancestors, may be by us faithfully transmitted to our Posterities.

We have been, and are obliged and constrained by extreme Necessity, and for common Safety (the supreme Laws) to take up just and necessary Arms in the Name and Fear of the great God, and the Confidence of his Mercy and Assistance, for our own and our Country's Relief, from the aforesaid most grievous and intolerable Tyrannies and Oppressions, the Defence and Re-establishment of the true and pure Christian Religion, commonly called Protestant, in Opposition to that antichristian *Roman* Religion, commonly called Papistical, and the Recovery and Re-establishment of all our just Rights, Liberties, and Privileges, according as we stand indispensably obliged thereto, both before God and Men; and that against the said *James Duke of York*, and all other his Accomplices, our most unnatural and wicked Enemies and Oppressors.

Desiring in the first Place to be deeply humbled each of us before God, for our manifold Sins and Provocations, especially our False-heartedness, and Unsteadfastness in, and Revoltings from our great and manifold Engagements to him, that alone have brought upon us all these sad Mischiefs, earnestly, and with our whole Hearts supplicating, that he would cease from his Anger, cause his Face to shine upon us, and save us for his own Name's sake.

And in the next Place declaring, likeas we hereby expressly declare, that our sincere and single Ends and Designs in this our Undertaking, are first, the restoring and settling of the aforesaid true, reformed, Protestant Religion, in its Power and Purity; and with such a just Comprehension of pure Christian Charity, as may through the good Hand of our God upon us, be truly satisfying to all that fear him, and love our Lord Jesus Christ in Sincerity, renouncing and detesting as well Impostings as Errors, in all Matters of Conscience, and trusting that, after the many teaching Experiences we have had, we shall be for hereafter preserved from all unhappy Misunderstandings; but rather through the Spirit of Truth, Love, and Peace, graciously led into all the Paths thereof.

2dly. The Suppression and perpetual Exclusion of antichristian Popery, with all its idolatrous Superstitions and Falshoods, as also its most bitter Root and Offspring, Prelacy, with its new and wicked Head the Superstition, and all their Abuses, that so not only the Gospel and Work of God may be revived in these Lands, but also all the Churches of Christ abroad thereby refreshed and strengthened.

And 3dly. the restoring of all Men to their just Rights and Liberties, especially the recompensing of all Sufferers, whether unto Blood, or Loss of Liberty and Goods, the Relief of such who are in present Distress, the removing of all Oppression, and establishing such righteous Laws and Methods of Government, as may be most for securing of Liberty and Property, with the greatest Ease and Equality.

Which Things as we purpose and hope to accomplish, only through the Presence of our God with us, and his Blessing upon us, so we are most willing and resolved, that they be all settled and perfected by a free, full, just, and sovereign Representative of all the present Undertakers, and such as shall hereafter sincerely concur and take Part with us; and that in such Forms and Ways, as God by his good Providence can only most happily direct and conduct us unto; declaring and protesting further, that since such have been, and are the manifest Perfidy, Treachery, and Falshood of our Adversaries, not only in their Treaties and Covenants, but also in their Pardons, Indemnities, and Indulgences, as that they leave no Ground or tolerable Assurance of Faith and Trust to be given to them, we will never enter into any Terms of Capitulation, Treaties, or Conditions with them, as to the great Ends of this Undertaking; but on the contrary, prosecute the same with all Reality, Constancy, and Vigour, without any Separation, Division, or backdrawing, until



until they be perfectly and finally obtained. Upon which Grounds, and for which Ends abovementioned, we not only hereby most sincerely and firmly protest and declare, as in the Presence of God, constantly and perpetually to adhere, to assist, and maintain one another to the utmost, against all Deadly; but do moreover, freely and heartily resolve and engage our selves, to countenance and concur with all our persecuted and oppressed Brethren and Friends, in *England and Ireland*, who, from the like Reasons and Motives, shall be induced and stirred up to the like Undertaking, for the same or the like Ends.

Wherefore, we most seriously and humbly beseech and obtest, in the Bowels of our Lord Jesus Christ, all that love his Truth, and this our righteous Cause, none excepted, tho' either formerly little concerned for, and favourable to us and these Interests, or even still in actual Opposition against us and them, (their sincere Repentance being at all Times to God most acceptable, and not to be better witnessed before Men, than by a contrary and vigorous Amendment) to come and joyn with us for God's Glory and Gospel, our Country, Lives, Rights, and Liberties, and our Posterities, and all our Hope, against an apostate Papist, an usurping and persecuting Tyrant, by the most sacred Article of his Religion, our mortal Enemy under the Pain of his own Damnation, and by the fundamental and express Laws of the Land, *Jam. VI. P. 1. C. 9.* and *P. 20 C. 5.* incapable of the meanest Office within the Kingdom, and in effect a declared Enemy and Rebel, *Jam. VI. Par. 3. C. 47.* and who even by the Act lately made by himself, for paving the Way to his Succession, *Char. II. Parl. 3. Chap. 2.* can have no Shadow of Pretence to the Benefit thereof, unless he first instruct himself both to be the lawful, and the immediate and nearest Heir of the Crown, which, without satisfying the old Law, *Jam. VI. Parl. 1. Chap. 8.* at the same Time ratified, *Char. II. Parl. 3. Chap. 1.* by swearing to embrace and maintain the true reformed Protestant Religion, he can never possibly be, as was then distinctly understood and declared by the principal Framers of that Act, and against his Adherents and Partakers, a perjured, revolted, and self-condemned Generation, upon whom the Lord, who will not give his Glory to another, hath formerly got himself a Name and Renown before all the Nations, whom our Sins only have exalted; and whose Hearts can never endure, or their Hands be strong, when the Lord of Hosts, who is on our Side, and hath a perpetual Indignation against all the wicked in the Earth, shall arise and deal with them. And this our most earnest Call and Request, we confidently hope shall be the more readily hearkned unto, and heartily and seriously complied with, that in the Issue, through the Blessing of God, it assuredly promises not only the Restitution of Truth, Prosperity, and Glory to these long misgoverned, harassed, and disgraced Nations; but the sure Defence and Protection of true Religion and Liberty every where, (*Britain's* certain and great Interest, of late most shamefully abandoned) and even the Depression of Antichrist, and the Advancement and Exaltation of the Kingdom of our Lord Jesus Christ in all the Earth. Let us therefore be of good Courage, and play the Men for our People, and for the Cause of our God; and the Lord do that which seemeth him good.

### Argyle's Declaration to his Vassals. N<sup>o</sup>. CXIII.

I Shall not mention my Case published and printed in *Latin and Dutch*, and more largely in *English*, nor need I repete the printed Declaration, emitted by several Noblemen, Gentlemen, and others of both Nations now in Arms; but because the suffering of me and my Family are therein mentioned, I have thought it fit for me to declare for my self, That as I go to Arms, with those who have appointed me to conduct them, for no private nor personal End, and only for these contained in the said Declaration, which I have concerted with them, and approved of; so I do claim no Interest, but what I had before the pretended Forfeiture of my Family, and have sufficient Right to; and that I do freely, and as a Christian, fully forgive all personal Injuries against my Person or Family, to all that shall not oppose, but joyn and concur with us in our present Undertaking, for the Ends mentioned in the said Declaration; and hereby I oblige me never to pursue them in Judgment or out of Judgment. And I further declare, that obtaining the quiet and peaceable Possession of what belonged to my Father and my self, before the pretended Forfeiture, I shall satisfy all Debts due by my Father and my self, as far as any Heir or Debtor can be obliged.

And as my Faithfulness to his late Majesty and his Government, has sufficiently appeared to all unbiassed Persons, void of Malice, so I do with Grief acknowledge my former too much complying with, and concurring at the Methods have been taken to bring us to the said Condition we are now in, tho' God knows, never concurring to the Design.

I have now with God's Strength suffered patiently my unjust Sentence and Banishment, Three Years and an Half, and never offered to make any Uprore or Defence by Arms, to disturb the Peace upon my private Concern; but the King being now dead, and the Duke of *York* having taken off his Mask, and having abandoned and invaded our Religion and Liberties, resolving to enter into the Government, and exercise it contrary to Law, I think it not only just, but my Duty to God and my Country, to use my utmost Endeavours to oppose and repress his Usurpation and Tyranny; and therefore being assisted and furnished very nobly by several good Protestants, and invited, and accompanied by severals of both Nations, to lead them, I resolve, as God shall enable me, to use their Assistance of all Kind, toward the Ends expressed in the said Declaration. I do hereby earnestly invite and obtest all honest Protestants, and particularly all my Friends and blood Relations, to concur with us in the said Undertaking.

And as I have written several Letters, so having no other way fully to intimate my Mind to others, I do hereby require all my Vassals every where, and all within my several Jurisdictions, with the fencible Men within their Command, to go to Arms, and to joyn and concur with us, according to the said Declaration, as they will be answerable at their highest Perils, and to obey the particular Orders they shall receive from me from Time to Time.



*Proclamation against Traitors and Fugitives, June 24. 1685. No. CXIV. A.*

**J**AMES, by the Grace of GOD, King of Great Britain, France, and Ireland, Defender of the Faith: To  
 of Our Privy Council, or Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Forasmuch as *Archibald Campbel* late Earl of *Argyle*, (that arch and hereditary Traitor) having, with some other his Accomplices and Associates, both of this and other Nations, combined together to disturb Our Government, and the Peace and Tranquillity of this Our ancient Kingdom, and having associated to themselves the vile and sacrilegious Murderers of *James* late Archbishop of *St. Andrews*, and even that bloody Miscreant *Rumbold* the Maltster, who was to have embued his Hands in the sacred Blood of Our dearest Brother, and to have been the principal Actor of that hellish Tragedy, designed at the *Ry* in *England*; they, pursuant to their traitorous and wicked Plots and Designs, having landed in some of Our Western and Highland Islands, and there pillaged and harassed Our People for a considerable Space bygone; and now, after all their desperate Endeavours, it having pleased almighty God to give us Our Forces that good Success over these Our Enemies, as to defeat and totally rout them many of whose chief Ringleaders are now taken, and particularly the said arch Traitor *Archibald Campbel*, *Rumbold* the Maltster, *John Aylief*, called Colonel *Aylief*, (which last, out of the Terror of his atrocious Guilt and Despair, endeavoured to kill himself after he was taken, by giving himself a Wound in the Belly with a Knife, in the Prison of Our Burgh of *Glasgow*) and many others: And whereas there are several of that hellish Crew not yet taken, who may skulk and lurk in this Our Realm, with these of their Party, and be sheltered by disaffected Persons; and We, being resolved to prosecute and pursue those execrable Rebels and Traitors, until they be apprehended and brought to condign Punishment, do hereby, with Advice of Our Privy Council, require and command all Our good and loving Subjects, and particularly all Our Sheriffs and other Magistrates, and the Officers of Our standing Forces and Militia, to use their utmost Endeavours for apprehending the said Rebels and Traitors, and bringing them to Justice; and for that effect, to convocate Our Lieges, and use all other warlike Force against them: And for their Encouragement, We hereby not only indemnify and fully pardon them of any Blood, Slaughter, Mutilation, Fire-raising, or such like Inconveniences, which may fall out in this Our Service; but We do hereby promise and assure any Person or Persons, who shall apprehend the Persons underwritten, dead or alive, or discover them so as they may be apprehended, the Rewards following, viz. For *John Cochran*, sometime called *Sir John Cochran* of *Ochiltree*, *Patrick Hume*, sometime called *Sir Patrick Hume* of *Polwart*, forfeited Traitors, *Archibald Campbel* Son to the Lord *Neil Campbel*, *Charles* and *John Campbels* Sons to the said arch Traitor *Archibald Campbel*, *Pringle* of *Torwoodlee*, *Sir Duncan Campbel* of *Auchinbreck*, and each of them, the Sum of Eighteen hundred Merks Scots Money; *Denholm* of *Westbiels*, and *Balfour*, and *Fleming*, Murderers and Assassines of the said late Archbishop of *St. Andrews*, *William Cleaveland*, called Captain *Cleaveland*, and *Stuart* younger of *Culnefs*, Grandchild to *Sir James Stuart* sometime Provost of *Edinburgh*, and each of them, One thousand Merks Money foresaid; for *Wisheart* Master of one of the Ships who came along with the said arch Traitor *Archibald Campbel*, Five hundred Merks, and for every fanatical Preacher who was with the said Rebels, One thousand Merks Money foresaid. And We further declare, that if any of Our Subjects shall be so desperately wicked, as to harbour, reset, entertain, intercommune, converse, correspond with, or comfort any of the said Persons, any manner of way, or shall not give Intelligence of them, or shall not give their Assistance against them, that they shall be holden, repute, treated, and demeaned as Art and Part of, and accessory to the said horrid Crime of Treason and Rebellion against Us, and Our Royal Government, with the utmost Severity of Law. And generally, We hereby prohibit and discharge all Our Subjects, from harbouring, resetting, lodging, or entertaining any Persons whatsoever, unless they have a Pass from these authorized by Our former Proclamations to grant the same, as they will answer at their highest Peril. And that this Our Pleasure may be known to all Our Lieges, Our Will is, and We charge you strictly and command, that incontinent, these Our Letters seen, ye pass to the Market-crosses of *Edinburgh*, *Linlithgow*, *Stirling*, *Lanerk*, *Air*, *Renfrew*, *Rutherglen*, *Glasgow*, *Irwin*, *Dumbarrow*, *Wigtoun*, *Kirkcudbright*, *Dumfries*, *Inveraray*, and all the other Market-crosses of the head Burghs of the Shires of this Kingdom, and there, by open Proclamation, in Our Royal Name and Authority, make Publication of Our Pleasure in the Premises. And We further hereby recommend to the Right Reverend Our Archbishops and Bishops, that they cause this Our Royal Proclamation be read from the Pulpits, by the Ministers of the several Parishes in their Dioceses, respective, upon the first Lord's Day after the same shall be delivered to them; requiring hereby all Our Sheriffs, to cause publish and deliver this Our Proclamation in Manner above said, immediately after the same comes to their Hands, as they will answer the contrary at their highest Peril.

Given under Our Signet, at *Edinburgh* the Twenty fourth Day of *June*, One thousand six hundred and eighty five, and of Our Reign the First Year.

Per actum Dominorum Secreti Concilii.

Col. Mackenzie Cl. Secr. Concilii.

God save the King.



*Act, Magistrates of Edinburgh, October 28. 1685. N<sup>o</sup>. CXIV. B.*

**T**He which Day, the Lord Provost, Bailies, Council, and Deacons of Crafts, being convened in Council, taking to their Consideration, that notwithstanding of divers Acts of Council, made for purging the City of Vagabonds, Beggars, and other idle Persons, who daily trouble the Inhabitants, and others his Majesty's Lieges resorting thereto; yet they are so numerous, that the Citizens and other his Majesty's Lieges cannot, without great Trouble, walk upon the Streets, which is very burdensome to the City, and disgraceful to the Place; considering, that by the 15<sup>th</sup> Act of the 3<sup>d</sup> Session of Our late sovereign Lord's first Parliament, it is declared, that it shall be lawful to all Persons or Societies, who have or shall set up any Manufactories within this Kingdom, to seize upon and apprehend any Vagabonds, who shall be found begging, or who being masterless and out of Service, and have not wherewith to maintain themselves, by their own Means and Work, and impowering them to employ the said vagabond Persons and their Bairns, in their common Work, and declaring they shall continue therein during their Lifetime, and shall be subject to their Masters Correction and Chastisement, in all Manner of Correction, (Life and Torture excepted) the said Persons being always employed by the said Manufactories, with Advice of the Magistrates of the Place where they shall be seized upon: And the Council being now resolved, that all the Vagabonds, Beggars, and other idle Persons, and their Children, that are above the Age of Five Years, that can be found upon the Streets of the City, or in any Part of the same, or Suburbs thereof, shall be apprehended and put in the Correction-house, and set at Work to spin and card, and working such Manufactory-work as they shall be employed to do by the Keeper of the Correction-house, and his Servants, which they judge to be the best Expedient for purging the City and Suburbs of the said idle Persons and Vagabonds, and preventing the Increase of them in Time coming. Therefore, they hereby command and charge these Persons who shall receive the Magistrates Commission, to take and apprehend all such Vagabonds, idle Beggars, Whores, Thieves, and masterless Persons, and their Children, above the Age of Five Years, who shall be found within the City, or any Part thereof, or Suburbs of the same, and present them to the Magistrates, that thereafter they may be imprisoned within the said House of Correction, to be set at Work by the said Master of the Correction house, and his Servants, in Manner foresaid, who are to remain therein during all the Days of their Lifetime, conform to the Tenor of the said Act of Parliament, during the which Space they are to receive all Manner of Punishment and Correction, (Life and Torture excepted.) And in like Manner, the Council taking to Consideration, that the City hath been, and is greatly abused, by suffering Strangers, Vagabonds, untie Persons, poor and indigent Bodies, to plant and have their Habitation within this City; and that by harbouring of the said Persons, (and such as they refer) the Town is defiled with all Kind of Vice, the Liberty of Freemen usurped, the City overburdened with sustaining of that Kind of People, their Wives, Children, and such as they refer, particularly in the Time of Dearth, and the monthly Contribution appointed for their own Poor, employed and consumed upon them: And that for Remedy thereof, the Magistrates and Council, by their Act, of the Date the 22 Day of December, 1676 Years, did statute and ordain, That no Persons set their Houses or Lands within the City, or Suburbs thereof, in any Time hereafter, to any unfree Persons, that are not landed Gentlemen, or Members of the College of Justice, without a special Ticket from the Bailie of the Quarter, in Writ, within whose Bounds the said Lands ly, under the Pain of an Unlaw of Twenty Pounds, to be taken off the Setters or Owners of the said Lands, or Houses, for ilk Person to whom their Land or House was to be set, with the Escheat of a Year's Mail to the Town's Use: And where any Lands or Houses are set to such Persons, that the Owners or Setters remove the said Persons instantly; and that the Bailies shall give no Ticket to the said unfree Persons, but upon Caution to be found acted in the Town's Books, that they shall keep and fulfill the Articles following, *to wit*, That they shall receive no Vagabonds, naughty or vicious Persons, nor any who are suspect of Theft, or Refet of Theft, or of keeping of Brothel-houses, nor masterless Persons within their Houses, under the Pain of Twenty Pounds, so oft as they fail. *Item*. They shall use no unlawful Vocation, or usurp the Liberty of a Freeman, under the said Pain. *Item*. That neither they, their Servants, Wives, nor Children, shall be burdenable to the good Town, under the Pain of an Unlaw of an Hundred Merks. *Item*. That they shall be no ways disobedient to the Church, or Magistrates, or Officers of the said Burgh, under the said Pain, and their Penalties to be paid by the said Cautioners. The Council do revive the foresaid Act, in the whole Heads, Articles, and Clauses thereof, and ordain the same to take Effect, and to be put to due Execution in all Time coming. And further, it is statute and ordained, that outland poor Beggars, and other Poor that have not been Burghesses Bairns in this Burgh, remove and dispatch themselves forth of this Burgh, Bounds and Liberties thereof, and to retire to the Place or Parish where they were born, or formerly resided, so that they be not found nor seen within the same at any Time hereafter, under the Pain of putting of them in the Thieves-hole, Forty eight Hours for the first Fault, and scourging of them thereafter, as they shall be found within the Bounds foresaid: And ordain thir Presents to be printed, and published through the City and Suburbs, by Tuck of Drum, and affixed upon the most conspicuous Places of this City, that none pretend Ignorance. Extracted by me

JO. RICHARDSON.



*King's Letter to the Parliament, with the Parliament's Answer; and the Commissioner's Speech, April 29. 1686. N<sup>o</sup>. CXV.*

JAMES R.

*My Lords and Gentlemen,*

**T**He great Testimonies We had of your Loyalty and Affection to Our Royal Person and Government, at your last Session, ( in which you not only made an humble Offer of your Duty in ample Manner, and shewed your Abhorrence of the Rebellion then raised against Us, and your Readiness on that and all other Occasions to stand by Us with your Lives and Fortunes ; ) but ( wisely considering how much the Forces which former Parliaments had given Us Supplies to maintain, supported by your Assistance, and, blessed by God, were instrumental in ending that unnatural Rebellion ) you gave Us the Occasion, by augmenting your Supplies, to add to Our Forces, ( and consequently to your own Security ) for all which as We then returned you Our most hearty and Royal Thanks, and considered you the Examples to Our other Subjects, of Loyalty, Duty and Affection to Us, ( as you had been in Our former Difficulties ) so it stirred up in Us an ardent Desire of making such Returns unto you, as might every way make you find the Advantage of your Faithfulness and Duty to Us.

It is for this end that We have again desired to meet you in this Session.

We have considered your Interest as much as Our Distance from you could bring into Our Prospect, and those Things which We found proper for it, whether in relation to Trade and Commerce, or easing some Things uneasy to you amongst yourselves, We have fully instructed Our Commissioner ( with your Advice and Consent ) to conclude so as may be most for the general Good of that Our ancient Kingdom.

We have made the Opening of a free Trade with *England* Our particular Care, and are proceeding in it with all imaginable Application, and are hopeful, in a short Time, to have considerable Advances made in it. We have considered the Trouble that many are put to daily, by Prosecutions before Our Judges, or the Hazard that they ly under, for their Accession to the late Rebellions ; and to shew the World ( even Our greatest Enemies themselves ) that Mercy is Our Inclination, and Severity what is by their Wickedness extorted from Us, We have sent down to be past in your Presence, Our full and ample Indemnity, for all Crimes committed against Our Royal Person or Authority : And whilst We shew these Acts of Mercy to the Enemies to Our Person, Crown, and Royal Dignity, We cannot be unmindful of others Our innocent Subjects, those of the *Roman* Catholick Religion, who have, with the Hazard of their Lives and Fortunes, been always assitant to the Crown, in the worst of Rebellions and Usurpations, though they lay under Discouragements hardly to be named : Them We do heartily recommend to your Care, to the end, that as they have given good Experience of their true Loyalty and peaceable Behaviour, so, by your Assistance, they may have the Protection of Our Laws, and that Security under Our Government, which others of Our Subjects have, not suffering them to ly under Obligations which their Religion cannot admit of. By doing whereof, you will give a Demonstration of the Duty and Affection you have for Us, and do Us most acceptable Service.

This Love We expect you will shew to your Brethren, as you see We are an indulgent Father to you all.

For these, and such other Matters as We conceive for Our Service, and the universal Good of the Nation, We have sent Our right trusty, and right entirely beloved Cousin and Counsellor, *Alexander* Earl of *Murray*, Secretary of State for that Our ancient Kingdom, Our Commissioner to you, believing that none will be more acceptable than one so immediately employed and trusted about Our Person, of whose long and faithful Services We have full Experience, in every one of the several Employments he has been in, and of whose Loyalty and Affection to Our Person and Service We are fully convinced : To him We desire you to give entire Credit, as one fully instructed and trusted by Us, from whose Experience and faithful Endeavours, with your Loyalty, Love and Duty to Us, We have good Reason to expect a happy Conclusion to this Session : And you may assure your selves in general, and every one of you in particular, that We shall have both the general Concern of the Nation and yours, into Our most particular Regard, which We shall express by Our Royal Favour, upon all suitable Occasions. So not only expecting your Compliance with Us, but that, by the Manner of it, you will shew the World your Readiness to meet Our Inclinations, We bid you most heartily Farewel.

*Given at Our Court at Whitehall, the Twelfth Day of April, 1686. and of Our Reign the second Year.*

*By his Majesty's Command,*

MELFORD.

*The Parliament of Scotland's dutiful Answer to His Majesty's Letter.*

*May it please your sacred Majesty,*

**W**E do return your Majesty our most humble and hearty Thanks, for the frequent Marks of your Royal Favour express to this your Majesty's ancient Kingdom upon all Occasions, and particularly in your Majesty's gracious Letter, dated the 21 of April last ; and your Majesty may, with full Assurance, expect,



expect, that your gracious Acceptance of those Services we did you in the last Session of this Parliament, will encourage us to continue our Zeal and Firmness in this, for your Majesty's Service, and the Royal Interest upon which, under God, we acknowledge our Happiness and Preservation do entirely depend.

Your Majesty's Care of the Trade of this Kingdom, (which is at present exceedingly decayed) and particularly your Royal Endeavours to procure us a free Trade with your Kingdom of *England*, will very much enable us to make these Supplies effectual, which we have so heartily and willingly undertaken, for the Security of the Crown, and Safety of the Kingdom; nor shall the Advantages that can arise thereby, be more acceptable to us upon any other account, than so far as they may be a Testimony of your Majesty's Kindness, and conduce to those great Ends.

Your Majesty's Clemency, testified in the Offer of an Indemnity to these desperate Rebels, who could have expected Pardon from no Monarch on Earth but your sacred Majesty, and the greatest Aggravation of whose Crimes lies in opposing such gracious and merciful Princes, will (we hope) not only convince your other Subjects, how happy they are under your Government, but reclaim them from bearing any further Enmity to it; and to let them see how extravagant, as well as undutiful, their Endeavours will be, in opposing your Majesty, and your Royal Successors, we do again most sincerely and heartily offer you our Lives and Fortunes, for suppressing all such as shall, upon any Account or Pretext whatsoever, attempt, either by private Contrivances, or open Rebellions, to disquiet your glorious Reign.

As to that Part of your Majesty's Letter, relating to your Subjects of the *Roman* Catholick Religion, we shall, in obedience to your Majesty's Commands, and with Tenderness to their Persons, take the same into our serious and dutiful Consideration, and go as great Lengths therein as our Conscience will allow, not doubting that your Majesty will be careful to secure the Protestant Religion, established by Law.

Your Majesty's Commissioner has, to our very great Satisfaction, signified to us, that he is fully instructed by your Majesty, to promote every thing which may tend to the Improvement of the Wealth and Prosperity of this your ancient Kingdom, and we hope, that by his wise Care and Conduct, this Session of Parliament may be brought to a happy Conclusion; and to him, seeing your Majesty has well judged that none could be more acceptable, we shall give that entire Credit and Concurrence, and pay that Respect which is due to the eminent Character which your Majesty has been pleased to give him; and to that constant Loyalty and Fidelity with which he has acquitted himself in all the former Trusts and Employments which he has born under your Majesty's Royal Brother and your self, hoping that we shall give him just Reason to report, at his Return to your Majesty, with how much Zeal, Duty and Affection, we endeavour to deserve the being considered by your Majesty as

*May it please your sacred Majesty,*

*Your Majesty's most humble, most faithful,*

*and most obedient Subjects and Servants;*

*Edinburgh, May 6: 1686.*

*Perth Cancel. I. P. D. Parl.*

### *His Majesty's high Commissioner's Speech.*

*My Lords and Gentlemen,*

**T**He great Sense which his sacred Majesty retains of your Loyalty, Duty and Zeal for his Service, and of your signal Affection to his Person and Interest, so kindly expressed in your Proceedings of the last Session, hath determined him to meet you again so soon in this, to the end, that as you did then by very seasonable Proofs of your dutiful Obedience, even during the raging Insolence of an unnatural Rebellion, demonstrate your Loyalty and firm Adherence to the Crown; so his Majesty would not be wanting on his Part, to shew his paternal and royal Care of you his ancient and loving People, by giving you fresh Opportunities, of doing such Things as may tend to the universal Good of the Nation, as a generous Return to your Affections.

As all the States and Ranks of Men in this Kingdom, have been most eminent in their Loyalty, Love and Deference to his Majesty in their several Degrees and Capacities, both when he honoured you with his royal Presence, and since; so his Majesty is graciously resolved, that you shall, in your several Stations, share of the Effects and Influences of his royal Care, Tenderness and Protection, by Marks of his royal Favour, which he intends shall be as comprehensive and general, for the Security and Happiness of you all, as your Duty and Kindness towards him have been remarkable.

Pursuant to this, I am to assure you that his Majesty doth endeavour, with all imaginable Care, to open a free Intercourse of Trade with his Kingdom of *England*, as one of the surest Ways to save his royal Burrows from the Ruin threatned by the Decay of Commerce, and will leave nothing unessay'd that may promote a Work so beneficial to this Kingdom.

And for your further Encouragement, the King hath fully instructed his Envoy at the Court of *France*, to use his utmost Endeavours for having the fifty *Solz per Tun* discharged, and for recovering the Possession of the other Privileges of the *Scotts* Merchants trading with that Kingdom, which have been now a long Time suffered to run into Desuetude.

And his Majesty conceiving that the Burghs of Regality and Barony, enjoy more of that Trade, for which the Burrows Royal bear the sixth Part of the Cels of the Nation, than does justly fall to their Share, has therefore been graciously pleased to instruct me, to give his royal Consent to such Regulations therein as you shall think just and equitable.

And there having been several Complaints made to his Majesty, of the Trouble which Merchants of this Kingdom meet with in the Matter of the Staple and Trade with the *Netherlands*, I am fully instructed to give his Consent to what you shall advise as reasonable, for the Redress thereof for the future.



And whereas his Majesty is informed of the great Prejudice which this Kingdom suffers by the Importation of *Irish* Cattle, Horses and Viſtual: I am alſo fully inſtructed, not only to give his royal Aſſent to whatever may free you from that Abufe in Time coming; but likewiſe to enquire into the Connivances and Malverſations of thoſe who in Times paſt have been intruſted to hinder and diſcover all ſuch illegal Importations, to the end that they may be puniſhed according to Law.

I am alſo to acquaint you, that the King being informed, that the Want of an open Mint is a ſenſible Prejudice to the Traffick of the Kingdom; I am therefore impowered to give his royal Aſſent to what the Wiſdom of this Parliament ſhall think juſt and reaſonable in that Point.

As his Majesty, in his royal Prudence and Goodneſs, intends to promote the Trade of this Nation, by all poſſible and fit Methods; ſo he hath commanded me to tell you, that he is not at this Time to demand any more Supplies or Impoſitions of any Kind, notwithſtanding the great and neceſſary Charge which the ſuppreſſing of the late horrid Rebellion has put him to; being fully convinced that your Affection and Alacrity have already prompted you to give all that was convenient for you to ſpare. In Requital of which, he is reſolved to do all that he can for the Advancement of the Good and Intereſt, and increaſing the Wealth of this Kingdom; a Thing which his Majesty is very ſenſible has been a long Time too much neglected, conceiving his royal State inſeparable from the Happineſs and flouriſhing Proſperity of his People. And the King well knowing how heavy the Cefs lies upon the Land-rents, if it were not indiſpenſably neceſſary, as well for your own Safety, as the Support of his Government, would willingly diſcharge ſome Part thereof: But this being impoſſible, I am fully inſtructed to paſs any Law, with your Advice and Conſent, that may give Eaſe in that Matter, not diminiſhing the former *Quota*.

I am further to acquaint you, that his Majesty has taken ſpecial Care to inſtruct me fully for giving his royal Conſent to all ſuch Laws and Regulations, as may ſecure exact Payment to the Country, from all his Officers and Soldiers in their Quarters, both local and tranſient, for the future; and to ſee exemplary Punishment inſlicted upon all Perſons who heretofore have oppreſſed any of his loving People, by denying or detaining their juſt Dues from them.

And for eaſing the Commons of many Oppreſſions, alledged to be committed by Commiſſars, I am likewiſe impowered to paſs an Act, with your Advice and Conſent, for regulating the ſame.

That which will ſurpriſe you much, is, that as the King is ſolicitous to provide for the Security of this Kingdom, and to encourage and cheriſh his dutiful and loyal Subjects as his obedient Children, ſo as a tender hearted and compaſſionate Father is willing and ready to forgive, and mercifully to pardon the unexcusable Faults and Crimes of ſuch as have behaved themſelves undutifully, and even rebelliously againſt him. And therefore to ſettle and quiet the Minds of his People, and once more to drive away the Fears of the Guilty, by delivering them from their Apprehenſions of that Punishment which they have ſo juſtly deſerved, he hath graciouſly been pleaſed to inſtruct Me, to paſs his full and ample Indemnity, with ſome few neceſſary and reaſonable Exceptions, for all paſt Crimes and Miſdemeanors whatſoever; which may convince the World that his Majesty delights, by ſweet and gentle Methods of Mercy and Lenity, to reduce all to Duty and Obedience, and that nothing but their own Perverſeneſs and incurable Obſtinacy in Evil, can force from him that juſt Severity which ſometimes becomes neceſſary for the Safety of his People and Government, though contrary to his princely and merciful Temper.

And now, *My Lords and Gentlemen*, after ſo great and excellent Deſigns for promoting the Honour, the Eaſe and Wealth of this Kingdom, after his Reſolution to pardon ſo many Enemies, and to free ſo many of the Guilty from further ſevere, but juſt Proſecutions, his Majesty believeth, that none will wonder, if he deſire, by the Advice and Conſent of this his great Council, to give Eaſe and Security to ſome of his good Subjects of the *Roman* Catholick Religion, who have in all Times been firm to the Monarchy, and ready to ſacrifice their Lives and Fortunes for the Service and Security of the Crown: So that his Majesty, who ſo perfectly underſtands the loyal and dutiful Temper and Genius of *Scotland*, reſts fully perſwaded of your ready and cheerful Compliance with his royal Deſire and Inclinations, tending ſo much to your own Security and his Satisfaction; and that you will ſend me back to my great and royal Maſter, with the good Tidings of the continued and dutiful Loyalty of this his ancient Kingdom. By which you will ſhew your ſelves the beſt and moſt affectionate Subjects, to the beſt, the incomparable and moſt heroick Prince in the World.

### *Act anent the penal Statutes, 1686. No. CXVI.*

**T**HE Eſtates of Parliament taking to their ſerious Conſideration, his Majesty's Deſire expreſt in his gracious Letter directed to them, for granting Eaſe and Relief to his Subjects of the popiſh Perſwaſion, and that altho' there are ſeveral Laws and Acts of Parliament, containing ſanguinary and other Punishments againſt Papiſts, yet ſuch hath been the Force of Chriſtian Charity, and the Meekneſs and Lenity of the Proſeſtant Religion, that theſe Laws have ſeldom or never been put in Execution ſince the Reformation by their religious Predeceſſors; and as the Eſtates of Parliament are firmly reſolved to adhere to the true Proſeſtant Religion by Law eſtabliſhed within this Kingdom, and which is, and always ſhall be dearer to them than all their worldly Concerns; yet ſo far as their Religion and Conſcience will allow, to yield an humble and dutiful Compliance with his Majesty's Deſires. Therefore his Majesty with Advice and Conſent of his Eſtates of Parliament, ſtatutes and ordains, that thoſe of his Majesty's Subjects, who are of the *Romiſh* Religion, are, and ſhall be, under the Protection of his Majesty's Government and Laws, for their private and civil Intereſts, and ſhall not for the Exerciſe of their Religion in their private Houſes, (all publick Worſhip being hereby excluded) incur the Danger of ſanguinary and other Punishments contained in any Laws or Acts of Parliament made againſt the ſame. It is always hereby declared, that this Immunity and Forbearance granted to Papiſts, for the Exerciſe of their Religion in their private Houſes allenarly, ſhall no-



noways import any Allowance or Approbation of their Religion, or any ways evacuate, infringe or pre-judge the Laws or Acts of Parliament made against Popery, or in favours of the Protestant Religion, and particularly shall not derogate from, evacuate or prejudge the 6 *Act, Parl. 3.* King *Charles II.* entitled, *Act anent Religion and the Test*, or any other Acts or Laws enjoining the Oaths of Allegiance, and of the Test, to be taken by all Persons in Offices of publick Trust, civil, ecclesiastick, or military; all which are hereby declared, shall continue in their full Force, Strength and Effect, to the Ends and Intents for which they were made; and whereunto these Presents shall make no Derogation in any Sort, without Prejudice always to the foresaid Immunity and Forbearance granted to Papists for the Exercise of their Religion in their private Houses, with, and under the express Limitations and Restrictions abovementioned, and no otherwise.

*Reasons why none who own the present Government, can consent to abolish the penal Statutes. 1686. No. CXVII.*

1<sup>mo</sup>. **B**ecause they being guilty of Idolatry, as all Protestants do agree, in the worshipping of the Hosts, Angels, Images, &c. and Popery is declared to be so, in the 1 Parliament of *K. Jam. VI.* *Act 111.* and *Act 5.* and this being so hateful to God, and peremptorily forbidden, and dreadfully threatened in the second Commandment, and so severely punished by God's Ordinance, *Ex. d. 32.* and *Deut. 13.* by the Law of Nature, *Job 31. 28.* and the Committers of it excluded from the Kingdom of Heaven, *1 Cor. 6.* and *9. Gal. 5. 20. Eph. 5. 7.* seeing these Laws are so agreeable to the Laws of God and Nature, none can in Reason and Conscience consent to the abolishing of them, especially seeing all due Respect is preserved to our King, who by the Law of the Land, having none over him, is our supreme Ruler; but they ought to be still obliging upon Subjects.

2<sup>do</sup>. Because in the general Confession of Faith, which *K. James* subscribed, with his Family, at *Edinburgh* *January 28 Anno 1561.* the Year of his Reign 14. and was enjoined by him, that all should subscribe *Anno 1581.* the second of *March*, and of his Reign the 14. and subscribed by all Sorts of Persons *Anno 1590.* They were also solemnly sworn before God, to detest and abandon all popish Errors, naming them particularly, and to continue in the Doctrine, and Discipline of the Church of *Scotland*, according to the Word of God, and established Laws (amongst which are the *penal Statutes*) under the highest Pains temporal and eternal; and since that Time, these solemn Oaths have been frequently reiterated by all in Authority, yea, by all the Inhabitants of this Nation, so that none can consent to the taking away of *penal Statutes* against Papists, without the greatest Prevarication, and Perfidy, or Perjury before God and Man that ever was heard of in the World.

3<sup>io</sup>. It is most contrary to the Oath of the *Test*, and inconsistent with it, which was established by Law in that Parliament, wherein his present Majesty was high Commissioner for his royal Brother King *Charles II.* by virtue whereof our Parliament did swear it, and Counsellors, Judges, all Magistrates, Bishops, Ministers, all Officers and Soldiers, and others in publick Trust, and many others, Heritors, &c. have taken it. For in it, 1<sup>mo</sup> they solemnly declare, that they profess sincerely the Protestant Religion, which none can do in earnest, who are not for the securing of it against the open and avowed Enemies thereof, by the Laws judged necessary to secure it, by our Predecessors and our selves, which are already made, but consent to the removing of them. 2<sup>do</sup>. They swear they shall never consent to any Change or Alteration contrary thereto, so whatsoever Change or Alteration (without Limitation) contrary to it, is abjured: But the consenting to remove the *penal Statutes*, especially in Parliament, bringing in at least a Toleration for Popery by Law, which is as contrary to our Religion as Darkness is to Light, is a manifest acting against it, and for Popery, and so is notorious Perjury. 3<sup>io</sup>. They swear to renounce the Pope and all foreign Jurisdiction, Powers, Superiorities, civil and ecclesiastick, while they consent to tolerate Papists, and sobring them in Place of Trust, by consenting to the removing of these *penal Statutes*, they yield to them, it makes that Part of their Oath impossible to be kept. 4<sup>io</sup>. They swear to bear Faith to his Majesty, and to his Heirs and lawful Successors, which they cannot do in consenting, that these who own another Jurisdiction superior to him, in his own Dominions, should have *penal Statutes* established by Law, taken off them, and especially considering their Principles may destroy the Succession; of their own Nature tend to do it utterly, if it be Protestant; witness the holy League in *France*, and the Oath enjoined to be rendered by the second *Lateran Council*, to all in Power in Church and State of their Religion, *Caranza's Summa Concil. Pag. 628. 510.* They swear that they shall never endeavour any Change or Alteration, in the Church or State established by the Laws of this Kingdom, which cannot be performed if they consent in Parliament to take away these *penal Statutes*, against such who profess to be under another Government of the Church, and are sworn Subjects to a foreign Power, as all Papists are. 6<sup>io</sup>. They swear to the utmost of their Power to defend, assist and maintain his Majesty's Power and Jurisdiction aforesaid, against all Deadly, &c. as they shall answer to God. How then can any be clear from Perfidy, who consent to take away these Statutes that secure these Jurisdictions to his Majesty's Person and Successors? And finally, that they shall not accept or use any Dispensation from any Creature whatsoever as to this solemn Oath; what a Complication of Perjuries will be here, if this be consented to? as God forbid.

4<sup>io</sup>. These Statutes have been thought necessary for securing our Religion, by our wise, zealous and godly Ancestors, and they have been confirmed by all Parliaments since the Reformation, although there was little Cause of Fear of Popery from abroad or at home; but now Popery having so prevailed abroad, and being so cruel and raging, and those of that Profession being in Places of greatest Trust at home, and the Court and these Lands being filled with th. Emissaries of *Rome*, and some making Defection from the Truth, when there is most Need to secure our Religion, to consent to take these *penal Statutes* away, were not only



to encourage Apostacy, but is a treacherous breaking down the Walls of our Religion, and to invite the Enemy to enter to destroy us and all our dearest Concerns, especially our Religion.

510. His present Majesty, as high Commissioner for his royal Brother K. Charles II. did bear Witness to, and consent to the Ratification of all these Acts, and about the Test and Religion, and since his coming to the Crown, hath past an Act for securing our Religion by his Commissioner and Parliament, ratifying all the former Acts and Laws for its Establishment; wherefore his Parliament did render him hearty Thanks in a special Manner, and he hath promised several Times, to defend and maintain the Protestant Religion, as now profest amongst us, as our Bishops and Clergy do inform us, which cannot be done, considering the Corruption of Men, and the Subtlety, Malice, and Diligence of Adversaries, the *penal Statutes* being removed, seeing these add Force to all Laws, and if wanting, will render them ineffectual and contemptible.

610. It was the Love of God's Honour and the true Religion and Zeal for them, and to secure the Nation against Idolatry, Treason and Rebellion, Heresy and antichristian Tyranny and Superstition, and from Apostacy, and the Preservation of our Lives, Liberties and Estates, against the Enemies of our Religion, which were the Reasons of these Laws, which may be seen by the reading of them; if we then shall consent to the Removal of them against these Crimes, and for securing these greatest Concerns, what Crime may not pass unpunished? and what of our greatest Interests shall be secured? This were indeed, not only a condemning of our Kings and Parliaments since the Reformation, but a most remarkable falling from our first Love, wherefore God might justly remove the Candlestick out of its Place, and give us up to all the Abominations and Delusions of the Man of Sin.

710. To consent to the taking away of the *penal Statutes* against Papists, removes all the Security we have in Law for our Religion; for the first Acts, which are the second and third of Parliament first, *Jam. VI. establishing our Religion and Confession*, are penal against the Enemies of it, (to wit the Papists) as often, if not always, our Laws call them, and all the rest are penal, as any indifferent Reader may see, who shall be at the Pains to read them; and so we consent to abolish utterly the Protestant Religion in Scotland, for there is no other Law before these for our Religion, and likewise we establish Popery by Law, and all its Abominations and Tyranny, for all preceeding Laws now extant, are only in favours of Popery, which who can think upon without Horror and Astonishment?

To conclude all our Reasoning, what Dishonour would it bring to almighty God, if Scotland, who hath been so much obliged to him for his precious Ordinances in so much Purity and Plenty, and hath so much professed to be for him, and his Truth and Way, and is so solemnly tied to him and his Way, by such sacred and frequent Oaths, should, by their consenting to this, betray his Interests, might not he say as in *Micah* 6 and 9. *O my People, what have I done unto thee, wherein have I wearied thee, testify against me.* And *Jerem. Chap. 2. ver. 10 and 11. Pass over to the Isles of Shittim, &c.* And might he not drive us out of his House for Wickedness, and love us no more, and give us a Bill of Divorcement for ever? And what Infamy would it leave upon our Nation for ever, as the most foolish, unconstant and perfidious People that ever the World bore, and how hardning would it prove to our Enemies in their abominable Way, and what Encouragement would it give to them, who are diligent, numerous, subtil and malicious, set on Work by the Devil to improve this, to destroy the true Christian Religion, and Adherers thereto, and to advance and secure all the Abominations of Antichrist? and what Ruin is like to come upon our Souls eternally, and the Souls of our Posterity, by the Contagion of these abominable Delusions? and what intolerable Sting would it leave in the Consciences of such as are guilty of this, through Fear, Ambition, Covetousness, or any other corrupt Principle, in the Day when God shall reckon with them? and what a flying Roll of God's Wrath and Curse will enter into their Houses, and pursue them and theirs? *Zech. 5. 1.* But if these Considerations, which are most weighty, should be laid aside, yet let all consider, who will in Reason credit such who are treacherous in these weighty Matters, will such as are false to God, be true to Man? Their Adversaries shall have all Places of Trust and Preferment; the Church-lands shall be rent from them, their Lives, Liberties and Estates shall be ruined, if they do not list themselves under the Banner of Antichrist. The sad Condition of the Reformed in France at the present, and the Cruelties exercised in Hungary and in the Vallies of Piedmont, and what they have cruelly and barbarously done, even above the pagan Persecution in these Places formerly, and in the Netherlands, Bohemia, Moravia, Cilicia, in Ireland of late, in Britain in the Days of both the *Maries* Reigns, and wherever they have Power, may cause us be wary, lest by our Folly, Timorousness, &c. we bring these Barbarities upon our selves, and utter Destruction.

It any should say, it is the King's Pleasure, that we should evidence our Loyalty in this. It is answered, His Majesty's Pleasure is publicly declared already, which is to secure the Protestant Religion in this Nation, both while he acted as Commissioner in the Parliament abovementioned, and since he came to the Crown in this Parliament current; and therefore this is to be constructed to be a Temptation from the Enemies of our Religion, who will incessantly labour to induce him to alter his royal Resolution and Promise, which we hope shall remain inviolable, notwithstanding all their Assiduosity and Cunning, considering his Magnanimity and Fidelity, which will indeed prove more miraculous (he being stedfast) than all the Miracles that that Church hath wrought and boasted of, since ever it turned antichristian, considering his near, manifold, and strong Temptations; but he will owe nothing of this to them, but to the Goodness of God in the royal Temper of his Spirit. 2do. His Majesty is wise, and knows that the best of Laws cannot be secured by Men, without Penalties, as our Lives, Liberties, Estates, cannot be secured without them, and therefore are secured to us, viz. by *penal Statutes*. 3tio. His Majesty is more princely, than to counsel, let be to command, far less compel his loyal Subjects, to act contrary to the solemn Oaths made in his own Presence and allowed by him, and in doing so, consent to their own Ruin, and to the Ruin and Destruction of all that is dearest to them: And further in such a Case as this, when Sin is commanded, all faithful Subjects to God, and truly loyal to the King, ought to fear him more that can kill, and cast Soul and Body in Hell-fire, than the greatest of Monarchs, who when they kill the Body, have no more they can do. *Luke 12. 5.* To finish this Objection, his Majesty in his way was constant against the Laws established, and his royal Brother's Command, supposing it would have been Sin in him to obey, much more ought we, having the Law of God, of the Church, and the Laws of the Land, confirmed by himself, and having his Example



to countenance us to be steadfast, considering how much it concerns the Glory of God and all our Interests, spiritual, temporal and eternal.

If it be said that it is his Majesty's Tenderneſs to theſe of his own Religion, that they may be ſecured from ſanguinary Laws, that moves him to recommend this to his Parliament. *Answer.* His Majesty knows, his Tenderneſs is to be extended to all his Subjects, who are under his royal Care, as well as to them, and we truſt he will do it, eſpecially ſeeing all but Papiſts are under God and his Son, immediately ſubjected to him, and own no other Supreme over theſe Nations, but himſelf alone. *2do.* We truſt his Majesty's Tenderneſs to them, will not claſh with his Fidelity and Tenderneſs to us, in his engaging to defend the Proteſtant Religion, which cannot be done by Men, without the *penal Statutes*, eſpecially ſeeing the Laws are ſo much ſlighted, as the Maſs, which by our Law is Idolatry and Treason, hath been of late frequented openly in the chiefſt City of our Nation. *3tio.* It is evident whereſoever the Popiſh Party prevails, they endeavour undarely to ruine us and our Religion together, and all our Concerns, as does appear by the cruel Maſſacres they have made, their bloody Inquiſitions and Perſecutions: Now to take away the *penal Statutes*, is to open a Door to their Preferment and Power, to uſe us after the ſame Manner, which cannot in Reaſon be conſented unto, ſeeing the ſecond *Lateran Council* cauſes take an Oath of all in Power in Church and State, to extirpate Hereticks (as they judge us to be) and that under the Pain of Excommunication, &c. if they be negligent. We truſt alſo, his Majesty's Tenderneſs will not be ſmall to his Succeſſors, who, if they be Proteſtants, may expect no eaſy Entry to the Crown, if they have Power, conſidering their Engagements to the Pope, and what Encouragement they may have from abroad. And finally, his Majesty knows, whatever Kindneſs he ſhew them, that it were very unreaſonable, and againſt all Religion and Honesty, by his Subjects of the Proteſtant Religion conſenting to what is deſired, to bring themſelves under manifold Perjuries, and in doing ſo, to put their Religion, Lives, Liberties and Eſtates in their Hands, from whom they may expect ſo little Favour; for Experience hath proved, notwithſtanding all the *penal and ſanguinary Laws* they ſpeak of, there hath not been ſo much as one Papiſt ſince the Reformation, who did ſuſter Lots of Lite or Limb merely for his Religion, and they are authorized by the *Lateran Council*, which they own as infaillible, to deſtroy us, and are daily praſtiſing accordingly, where they ever prevail, or have Power.

It may be objected by ſome, that our Religion is a holy and meek Religion, and needs not thoſe penal and ſanguinary Laws to defend it, and its Profeſſors; for the Author of it will defend them, and theſe Laws are inconfiſtent with the Spirit of our Religion, which is a Spirit of Meekneſs. It is answered, that our Religion is that of our Lord Jeſus, and he will own it, and defend it, altho' all ſhould forſake it; yet we judge the Goſpel doth not deſtroy the Light and Law of Nature, which teacheth all to ſecure their Religion by penal Statutes; and it were a Shame to be careleſs for the Security of our Religion, which is the only true one in the World, than Papiſts or Heathens do for their Deluſions, and would diſcover our undervaluing and Contempt of it. *2do.* The Scripture gives Inſtance of penal Statutes or Laws, againſt Idolaters, in the Old Teſtament, and Church Officers are reproved, in the New, for not cenſuring corrupt Doctrines and Errors in the Church: And it is foretold in Times of Reformation, *That the Kings of the Earth ſhall hate the Whore of Babylon, and eat her Fleſh, and burn her with Fire. Revel. xvii. 16.* and therefore theſe penal Statutes are conſiſtent with the Spirit of the Goſpel. *3tio.* Seeing the defending of our Lives, Liberties, Eſtates, our Chaſtity, Names, the Perſons of Biſhops, Miniſters, by penal Statutes, is conſiſtent with the Spirit of the Goſpel, is the Proteſtant Religion the only Thing that concerns ſo little, that it ſhould be defended by theſe? and are theſe inconfiſtent with the Spirit of the Goſpel, when they are made for its Defence? it is abominable to ſay ſo. *4to.* Is it conſiſtent with the Spirit of the Goſpel to bring our ſelves under manifold Perjuries, and only to ruine our Religion, and Souls, and Bodies, and Poſterity, and all that is dear to us, by conſenting to remove theſe penal Laws, ſeeing the Goſpel commands us to be wiſe as Serpents, and harmleſs as Doves? *5to.* If God brings Suffering upon us, he will give us Grace to bear it, while we are in the Way of Duty; but if we bring Suffering upon our ſelves, we cannot, in ſo doing, expect his Aid and Protection, eſpecially if we conſent to the Removal of all theſe Hedges, by which our Religion hath been fenced ſince the Reformation, for, in ſo doing, we betray our Religion, the Proteſtant Succeſſor, and deſtroy our ſelves and the ſucceeding Generation, as much as in us lies, and ſhall leave our Names as a Curſe to God's Chosen; and if theſe Things conſiſt with a Goſpel Spirit, let any judge.

So it is eaſy to conclude, that none can conſent to the taking away of theſe penal Statutes, but theſe who are already Citizens of Babylon, and have drunk the Cup of that Whore, except it may be a cruel *Haman*, or a cunning ſelf-ſeeking *Ahithophel* in the Court, or a curſed *Achan* in the Camp, bewitched with the Wedge of Gold and *Babylonish* Garment, or a *Judas* in the Church, who betrays his Maſter with a Kiſs, for a little Money or Preferment; but God forbid that any of our dear Countrymen, ſhould be of that execrable Number, whoſe Wickedneſs paſſeth Expreſſion, and whoſe Punishment ſhall be inevitable, and, beyond all human Comprehension, intolerable and dreadful to all Eternity.

### Reasons for abrogating the penal Statutes. N<sup>o</sup>. CXVIII.

THIS moderate Favour being propoſed and deſired by the King's moſt excellent Maſteſty, and the Eſtates of Parliament having in their loyal and dutiful Return to his gracious Letter, promiſed to go as great Length to eaſe his *Roman Catholick* Subjects, as their Conſciences will allow; it becometh the Duty of all concerned, to inform themſelves, and to clear and ſatisfy their own Conſciences concerning this Matter, that ſo far as may be done without ſinning againſt God, they may yield a dutiful Compliance with his Maſteſty's Deſires, and by ſo doing, procure from ſo generous a Prince, the more kindly Protection and Security for our national Church, and the reformed Proteſtant Religion therein. In order to this, it will be neceſſary to premiſe ſome few Rules or Grounds, in which all will acquieſce for founding theſe Reaſons, which may perſwade us to conſent to the moderate Eaſe and Favour propoſed. As,

1mo. That



1700. That cannot bind the Conscience as a divine Law, which neither directly, nor by clear Consequence is founded on the Doctrine or Practice of Christ, or his Apostles, or of the primitive Church.

2do. That which merely obligeth by a human Law, may be changed when the Reason of the Law ceaseth; yea, it ought to be altered in human and Christian Prudence, when either it becomes inconvenient, or hinders a greater Good, or occasions a greater Evil.

310. No Oath whatsoever can bind or oblige to that which is sinful or unlawful to be done.

410. If a Man hath sworn to perform an Action, and upon a new Emergent, the Performance thereof should become the Breach of a prior Oath, or of a greater Duty, the Obligation must needs cease, else the Oath should prove *vinculum iniquitatis*.

510. If one swear to do such an Act, or not to do such an Act, as a Mean for a greater End, to which the Oath principally relates, if that Mean become hurtful and destructive for the End, the Oath becometh so far from Obligation, that the Mean changeth its Nature, the Obligation to do such an Act, and is quite taken off, and ceaseth; no Man being bound to destroy the End, by adhering to a Mean now become destructive thereof.

610. If one hath sworn to do nothing to the Hurt or Prejudice of a Person, or an Institution not to consent thereunto, this must be understood of such Prejudices, as by their own Nature and necessary Effect, are hurtful to that Person or Institution. *Ex. gr.* If one in Britain were sworn to do no Prejudice to a Nobleman in Sweden, nor to consent thereto, (which may be a very lawful Oath) in case of a War betwixt Denmark and Sweden, should it be thought a Breach of that Oath in the Britain, to sell Corn to the King of Denmark for entertaining his Army, which is warring against all the Swedes, and that Nobleman amongst the rest, and so to concur for entertaining these, that may and will endeavour to kill him? In like Manner, if I were sworn to do my best Endeavour to keep a Church from being burned, and may do nothing which may occasion its being fired, will this oblige me to destroy my House which is adjacent to it, lest by chance it may occasion the firing of that Church, or to endeavour to hinder my Neighbour from building his own Ground near unto it, upon the like Jealousy?

710. Kings in Scotland were before Parliaments; and then all the legislative, as well as executive Power, did reside sovereignly in them, and therefore Parliaments have no more Power nor Authority, but what our Kings have derived unto them; so that what the King hath not given, but retained, cannot be invaded, usurped, nor resisted, without the highest Crime against the Sovereign.

810. As it is absurd in Logick, to argue from a particular to a general, or universal, so it will be unjust in Policy, from the Fault and Guilt of some particular Persons, or particular Trades or Orders of Men, to conclude the whole Kingdom, or other different Societies and Orders of Men in it; guilty of that Fault or Crime.

Now from these foregoing Grounds or Maxims, which seem clear and plain beyond all rational Hesitation or Doubt, it may be argued in the present Case,

*First.* That for a Christian Magistrate to take away the Life or Estate of a Subject, who is not guilty of Sedition or Rebellion, nor of injuring the Person, Goods, or Fame of any of his Neighbours, but is quiet and peaceable, and contents himself in the private Exercise of his own Religion, merely for Difference of Opinion, and private Exercise thereof, without disturbing others, to do so, is neither founded directly, nor by any clear Consequence, on the Doctrine or Practice of our Saviour, nor of his Apostles, nor of the primitive Church, yea, nor on the Doctrine or Practice of the Christian Church in following Ages, who never urged or persuaded their Kings and Emperors, when the Empire became Christian, to take away the Lives and Fortunes of open Infidels and Heathens, who were avowed Worshipers of the Sun, Moon, and Stars, and of all Manner of Idols, of Stocks and Stones, altho' these idolatrous Heathens, when they had Authority and Power, did rob, murder, and execute all Manner of Cruelty against the Christians. Our blessed Jesus taught no such Doctrine, but contrariwise, rebuked the Fieriness and Violence of his Two Disciples, who would needs imitate *Elijah*, in calling for Fire from Heaven to destroy the schismatical Samaritans, who were actually injuring and affronting the Saviour of the World, assuring them, that this their cruel and fierce Motion was utterly repugnant to his blessed Temper, and to the meek Spirit of his Gospel; but if the first Position or Maxim be good, then the Argument sufficiently evinceth, that we are not bound by any divine Law, not to consent to allow these of the Popish Religion to enjoy their Lives and Estates, notwithstanding of their Difference in Religion, and of their worshipping after the *Romish* Manner in their private Houses.

If it be said, that our Law calls Papists Idolaters, and the Mass Idolatry, and that by the Law of God Idolaters are to be put to Death, *Deut.* 13. 1, 2, 3, 4, 5, &c. and *Chap.* 17. 2, 3, 4, 5, 6. *Exod.* 22. 20. It may be answered, 1700. That these political and judicial Laws, relating to the Pains and Punishments of Crimes, did only oblige the Jews, being most of them calculated for their Estate and Policies, and lay no Bond nor Obligation on Christian Magistrates, to proceed and punish after their Form and Manner. All Christian Magistrates do punish Thieves with Death, whom the judicial Law of *Moses* did only condemn to Restitution of the Double, or of the Quadruple, and so consider themselves not to be under the Direction, much less under the Obligation of the foresaid judicial Law. 2do. The Idolaters, who by the judicial Law of *Moses* were to be put to Death, were only such as made Defection from the true and living God of *Israel*, to the worshipping of the Sun, and other Planets, and Idols of the *Canaanites* and Heathens, as appears in *Deut.* 13. 5. and 17. 3. Now the Papists acknowledge and own the God of *Israel* to be the true God, and abhor the Worship of Sun, Moon, and Stars, and of the other Idols of the Heathens; and it is not lawful to extend penal and sanguinary Laws to any, but to such against whom they were directly, and in terminis designed and intended; lest if way be given to proceed in the Execution of such Laws, by remote and obscure Consequences and Inferences, ill-natured and cruel Judges shall never want a Pretence of hurting and destroying the innocent or less guilty. 310. When Idolatry was not in the Object of worshipping an Idol, but only in the Mode and Manner of worshipping the true God by an Image, the Law for putting the Idolater to Death was never executed for that Crime, even in the Commonwealth of the Jews. The *Dauides* sinned grievously, who took *Micah's* Image, and worshipped by it, and set up Priests, by whom they performed that Worship, as is to be read the 17 and 18 Chapters of *Judges*, this being directly against the second Command of the Decalogue, yet because they intended by that Image to worship the true God, who brought



brought them out from *Egypt*, they were not reckoned to be amongst the Worshippers of other Gods, nor such Idolaters as, in Construction of the Law of *Moses*, were to be punished by Death, nor did the remanent Tribes conspire or make War against them, to punish them, or to exterminate that idolatrous Manner of Worship, as the Jews Law commanded, to do to such as worshipped the Idols and Gods of the *Gentiles* and Heathens; and as they actually did in avenging the Injury done by some of the Tribe of *Beniamin* to the Levite's Wife, *Judg.* 19. 20, 21. which yet was a lesser Crime than downright and gross Idolatry; and as they purposed and intended to do against the Tribes of *Reuben* and *Gad*, and half Tribe of *Manasse*, whom they thought to be designing Defection and Revolt from the true God of *Israel*, by setting up an Altar on the other Side of *Jordan*, different from the Altar which was in the Tabernacle; and yet this way of Worship by *Altar's* Image, continued amongst the *Danites* all the while that the House of God was in *Shiloh*, and *Jonathan* the Son of *Gershom* was Priest for that Service, *Judg.* 18. 30, 31. this was near 300 Years. And like to the Fact of the *Danites*, was the Deed of *Jeroboam*, in setting up the Calves at *Dan* and *Bethel*, that by them the *Israelites* might worship God, which was also directly against the Second Commandment fore-said; and yet God did prohibit his People, who continued firm in their Religion, and abhorred that idolatrous Manner of worshipping God, to punish or make War against the Ten Tribes for so doing, *1 Kings* 12. 24. It is also a Consideration worth observing, that even these *Canaanitish* Nations, whom God devoted to Destruction, and whom he commanded the *Israelites* to extirpate, were not so plagued merely for their Idolatry, tho' of the most gross and abominable Sort, but also for their other enormous Crimes, and crying Sins, as appears from God's suspending the Destruction of the *Amorites*, because their Iniquity was not yet full, tho' their Idolatries were long before come to the greatest Height: But finally, whatever may be in this, it is most certain, that the Sentiments of our Princes and Magistrates have agreed in this, that for the private Worshippings of Papists, whatsoever Kind of Superstition or Idolatry they stand guilty of, no Person hath been put to Death since the Beginning of our Reformation, nor would the severest amongst us at this Day consent to punish any Papist with Death and Forfeiture, for worshipping in private, without traffick-ing to the Disturbance of the Peace, or to the perverting or seducing his Majesty's good Subjects from their Religion and Allegiance; and therefore it seems rather the Effect of the Humour, than the Dictate of Con-science, not to consent to the Suspension of Laws, as useless as hard; and to the Execution whereof they who clamour most would never agree.

No Obligation then appearing for the Execution of Severity against Papists, for the Exercise of their private Worship, from any divine Law, we would in the next Place consider the human Laws which may bind us to it; and if we look at the Time when they were made, it will be clear that then there was great and apparent Danger from the Papists, not only to our reformed Religion, which was but newly established, but also to the Monarchy and Government, both of Church and State; for then they were, through a Mis-take or Dispute concerning the Person in which the Sovereignty was lodged, whether in King *James VI.* or his Mother Queen *Mary*, contriving Sedition and Rebellion, and to raise War, both intestine and to-reign, so that at that Time there was good and solid Reason for framing and enacting those Laws against them: And therefore from the Second Position the Reason ceasing, and the Papists being now quiet and peaceable, and we out of all reasonable Fears of their plotting or contriving against the King and Govern-ment, in this Reign, all Dispute concerning the Subject of the Sovereignty being now (blessed be God) out of Doors, they may be allowed to enjoy their Lives and Estates, notwithstanding of the Exercise of their Worship in private Houses; and the Laws striking against them, may, in so far as relates to that private Worshipping, be suspended as to any Execution; especially while we consider, that when the Reformation was but in its Infancy, and the Papists much more numerous and dangerous, and no Experiment given of their active Loyalty and Obedience, yet no Execution passed then nor ever since, against any of them for private Worship; and to fancy that to be necessary now, which was never executed, (no not in Times of greatest Danger) is an Evidence of some greater Inclination to gratify Humour and Contention, than to submit and acquiesce in the moderate Desires of a most gracious King. Again, by refusing to suspend that Execution of Severities and Penalties, in taking away the Lives and Fortunes of peaceable Papists, merely for the Ex-ercise of their Worship in private Houses, greater Danger and Inconveniencies shall be brought on our Church, and the Protestant Religion, in so far as this will raise in the King's Breast more Prejudices against both, and beget Unkindness to such as deny his Majesty this moderate Favour to those of his own Perswasion, which cannot prove safe, but very hurtful and inconvenient to both our Church, Religion, and our selves; and by denying our Consent to this moderate Ease, instead of acting for Preservation of our Religion, we ex-pose it to eminent and apparent Danger, and so do inconsiderately run upon the Rock which we desire to shun and avoid. Further, to refuse to consent to suspend the Execution of Laws against peaceable Papists, for their private Worshipping, which have never been, nor (in the Judgment of any sober Person) ought ever to be executed, will not only prove inconvenient, and hinder greater Good that might redound to our Church and Protestant Religion, by his Majesty's Grace and Goodness, (he being gratified in his moderate Desires) but will occasion several great and dangerous Evils to our Religion, as the provoking the King by such un-accountable Obstinacy, to make greater Changes amongst his Servants, Officers, Ministers, and Judges, than otherwise he intends, which he may legally do, all those Offices being granted to such as possess them, only during his Royal Will and Pleasure. Again, what Changes and Alterations may this unreasonable Stiffness induce his Majesty to make in the external Government of the Church, and of its Bishops and or-thodox Ministers, to the apparent Hurt and Danger of the Protestant Religion, is clear and manifest to any who will be at the Pains to read and ponder his Majesty's Supremacy, as it is asserted by the first Act, *Sess.* 1. *Parl.* 2. King *Charles II.* Anno 1669. And the Hazard to our national reformed Religion, from the Changes and Alterations his Majesty may make in these, is a thousand Times greater, than can be by permitting peaceable Papists to enjoy their Estates and Lives, notwithstanding of the Exercise of their private Worship, which they have done ever since the Reformation, without any Hazard of our own Religion; so that these, who refusing what they may grant without Danger, do draw a great and inevitable Danger and Prejudices to our Religion, contrary to the Intendment and Design of our Oath in the *Test*, and all our other Obliga-tions, which bind and oblige us to its Preservation. Nor do I see how it is possible to avoid the Scandal of having that impious and unreasonable Tenet and Position, of sounding Dominion and Right of Property in Grace, charged upon us, if we assert the very Lawfulness of taking away the Lives and Estates of Papists, merely



merely for their Opinions and Religion, and private Worshippings, which yet is a wild fanatical Doctrine, frequently condemned in Scripture, and reprobated by all reformed Churches. Was not the Cruelty and Severity of the *Romish Church*, against those who differed in Opinion and Religion from them, and yet lived quietly and peaceably, one of the Impieties and greatest Immoralities we justly charge upon them; and on which, amongst other Things, we founded our Separation from them? and is it possible, without Scandal and just Reproach, to maintain and justify by our Law, what we declared impious in the Practice? This indeed could not be pleaded, when these severe Laws were made against Papists at the Beginning of our Reformation, because they were libelled against their seditious and treasonable Designs and Practices, (which proceeded mainly upon the forementioned Mistake or Dispute) rather than against their religious Sentiments and Worship; for the Papists were then seditious, and the Priests trafficked for foreign Invasions, and preached open Treason, stirring up the Subjects against the King, which now none can pretend to be our Case: And how can we condemn the Persecution in *France*, or the *French King's* Method in forcing Mens Consciences, and obliging them to part with their Religion by Dragoons, and all Manner of Cruelties, whereby he reduces peaceable Subjects to the greatest Miseries and Hardships, because they differ from his Religion? May not that persecuting Prince justly upbraid us, as forcing the peaceable Subjects of his Persecution, and violenting their Consciences, by taking away the Lives and Fortunes, or continuing Laws against them for so doing, merely for their private Worship, according to their Consciences, tho' they are quiet, loyal, and peaceable in all their Practices and Demeanors?

From the Fourth Position or Maxim, it may be further argued, that by refusing to consent to this moderate Ease to Papists, a most dangerous, and almost incurable Blow and Wound may be occasioned to the Protestant Church and Religion; for if the King please, (and if he be irritated and provoked, it is hard to say what his Majesty will do) he may, without violating of any Law, at one Stroke, remove all Protestant Officers and Judges from the Government of the State, and all Protestant Bishops and Ministers from the Government of the Church, and so the whole Government both of Church and State, may come to be lodged in the Hands of such as cannot be judged so friendly to the Protestant Interest; and is not the Extradition of Protestants from all Power or Authority, either in Church or State, a greater Hurt and Prejudice to our Religion, than any Thing that can ensue upon a few Papists enjoying their Estates and Lives? Nay, and what if his Majesty should proceed, upon this just Provocation, to fill all those Places with Papists? if he should, we must submit, and are tied by our Principles and Religion not to resist, it being a chief and essential Position in our holy Religion, to render active, or (where we cannot do that) passive Obedience to the supreme Magistrate; and howbeit Danger should arise to these Papists, who should embrace and exercise these Offices and Employments upon some Events; yet this will neither remedy the Prejudices, which in the mean while are done to the Church and the Protestant Religion, nor indeed excuse us from the Guilt and Crime of hazarding and hurting our Religion, in so far as we unnecessarily give any Occasion for it. As for such, who in a morose Humour please themselves, by saying, if we consent not, it is no Act of ours, it is the King's, let him look to it, albeit, as is said, by doing what we safely may, the Evil may be prevented or lessened. Let us consider how opposite this is to Christian Prudence, which, in many Cases, is more our Duty than either Force or mistaken Zeal, which oftner burns than enlightens or warms.

According to the first Position or Maxim, it may be thus argued, that tho' the Oath of the *Test* did, by a hidden or remote Inference or Consequence, bind us up, or oblige us to refuse to grant this moderate Ease desired by the King, in favours of his Popish Subjects, as believing, that the keeping up of the vigorous Execution of Laws against Papists, even for their private Worshippings, is one of the Means for preserving of the Protestant Religion, yet this Mean becoming hurtful and destructive to the great End, *viz.* the Security and Preservation of our Protestant Church and Religion, the Obligation of the Oath, as to that Mean, would seem necessarily to be loosed, especially when our Obligation by the *Test* to this Mean, is at best very dubious and uncertain, it being so very remote a Mean, (if any at all) that it needs Three or Four Inferences, ere it can be forced to have any Kind of Contingency, for serving and promoting the great End designed by the Oath of the *Test*: But let us ponder impartially the grand Scruple arising from the *Test*, and we shall see it founded on these Words in it, (and shall never consent to any Change or Alteration contrary thereto) from which some infer, that we are sworn against granting our Consent to suffer any Papists to enjoy their Lives and Estates, if they exercise their Worship in private Houses; but when these Words are seriously considered, it will appear, *first*, that the Change and Alteration sworn against, is the Change and Alteration of the Protestant Religion itself, or of any of the necessary and essential Doctrines of the Protestant Faith and Religion, as the Words themselves, being referred either to the antecedent or consequent Clauses in the Oath of the *Test*, do with sufficient Evidence import; for this Change must be directly contrary to the forementioned Religion, pointed at by the Particle (thereto) and the subsequent Words, I renounce all such Doctrines, Principles, &c. popish or fanatical, which are contrary to, and inconsistent with the said Protestant Religion, &c. do, with great Evidence, point out the Alteration sworn against, to be an Alteration of the Protestant Doctrines and Principles. Now, none will imagine, that to consent to the Papists enjoying their Lives and Estates, as aforesaid, is to grant Consent to the Alteration of our reformed Religion, or any essential Doctrine thereof; indeed, it is so far from being an essential or necessary Article, Principle, or Doctrine of the Protestant Religion, to make our own Laws for taking away the Lives of any peaceable Subject, for his private Opinion in Religion, or private Practice in Worship, that it will rather appear on the other Side, to be one of these Popish or fanatical Principles and Doctrines, which, by the Oath of the *Test*, we are bound to renounce and disown. To own this Principle to be a Part of our Religion, were to misrepresent our peaceable, holy, innocent, meek Protestant Religion, as the most cruel and sanguinary Institution in the World, and to condemn all our excellent and wise Predecessors the Reformers, who never put in Execution, even in the Times when the Papists were most numerous and formidable, and most active in their Plottings and Conspiracies against our Religion and Government, (upon the Mistake aforesaid) those Laws called penal or sanguinary, for the private Exercise of their Worship in Houses. *2do.* By the consenting to the Immunity of Papists, from the Execution of these Laws, we do not consent to take away, repeal, or abrogate any Law, penal or sanguinary, whatsoever, (these standing still on the File unrepealed) so that by this Consent we do not allow the Alteration or repealing of any Law whatsoever, but only grant to a few Popish Subjects, such a small and inconsiderable Immunity, as hath in all former Reigns



Reigns been granted and indulged to them by our wise and religious Predecessors; and which, even the most scrupulous themselves, in their private Sentiments, think, ought not to be put in Execution against them, as they believe they will never be called in question, nor punished for their private Worship in any subsequent Reign: But *3<sup>tho</sup>*. Admit this to be a Consent to some Change and Alteration about the Laws relating to the Protestant Religion, yet it is such a Change and Alteration, as is not contrary nor prejudicial to its Security, Interest, or Preservation; but is indeed advantageous and beneficial to it, and preservative of it, in so far as, by yielding our Consent, we shew our Loyalty and Duty to the King, by an humble Compliance with his moderate Desires, in favours of a few Subjects of his own Perswasion, which will incline his sacred Majesty generally to protect our established Religion and Church, without suffering any Encroachment upon, or Violation of them; whereas, by refusing our Consent to his Majesty's moderate Desires, we shall evidently hurt our Religion; by endeavouring to maintain an impracticable Mean to support it, and so while we seem to hate Popery, we become truly unkind to the Protestant Religion.

The Sixth Maxim or Position seems an irrefragable Truth, else most absurd Consequences might be bound upon us, from all promissory Oaths. If the *Test* should be extended as some would, then one could not give Charity to a starving Papist, for hereby he might be helped, and even, by saving his Life, we might reserve one who would prejudge our Religion, and is it not as great a Breach of Christian Charity to take a Man's Estate from him, as to refuse to give him a Part of mine? No Protestant, having sworn the *Test*, should swear, lie, steal, commit Adultery, &c. nor indeed commit any Kind of Immorality, in Commission whereof there is Wickedness and Guilt enough: But perhaps it was not till now discovered, that the Guilt of Perjury is superadded to every one of these Sins and Crimes in any one who hath taken that Oath; for, by these Sins and Immoralities, great Prejudice is done to, and great Scandal is brought upon the Protestant Religion, and indeed the practising them is more hurtful to our holy Profession, than to consent that a peaceable Papist be suffered to live and enjoy his Estate beside us, who perhaps makes Conscience to avoid such scandalous and uncontroverted Breaches of the moral Law; indeed it is sad to find Fancy and Humour straining after such rude and unnatural Consequences, and gilding them over with the fair Pretence of Scruples of Conscience.

The Seventh Proposition or Ground is mentioned to put all in Mind of their Obligations to give Submission when the King exercises what he legally may by his Prerogative, and from thence to consider how much we are bound by Christian Prudence, and even, for the sake of Our Religion, not to provoke the King's Majesty, either to hurt us, or to be unkind to us, or to alienate him more from that Religion which he offers graciously to protect, and which Grace we ought not to requite by urging the keeping up of Severities against those of his own Religion, which we our selves say we would abhor to execute, if we could, and which we cannot, if we would, until first we renounce Obedience to God's Command, and Submission to our sovereign Magistrate, by resisting, if not overthrowing his sacred Authority and Power.

And since none can suspect this loyal Parliament, nor any Member of it is guilty of the least Tendency to such seditious Practices, they having so signally testified their Abhorrence of them, and are amongst the happy Instruments which have suppressed them and others; yet since the Beginnings of Evils are often small, when their Growth and Events may prove fatal, and that as certainly as great Mischiefs must needs arise from the least Appearance of Unkindness betwixt the King and his Parliament, and that these will be a Curse to Posterity, who shall contribute the least Accession to it. And on the other Hand, that the Spirit of Moderation becometh Christians, Calmness and Discretion become Subjects in all their Dealings with their Sovereign, and that the greater Invitations we give our King, by these Virtues, the greater Assurance we have of his Protection to our Religion; and that the Preservation of the present great Peace and Tranquillity which we enjoy, is a weighty Charge on the Conscience of every Man that is a Member of Parliament.

These Considerations, 'tis hoped, will move and prevail with all good Christians, all good Subjects, and all good Countrymen, to consent to the King's moderate Proposal and Desire abovementioned, which Ease to these of his own Religion, his Majesty may grant without our Consent; and yet, as a gentle and moderate Father and Governor, he desires to give it with the Consent of his Parliament. Let us not, by denying what we cannot hinder, lose the greatest Blessings and Happiness which we may retain, that King and People may still live in that happy and good Understanding, which may continue and crown the Sweetness and Easiness of his Royal Government over us, and of our Tranquillity, Property and Happiness under his Shadow.

It were to lose Time and Travel to answer to idle and frivolous Objections made and contrived against this Concession, founded very unchristianly on the Practice of the *Jews* against those Nations whom they were commanded to extirpate and root out, by immediate and express Precept, no more imitable than the stealing of the *Egyptians* Goods, no more binding by Command, than their other judicial Laws, which expired, as to their Obligation, with the Period of the *Jewish* Church and Policy, or rather than their extraordinary Actings upon immediate and extraordinary Commands, and even secret Impulses altogether become unwarrantable under the Gospel and Christianity, or from the impracticable, improbable and uncharitable May be's, that the Papists will dethrone the King, or cut our Throats, from which the Number and Practices in this Kingdom, with many other Specialities and Circumstances render us secure, besides, that all the Papists in this Kingdom (as is credibly informed) are ready to disclaim and renounce any deposing Doctrine or Canon, by the Court, or by the Church of *Rome*, as to Emperors or Kings, but it is not to be thought, that any thinking judicious or considering Man will be startled or amused with such weak, ill founded and inconcluding Arguments, especially when they shall put them in the Balance with the great and forcible clear Truths and Advantages which ly in the opposite Scale.



*Answer to a Paper writ for abrogating the penal Statutes.* No. CXIX.

*Reflection I.* IT is to be observed in general concerning that Paper, *1mo.* That the Drift and Design thereof, it not of its Author, is a far more gross and horrid Thing, than he hath the Impudence or Boldness (tho' this be great enough) openly and professedly to own. To give Instance of this in a few Particulars. *1mo.* He pretends, *Pag. 7. Parag. 1.* to plead not for taking away, repealing, or abrogating the penal Statutes against Papists, but only for a suspending of the Execution of them, and yet, in the very same Paragraph, he does more than tacitely insinuate, that the making or owning of those Laws is the Effect of a Popish or fanatical Principle, and a misrepresenting of the Protestant Religion, as the most cruel and sanguinary Institution in the World; and, *Pag. 5. Parag. 1.* he affirms, that the persecuting *French* Prince may justly upbraid us, as forcing peaceable Subjects, and violenting their Consciences, by keeping up Laws against them for their private Worship, &c. and, *Pag. 3. Parag. 1.* he calls the penal Statutes useless and hard; and, *Pag. 6. Parag. 1.* he asserts, that we cannot execute those penal Statutes, tho' we would, till first we renounce Obedience to God's Command, &c. and could any Papist more condemn these penal Statutes, as being most unjust and iniquitous in themselves, than this Author doth by these Expressions? Now if the presuming to interpret a Law, or Oath made by Law, to the Prejudice of its native Sense, was made a Ground of criminal Indictment, and Forfeiture of Life and Fortune, what deserves he who so basely slanders standing Laws, and also spreads abroad his gross Slanders thereof? *2do.* He pretends only to give Reasons for allowing Papists the Exercise of their idolatrous Worship in private Houses. And *3tio.* for allowing the private Exercise of their Worship only, who profess that they worship the true God; and yet by alledging, *Pag. 2.* that our blessed Jesus taught no such Doctrine, as that Kings and Emperors, when the Empire became Christian, should take away the Lives and Fortunes of open Infidels and Heathens, who were avowed Worshipers of the Sun, Moon and Stars, of Stocks and Stones, &c. and by drawing an Argument to preclude his Purpose from that Allegiance, and divers Things of that Nature, he does plainly plead for tolerating the most publick Practice of Idolatry, and of Idolatry committed against the first as well as second Command of the Decalogue. And if Brevity were not intended in thir Reflections, it were easy to make it out, that his other Arguments for allowing Papists the private Exercise of their idolatrous Religion, do, with equal Strength of Reason, militate for allowing the open and publick Exercise of heathenish Idolatry.

*2do.* It is to be observed in general anent that Paper, that the Author permits several (as he calls them) Rules or Grounds, and upon these he pretends to found his Reasons for perswading the Parliament to consent to what he pleads for, and after he hath set them down, he commends them as Maxims which seem clear and plain, beyond all real Hesitation or Doubt; whereby, to deceive the simple, he would have Men believe, that his Reasonings, in the Case he debates for, depend upon certain and indubitable Rules and Maxims, whereas his Inferences and Deductions from them, in so far as there is Truth in them, have no more Connection with them, nor Dependence upon them, than Darkness hath with and upon Light, or Falshood with and upon Truth, as is evident to any judicious Discerner, and shall afterwards be made to appear.

*3tio.* It is to be observed, that as he highly extols his own Reasonings, so he speaks contemptuously of the Reasons given against that he debates for, and *Pag. ult. Par. ult.* shamelessly misrepresents the same, saying, that they are founded very unchristianly on the Practice of the Jews against those Nations whom they were commanded to extirpate, &c. but what Person of any Judgment ever founded Reasons against granting an Immunity to the Practices of Idolatry, upon that Practice of the Jews? can the Author tell us of any?

*Ref. II.* If his first Position be compared with his Inferences therefrom, it is evident, that he asserts, that there is nothing in the Doctrine of Christ, of his Apostles, or of the primitive Church, for taking away the Life or Estate of Idolaters, for the Exercise of their idolatrous Worship: Which, if it were true, it would make no more for allowing the private Exercise of Idolatry (which is that our Author is Advocate for) than the publick Exercise thereof, there being as little in the Doctrine of Christ against allowing the publick as private Exercise of Idolatry: But that Assertion of the Author is manifestly false; for, by the Doctrine of the New, as well as Old Testament, the Magistrate beareth not the Sword in vain, for he is the Minister of God, a Revenger to execute Wrath upon him that doth Evil, *Rom. xiii. 4.* and Idolaters are ranked among the very chief of evil Doers, *1 Cor. vi. 9. Gal. v. 20, &c.* and *Rev. xvii. 16.* John foretells it, as that which God requires of, and approves in the Kings of the Earth, in Times of Reformation, that they shall hate the Babylonish Whore, and make her desolate and naked — and shall burn her with Fire, a just Punishment upon her who made, and cruelly executed Laws, for burning to Death the innocent Saints of God. And tho' there were no such Passages in the New Testament, yet the Author's Argument would be wholly fallacious and inconcludent: For it might as well be argued, that Murder, Sodomy, Witchcraft, Incest, &c. are not punishable with Death, by any Law of God under the New Testament, since there are no penal Statutes against these Crimes, either expressly set down in the Doctrine of the New Testament, or by direct and immediate Consequence deducible therefrom: But as it is a sufficient Ground and Warrant from the Doctrine of the New Testament, for the capital punishing of these Abominations, so also for the capital punishing of Idolatry, that there is under the Old Testament, a clear Law of God grounded upon moral Equity for the capital punishing of the one as well as of the other. And *Matth. v. 17.* Our Saviour came not to destroy such Laws, but continues them in their full Authority and Vigour. And as for the Doctrine of the primitive Church, about the Punishment due to Idolaters, we may know what it was from the first Canon of the *Ephesian Council*, convened about the End of the Third Century, which expressly asserts, that Idolatry is *crimen capitale*, a capital Crime. But

*Ref. III.* To elude the Obligation of the Law of God, under the Old Testament, against Idolatry, the Author alledgeth *Pag. 2. Par. 5.* that it was only a political and judicial Law, which did oblige only the Jews, and was intended only against *idolaters* as made Defection from the true God, to the Worship of the Sun and other Planets, &c. and that it was



was never executed, even in the Commonwealth of the Jews, upon any who were guilty only of Idolatry, in the Mode and Manner of worshipping the true God by an Image, &c. Tho' this, which the Author says, were true, yet it would make Nothing for his Purpose, since it is irretragably made out by our Divines, both of old and of late, that Papists, by their worshipping a Peice of Bread, and other far more contemptible Objects than the Sun and Moon, or any of the Planets, are as guilty of Idolatry as the Heathens were, and do worship another than the true God no less than they did: But all which the Author, on this Head, saith, is palpably and notoriously false; for the Law of God, under the Old Testament, against Idolaters, is grounded upon such moral Equity, and immutable perpetual Reasons, as agree to the State of the Church under the New Testament, no less than to the State of the Church under the Old, as will be evident to any who shall read and consider the xiii and xvii Chapters of *Deut.* and *Job* xxxi. 28. *Job*, who was not under the judicial Law, nor acquainted with it, yet knew and affirms, that Idolatry is an Iniquity to be punished by the Judge, viz. because it is a denying of the God that is above, which Reason is perpetual and immutable, and holds true of the Popish as well as heathenish Idolatry, the former, as well as the latter, being, in the very Matter of Worship, a denying of the God that is above; so that the very Grossness of the Sin clearly determines the Punishment due unto it; the Law against Idolatry being manifestly of a moral Equity. What our Author affirms of the Nonexecution of it, under the Old Testament, against such Idolaters as professed that they still worshipped the true God, tho' it were true, it makes nothing for his Purpose, it being as conclusive for the open and publick, as private Practice of Idolatry, but besides, it is evidently false; for the *Israelites*, in their worshipping the golden Calf, professed that they worshipped the true God, *Exod* xxxii. 4. 5. and yet, *ver.* 28. at the Command of *Moses* their then Magistrate, there were about Three Thousand of them put to Death for that Sin: And the *Jews*, when they worshipped *Baal*, professed that they worshipped the true and living God of *Israel*, for it was him they called *Baali* in that Worship, *Hos.* ii. 16. and yet there are many known Instances of the Magistrate's punishing those Idolaters with Death, according to the Law. The Two Instances which our Author adduces to prove, by a new Kind of Logic, his vile Negative, that the Law was never execute against such Idolaters as professed that they worshipped the true God, not only prove not this, but are also nothing at all to his Purpose. His first Instance, of the other Tribes their not punishing the *Danites* for their Idolatry, in the Matter of *Micah's* Image, makes nothing for him, till he both prove that the *Danites* were then under the Jurisdiction of the other Tribes, and also if they were, that the other Tribes transgressed no Law of God, and did not sin by their not punishing the *Danites*, which he hath not proven, nor ever will. As little, and far less to his Purpose is his Second Instance, taken from the Lord's prohibiting the House of *Judah* and *Benjamin* to make War against the Ten revolted Tribes, *1 Kings* xii. 24. for God did not prohibit them to make that War, as if it had been intended for punishing the Ten Tribes for their Idolatry, in the Matter of the Calves at *Dan* and *Bethel*, as this Author, to deceive the simple, shamelessly asserts; since the Text expressly says, that that War was intended to bring the Kingdom again to *Rehoboam*, *1 Kings* xii. 21. and the Calves were not set up at *Dan* and *Bethel*, till after that intended War, *1 Kings* xii. 25, 26, &c. But tho' the Practisers of that Idolatry professed that they worshipped the true God, yet, that it deserved capital Punishment, appears by King *Josiah's* offering, upon the Altar at *Bethel*, the Priests of the high Places, that burnt Incense thereon, and his causing Mens Bones to be burnt on it, according to what, long before that Time, had been foretold of that pious King and zealous Reformer, *1 Kings* xiii. 2. with *2 Kings* xxiii. 16. That which the Author alledges, *Pag.* 2. of the Kings and Emperors, when the Empire became Christian, that they took not away the Lives and Fortunes of open Infidels and Heathens, who were avowed Worshippers of the Sun, Moon and Stars, &c. tho' it were true, it makes nothing for what he undertakes to give Reasons for, it being as conclusive for allowing the publick as private Exercise of Idolatry, and of the very grossest Pagan Idolatry, as was before observed; and besides it makes nothing for this Author's Purpose, *1mo.* because, at that Time, the Church was to be constitute and gathered out of the heathenish World. *2do.* Because there were then no standing human penal Laws against Idolaters. And to argue from the Practice of the Magistrate in such a State of the Church, to what should be in the Practice of the Magistrate in a Church constituted, reformed, and having its Reformation fenced with human penal Laws of long standing and Continuance, is base and silly Sophistry. That which our Author further adds on this Head, *Pag.* 3. of the Execution of these penal Statutes, that no Person hath been put to Death, since the Beginning of our Reformation, for the private *Worshippings* of *Papists* (he might have added, nor for their publick *Worshippings* either) it is very easily discovered to be nothing for his Purpose, but to make very much against it. For *1mo.* tho' the penal Statutes have not been execute upon *Papists*, yet there was not an Immunity granted to them by our pious and wise Predecessors in all former Reigns (as he shamelessly says there was) *Pag.* 7. *Par.* 1. For *2do.* there is a great Difference betwixt the Nonexecution of a Law and the Magistrate's granting and indulging an Immunity to the Transgressors thereof. The Magistrate may be very tender of executing a penal Statute, while yet there are many and weighty Reasons why the Statute should continue in its full Force and Vigour, and without being any way innovated and restricted, and the present Case is a pregnant Instance of this: For tho' our *Papists* give out themselves to be, and this Pleader for *Baal* often insinuates, that they are not what they are in *France*, *Savoy*, *Spain*, &c. but meek Lambs, innocent and harmless Creatures (such as they were in the Reign of the Two *Maries*, and the *Scottish* *Papists* were, in corresponding with *Spain*, in the Time of the *Armado* and the *English* *Papists* in plotting the Gun-powder Treason, and the *Irish* *Papist*, in the cruel Massacre of *Ireland*) yet any reasonable Pretence they have for giving out themselves to be such meek-Lambs, or he, for insinuating that they are such, is, because these Foxes and Wolves have been, and are so chained up by our Laws, as to be incapable of doing us Hurt, without the Fear of being afterwards rewarded according to their Deeds; and the Continuance of those Laws in their full Force, hath been, and is an Aw-band upon them, to restrain them from seducing those of the reformed Religion, and from destroying our Kings when Protestant, our Religion, our Liberties, Estates and Lives, a Work which their Principles and antichristian Spirit strongly prompt them unto, and which accordingly they practise in all Places where they have the Power to do it, as they will quickly have in *Scotland*, tho' the penal Statutes be not taken away, if those Statutes be so innovated and restricted, as not only parliamtarily to allow them the Exercise of their idolatrous Religion, in private Houses, but also to put them under the Protection of his Majesty's Laws, yea, if the Execution of those Statutes be but by Law suspended. *2do.* That the penal Statutes against *Papists* have not, since the Reformation, been executed, by putting any of them to



Death, is so far from being an Argument for taking those Statutes away, or relaxing them, that it is a strong Argument to the contrary: For Protestants not being of that bloody Spirit, which is diffused through all the Members of Antichrist, have never set up any bloody Inquisition against Papists for the private Exercise of their Religion (as Papists do against Protestants: ) And it is the Way of Protestants, in Meekness, to endeavour the reclaiming of Papists, and to execute penal Statutes only upon Seducers to Popery, and such as, after due Means of Conviction used towards them, and after long Forbearance, remain altogether obstinate and irreclaimable; so that, from the standing of the penal Statutes against them, in their full Force, there is no Ground to fear, that any Cruelty, and unjust Severity shall be, by Protestants, exercised against them: And since Papists experimentally know this, they having had the private Exercise of their Religion, in all former Reigns, without the Forfeiture of the Life or Estate of any one of them, as far as this Author affirms, *Pag. 7. Par. 1.* and since also he, as Advocate for them, acknowledges, that the most scrupulous believe, that the Papists will never be called in question, or punished for their private Worship in any subsequent Reign, it must be some other Thing than the securing of themselves in the mere private Exercise of their Religion, which they design, by seeking with such Earnestness, by such various Arts and Methods, to have these penal Statutes taken away, or suspended in the Execution of them; and what that other Thing is, they hereby design, is in the present Circumstances, but too easy for any to understand, who will not wilfully shut his Eyes.

*Ref. IV.* While this Sophist pleadeth for the taking away, or legal suspending (which, upon the Matter, and in regard of Effects, will be nigh all one) the Execution of these penal Statutes, by affirming *Pag. 4. Pag. 8. Par. 1. Pag. 3. Par. 2.* that in the Judgment of any sober moderate Person, the Execution of these Laws never ought to be exacted, and that even the most scrupulous themselves, in their private Sentiments, think these Laws ought not to be put in Execution against Papists, and that Protestants themselves say, they would abhor the Execution of these Laws; and he does plainly accuse them as most unjust and abominable, tho' elsewhere, *Pag. 5. Par. 1.* he commends them, as having been enacted upon very necessary and good Grounds and Reasons: But tho' it be his Scope to render them detestable (any Commendation he gives of them being only to decline Envy) yet this is a silly Sophism to reach that Scope; for just to be might reason for taking away, or suspending the Execution of penal Statutes against Murderers, and other most criminal Offenders, because, when the Law is executed upon any such Persons, Men who retain human Bowels have a natural Abhorrence of the Misery the Malefactor suffers, as a Protestant would have of the Misery of a Papist, upon whom the Law is executed; but as in the former Case, so in this, there would be no Abhorrence of the Execution of the Law, as unjust.

*Ref. V.* Our Author argues (to purpose indeed, but nothing to his own Purpose, yea, very much against it) from the Cruelty and Severities of the *Romish Church* against Protestants; and to make his Argument the more pungent, he moves this Question, *Pag. 5. Par. 1. Is it possible, without Scandal and just Reproach, to maintain and justify, by our Law, what we declare impious in their Practice?* To which I return for Answer a few Questions. Do we declare it impious for the pious and zealous Kings of *Judah* to maintain and later, or are we Idolaters? Was it possible for the pious and zealous Kings of *Judah* to maintain and justify the Law of God, and their executing it against Idolatry, if they declared the Statutes of *Omri*, and of *Ahab*, and the cruel Execution thereof against the true Worshipers of God, to be impious? The Author's Question, if the Vigour be taken off it, is plainly this. Is it possible, without Scandal and just Reproach, to maintain and justify our penal Laws against *Popish Idolaters*, if we declare it impious in them to make and execute Laws for the cruel butchering of the innocent Saints of God, for nothing else but their owning and adhering to the true Worship of God? indeed the barbarous Cruelties, practised against such by Papists wherever they have Power, do not only justify our Law, but also do cry aloud for keeping it up in its full Vigour.

*Ref. VI.* The Oath of the Test, hath from Pulpits been cried up as an invincible Bulwark against Popery, and by the supposed Author of that Paper, as much as by any; it being very rationally presumed, that these who have taken an Oath, containing so clear and strong an Obligation, constantly to adhere to the Protestant Religion, and never to consent to any Change or Alteration contrary thereto, would never arrive to such an height of unparalleled Impudence and Debauchery, as to consent to the framing a Law tending to the Prejudice, far more to the overturning of the Protestant Religion. But now this Author hath fallen upon Methods to elude the so pregnant clear and strong Obligation of that Oath, and to play the Pope, by giving the Dispensation of his Sophisms, for loosing all the Obligation of that so solemn an Oath, and to make that Bulwark of the Protestant Religion, so often commended and celebrated as impregnable, to be no stronger than if it were made of Straw. For this end,

*First.* Having in the first Page of his Paper, laid down several Positions and Maxims (as he calls them) about an Oath, the chief of these he pitches upon for eluding the Obligation of the Test, is the fifth, viz. if one swear to do such an Act, or not to do such an Act, as a Means for a greater End, and to which the Oath principally relates; if that Mean become hurtful and destructive to the End, the Oath is so far from remaining obligatory, &c. This we admit in case the Mean, of and in it self, and intrinsically, become hurtful and destructive to the End, but not if it become hurtful and destructive thereunto, only extrinsically, occasionally and accidentally: Otherwise I should be free of my Oath of Allegiance given to my lawful Prince, when in the Case of an Usurper, who hath got the Power in his Hands, my Oath shall, from an extrinsic Cause, and accidentally become hurtful to the Ends I swear it for; and many such Instances may be given. Yea, if the Author's Position in the second Sense (which is the only Sense that makes for his Purpose) be admitted, it is the way to evacuate all Oaths. But we learn from the Scripture, *Psal. 15. 4.* that a conscientious Man, albeit he never swears to his own Hurt as the End, but does in swearing an Oath propose some Good to himself, yet when he hath by a lawful Oath engaged himself to that which accidentally turns to his Hurt, he notwithstanding changeth not. The Author's quibbling in his Position with the principal End of an Oath, is nothing to his purpose; for in the Oath of the Test, Mens principal End was, at least should have been the Glory of God, and he would pitch upon the Mean that is become destructive thereunto. Are the penal Statutes against Popery become destructive to the Glory of God?

The Author having taken the foresaid Position for the Major of his Argument, in the second Place, for eluding the Oath of the Test, he subsumes *Page 6. Par. 2.* That the keeping up of the vigorous Execution of the Laws against Papists, is become hurtful and destructive to the great End of the Oath of the Test. Whereas it is to be



be noticed, that instead of saying, *the keeping of the Laws against Papists*, (which is the Thing in Controversy) the Sophist hath subtilly substitute the dead Child for the living, viz. *the keeping up the Execution, and the rigorous Execution too of those Laws*; albeit this be not the Thing in Controversy, and himself hath often harped upon this, that the Laws against Papists, not only are not, but also since the Reformation have not been at all executed against any one Papist: But the Subsumption he should here have made, is supplied from what he hath Page 4. where he hath a long Harangue (repeted again Page 5, Parag. 2.) upon the great Danger and Inconveniencies shall be brought on our Church and the Protestant Religion, by the Parliament's refusing to suspend the Execution of penal Statutes against Popery, and the only Proof of that great Danger, is drawn from what the King's Majesty may, and in Probability will do, if he be irritated by the Parliament's refusing to suspend the Execution of these Laws. For Answer, let it be considered, 1. That since his Majesty's high Commissioner came to Scotland, we have heard several Sermons preached before his Grace, and one of them by the supposed Author of the Paper now under Consideration; in all which Sermons we have been pathetically warned, to take heed of all Suspicions, Jealousies and Fears of his sacred Majesty, as tho', according to his Promise, he would not maintain and defend the Protestant Religion and Laws made in favours thereof: But now the Author of that Paper gives us the terrible Alarm, that there is no less Hazard than of Destruction it self to the Protestant Religion, if the Parliament relax not the Laws made for Defence of it, and do not (as Delilah dealt with Samson) cut off the annexed Penalties, wherein their Strength lies. 2. Let it be considered, that never any Prince was set forth under a worse Character than our Sovereign, so much commended for his Fidelity, Equity and Justice, is set out by this Author, while he tells us, that if the Parliament refuse to do what they justly may and ought to refuse, his Majesty may be so provoked and irritated as to do all the Mischiefs to the Protestant Religion mentioned in the Author's long Harangue. Now, if *scandalum magnatum* be petty Treason, what must so horrid a slandering of our gracious and dread Sovereign deserve? But 3. tho' it were true (as far be it from us to think so) that his Majesty may be so irritate by the Parliament's refusing to suspend the Execution of those penal Statutes, as to do all the Hurt and Damage to the Protestant Religion the Author recites, yet this is no Shadow of Reason to prove, that the keeping up of those penal Statutes, is now become hurtful and destructive to the Protestant Religion. For 1. If the King's Majesty were of such an unjust, passionate and furious Disposition, as this base Slanderer of him does more than obliquely point him out to be, and if thereupon he may, when irritate, do such Hurt to the Protestant Religion while it is fenced with those penal Laws; may he not do much more Hurt thereunto, when that Fence is either taken away or weakned, if he shall be irritate by a Parliament refusing to grant what he may further seek of them afterwards in favours of the Popish Religion? And considering how unweariedly active Papists will be in vexing his Majesty with their Solicitations for advancing their Religion, who can tell what he may further propose to Parliaments in favours of it? 2. If the King's Majesty, upon his being irritate, should do all that Mischief to the Protestant Religion (which far be it from us so much as to imagine) yet this would no more make the keeping up of the penal Statutes a Mean destructive to the Protestant Religion, than a Hedge becomes destructive to a Vineyard, or a Wall to a besieged City, when Men become angry with these that keep it up. It is a Piece of very great Nonsense to say, that Laws made in Defence of the Protestant Religion, and in their own Nature not only subservient, but necessary to the Defence thereof, can become destructive, or so much as hurtful to it in any Case. If the Protestant Religion be destroyed, it is certainly some other Thing than these Laws kept up, that destroys it; yea, it cannot be destroyed till these Laws be first destroyed, either by taking them away, or relaxing them, or by acting contrary to them if standing.

In the third Place, for eluding the Obligation of the Oath of the Test, the Author says, Page 7. Parag. 1. *That by consenting to the Immunity of the Papists from the Execution of penal Statutes, we do not consent to repeal, abrogate, or take them away (they standing still on the File unrepealed) yea, we do not allow the Alteration of any of them, which is plainly as great Nonsense, as to say, that by consenting to the Immunity of Thieves, Murderers, Witches, or other most criminal Offenders, from the Execution of criminal Laws made against them, we do not consent to repeal, abrogate, or so much as to alter any way those Laws. What do penal Laws signify, if by Law Immunity be given to Transgressors of them, from the Penalty annexed to them?*

In the fourth Place, for eluding the Obligation of the Oath of the Test, our Author nibbles and quibbles (none can know to what Purpose, except it be to deceive) about these plain Words in it. *[And shall never consent to any Change or Alteration contrary therunto.]* In his descanting upon which Words, he says, that when they are seriously considered, it will appear, that the Change and Alteration sworn against, is the Change and Alteration of the Protestant Religion it self, or of any of the necessary and essential Doctrines thereof. And whoever thought otherwise, who but slightly considered these Words? But withal even to them who curiously and slenderly consider them, it will appear, that not only the Change and Alteration of the Protestant Religion it self, but also every Change and Alteration contrary thereto, is sworn against in them. And there may be Changes and Alterations, many and great enough, contrary unto the Protestant Religion, tho' it self be not changed and altered. Has not God preserved the Protestant Religion it self, notwithstanding that many Changes and Alterations contrary unto it have fallen out? And will a Change either of, or in Laws made in Defence of the Protestant Religion, be no Change and Alteration at all contrary unto it? But the Author subjoins Page 7. *that none will imagine, that to consent to the suspending, of the Execution of penal Statutes against Papists is to grant Consent to the Alteration of our reformed Religion.* This which he saith, is as if one should say, that none will imagine, that to consent to the throwing down a Wall about a besieged City, or pulling up a Hedge about a Vineyard, is to consent to any Change or Alteration in the Vineyard or besieged City. Our Religion being considered (as in the present Case it ought to be) as fenced with penal Statutes against its Enemies, will there be no Change and Alteration at all of it as such, or if none of it self, yet would there not be any Change or Alteration contrary unto it, if it be denuded and deprived of that Fence? The Words of an Oath are to be taken, and by conscientious Men will be taken, in the most comprehensive Sense the Words will natively bear, and not in the narrow or distorted Sense which the Quibblings of perverse Men put upon them. But

In the last Place, the Author utterly throws down the Obligation of the Oath of the Test, and the strong Bulwark of the Protestant Religion, with one very frightful and terrible Blow, viz. by a thundring Assertion, that to make or own penal Statutes against Papists, appears rather one of these Popish or fanatical Principles and Doctrines,



I know none, (nor I think the Author either) who holds it to be an essential Article of the Protestant Religion, to make or own these Laws, tho' the Christian (which is the Protestant) Religion warrants and approves them; for the Protestant Religion was in all its essential Principles, before those human penal Laws were made, and therefore before they could be owned. So then, according to this Author, the making or owning of them, is one of the Popish or fanatical Principles, which by the Oath of the Test we are bound to renounce and disown. This, forsooth, is an unanswerable Argument for his Purpose: But what needed our Author be at all this Pains, so voluminously to plead for such a pretty Thing as the bare suspending the Execution of those Laws, since, according to him, the very Laws themselves, Root and Branch, are so strongly abjured by all the Members of Parliament, who have taken the Test? Yet, good Man, he will find it no small Difficulty to persuade either Papist or Protestant, or himself either, to be of this Mind.

*Resp. VII.* The Author's last Argument is drawn from what the King may legally do by his Prerogative. His Majesty's Prerogative, like the Edge of a Razor, is dangerous to be meddled with, yet with all due Respect to his Majesty's Prerogative, and, I hope, without Offence; these few Things, amongst many, may be said in Answer to the Author's Argument drawn from it. *1mo.* How great soever be his Majesty's Prerogative, none that is orthodox will affirm, that by virtue of it he may dispense with an unrepealed Law of God, as the Law for punishing Idolaters is. There is a great Difference betwixt granting an Indemnity for a bypast Transgression, of a divine criminal Statute, (as is the divine Law against a Murderer) and tho granting an Immunity from all Punishment, to them that shall transgress such a Law for the future; and whatever can be said for the former, who, that is either a good Divine or a good Christian, will assert that his Majesty by virtue of his Prerogative may do the latter? *2do.* If his Majesty by his Prerogative, may legally indulge the Exercise of Idolatry, with Impunity to them who practise it, tho' (as hath been proven) there be a standing divine Law for punishing it, what Reason and Account can be given why he may not also, by his Prerogative, give an Immunity and Exemption from all Punishment, to such as shall practise Theft, Murder, Witchcraft, Incest, and such other horrid Crimes? *3to.* Albeit Papists are not ignorant of what his Majesty may do by his Prerogative, and do brag much of it, yet it would seem they are not of our Author's Mind, that he may legally by his Prerogative, give an Immunity to them for the Exercise of their Worship, else they would not be at such a great deal of pains to get this granted to them by the Parliament. *4to.* Whatever, and how great soever be his Majesty's Prerogative, yet in the present Case under Consideration, he hath been pleased to limite the same, by ratifying and confirming all the Laws for the Protestant Religion, most of which, if not all of them are penal, against its Enemies: And *5to.* Whatever his Majesty may legally do by virtue of his Prerogative, yet the Members of Parliament may not legally (even in regard of human Law) consent to a suspending of the Execution of penal Statutes against Papists, they being bound up from giving that Consent by the Oath of the Test, imposed on them by Law, consented unto, and confirmed by his present Majesty, and by several other standing Laws; besides that, a far higher Law, the Laws of God, ties them to refuse that Consent.

Having mentioned and confuted all in our Author's Paper, that hath any Shadow and Semblance of a Reason for persuading an allowing unto Papists, so much as the private Exercise of their Religion and Worship, I shall pass by other Things in it, such as his insinuating, that if the Oath of the Test bind up from allowing unto Papists an Impunity in the Practice of their Idolatry, then it binds up from giving Charity to a starving Papist, (which is as if one should say, that what binds up from allowing Immunity and Impunity unto a Murderer, in the Practice of his Sin, binds up from giving Meat and Drink unto him, while the Magistrate suffers him to live.) Our Author's professing, that if the Parliament refuse their Consent to a suspending the Execution of penal Statutes against Papists, he sees not how it is possible to avoid that Scandal of bording Dominion and Right or Property on Grace, (and it is just alike possible to avoid that Scandal, without suspending the Execution of penal Statutes, yea, without taking quite away the Laws themselves against Swearers, Sodomites, Murderers, &c.) his Impudence in affirming again and again, *Pag. 3* and *5.* that tho' there was apparent Danger to our Religion from Papists in former Times, when all the Magistrates, supreme and subordinate, were Protestant, and all the Power, civil and military, was in the Hands of zealous Protestants, but that now, when it is far otherwise, we are out of all reasonable Fears from Papists. These, I say, and many such like Things in our Author's Paper, I pass by, as Things that ly obvious and open to the Scorn and Contempt of any who retain the Exercise of their Judgment and Reason.

And thir Reflections upon our Author's Paper, having exceeded much the Brevity at first intended in them, I shall conclude them with one of these Reasons and Arguments, which in the last Paragraph of his Paper he calls idle and frivolous, (a strong Answer indeed to them) against that parliamentary Allowance he in his whole Paper pleads for unto the Papists, to practise their idolatrous Worship without any Molestation. The Reason and Argument is this, he who will allow the Practice of a Sin, is in divine and all reasonable human Construction guilty of that Sin, much more he who frames the Iniquity of that Allowance by a Law. If our Author or any other deny this, he is no good Divine: And let any who doubt of it consider *Ephes. 5. 11.* and *cor. 7.* with *Psal. 50. 18.* and what Commentators, both Popish and Protestant, say on these and such like Places; but so it is, that the private as well as publick Practice of Popery, (it being Idolatry)

(if our Author or any other deny this he is no good Protestant) *ergo,* Let these therefore concerned, consider, that if they give their Consent, especially their parliamentary Consent, that Papists shall have the Exercise of their Worship in private Houses, (and this may be publick enough) with all Manner of Impunity to them therein, they who give this Consent will be guilty interpretatively of all that Idolatry, which, upon that Indulgence and Impunity from all Punishment, shall be practised by Papists. To say that this shall not import any Allowance or Approbation of the Popish Religion, is just such another Contradiction, as to say that the Laws against Papists shall remain in their full Force, excepting in so far as they are so innovated, that Papists are put under the Protection of the King's Laws, a considerable Number whereof are the Laws against Papists. Let it also be adverted unto, that he who allows the Practice of a Sin, by giving Immunity and Impunity to the Practisers of it, is in the Construction both of divine and human Law, guilty of all the Hurt, Harm, and Mischief that follows thereupon.

These



These therefore who are apt to flatter themselves, by looking only to what for present is next before their Eyes, shall do well to look so far before their Nose, as to consider that whatsoever dreadful Mischief shall follow to our Religion, Liberties, Estates and Lives, by their taking away or relaxing the Statutes against Popery, and thereby letting loose the bloody Papists upon us, if they be called to an Atter-account, (as either God or Man will call them to it) they will be found liable to all the Punishments due to the Practisers of those Mischiefs. He that deliberately or wilfully untie a chained Lion, Bear, or any other ravenous devouring Beast, does justly deserve to be punished for all the Mischief done by it, when loosed.

*Letter from the Freeholders of the Shires of  
Commissioners to the Parliament; dated June 7. 1686. N<sup>o</sup>. CXX.*

*to their*

*Gentlemen,*

WE cannot but acquaint you with the extraordinary Surprize that we and all the Country are in, to hear of these Things that are in Agitation among you, in this present Session of Parliament. We have indeed, to our great Satisfaction, been informed of your Steadiness and Courage, wherein you have fully answered our Expectations, and the Trust we reposed in you; and for which we do heartily give you our most affectionate Thanks: But we must tell you, that to us it doth appear very odd, that not only so strange a Thing as the Repeal of the penal Laws, and the opening of Access unto Papists, by Authority of Parliament, unto Places of publick Trust, which is downright the overturning of our Religion and Laws, hath been proposed to you, but likewise, that divers unaccountable and illegal Methods have been practised, for compassing of that End.

Albeit we cannot doubt of his Majesty's Willingness to take those of his own Perswasion under his Royal Protection, whilst they contain themselves within due Bounds, and make it appear, that their Principle is indeed Conscience, and not Faction or Interest, whilst they confine their Religion to their Hearts and Closets, and aspire not to usurp a Share in the Government, contrary to Law: Yet we shall never be induced to think, that this Demand, as it lies before you, being in effect to abrogate your own fundamental Laws; and to undermine your own Religion, could ever have proceeded from him, who hath given us so authentick repeated Assurances, who so perfectly understands his own and his People's true Interests, who hath given so eminent Demonstrations of his Wisdom, Clemency, and princely Affection to his Subjects, and who hath, in his own Person, proposed so illustrious an Example, of being at once true to Conscience, and observant of the Laws: But we rather believe it to be the Effect of the indiscreet and officious Forwardness of Under-agents, who may perhaps be one Day made to answer, for thus endeavouring to beget a Misunderstanding betwixt the King and his People. Howsoever it be, if we take a right View of the Matter, we must say; as all good Christians have ever said in the like Case, and as particularly the City of Magdeburg replied to the triumphant Emperor Charles V. when he required their Submission to the Interim, *If our Lives and Fortunes, said they, belong to you, yet you must allow our Consciences to be God's.*

It is not our Business here to prove, that the Popish Worship pleaded for is flat Idolatry; our Law justly terms it so, and our Divines have plainly demonstrated it to be an Idolatry worse than heathenish, there being no Colour to excuse it, which the Heathens had not better Ground to alledge for theirs; that it is for Substance, the very same Worship with which the deluded Pagans were inveigled, before the spreading of the Gospel, being exactly copied from that Model, and only christened with new Names, hath, in a very obvious Parallel, been often, by many learned Protestants, so fully and convincingly laid open, that no considering Man's Eyes can be further held in the Mist, as to this Truth.

Nor need we suggest unto you, how otherwise grossly erroneous that Church is in its Doctrines, nor how tyrannical in its Government, being a combined Company, under a monstrous spiritual Head, who carries ingraven upon him, this grand indelible Character of Antichrist, *That he exalts himself above all that is called God,* or is "august and venerable amongst Men: For whatever Stretches have been made by modern Papists, to deny or palliate that intolerable Pretension to a supreme dispensing and deposing Power seated in the Pope; yet as it hath been, in many fatal Instances, actually exercised, so the Right thereunto is, at this Day, one of the most sacred Articles of the more consequential Italian, Spanish, and other Catholick Creeds, and is still easily insinuated upon the Consciences of seduced Bigots, by the Craft of designing Priests, wherever their Superstition doth obtain; yea, it is more safe at Rome to blaspheme the blessed Name of God than to deny it.

We nothing doubt, but you and all good Protestants are fully satisfied in these Two capital Points, That the Pope and his Clergy are the Antichrist, and that the Mass, and other Parts of the Romish Worship, are the grossest and most unreasonable Idolatry that ever was broached in the World. God hath, in all Ages, raised up Witnesses to these Truths, even in the Midst of Popish Darkness, many whereof have sealed them with their Blood. This hath been the constant unanimous Doctrine of Protestant Divines, for near Two hundred Years past, and our Church hath, ever since the Reformation, taught us so from the Scriptures.

Now, if these Things be so, what Christian can, without Horror, think of consenting to a Liberty for Antichrist? and so of opposing, in a judicial Way, the Will and Laws of the Son of God; and that in behalf of his chief Adversary, whom he hath so notably stigmatized in his Word: What Protestant can,

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\* The Word *σεβασμια*, signifies Worship, thence comes *σεβασμια*, the Term appropriated to the Roman Caesars, and in Latin rendered *augustinus*. † *ὁ ἐναντιοπαρῶν*



without participating with Idols, agree to the most minute Allowance of either Church or House Idolatry? What Subject can, without Disloyalty, assent in the least to the Re-admission of an insolent usurping foreign Head.

But if any Manner of Doubt should remain as to these Things, with any Members of Parliament, where-by they might incline to think that they have some Latitude left, in hearkning to the Proposal made for granting Ease to Papists, then, since there are at least so violent Presumptions of the Truth of what is above asserted from Scripture, and from the uniform Doctrine of Protestant Churches, and seeing this is a Business of the vastest Concernment to the Souls of Men, as well as to their secular Interests, wherein prudence Men and Christians can never be too wary, nor too well advised: And finally, since the Priests Lips should keep Knowledge, and the Law is to be sought at their Mouths; upon all these Considerations, it will certainly, in the first Place, belong to, and ought to be demanded from the Reverend Prelates, who in Parliament represent the Protestant Clergy, and are intrusted with the Care of Souls, that before the Parliament advance one Step in this Affair, they clearly and convincingly, from Scripture, resolve the other Members who are no Divines, in these important Queries.

Whether the Pope and his Clergy be that Antichrist that was to come? and whether the plain and obvious scriptural Characters of the eldest Son of Perdition, can agree to any Power, Potentate, or Society of Men, civil or ecclesiastical, upon Earth, save the Papal? Whether the Doctrine of Demons, or the heathenish Adoration paid to the Ghosts of departed Heroes, be not revived, taught, and practised by the *Romish* Church, in the worshipping of Saints departed? And since the Papists, being challenged of Idolatry, in bowing to Images, recur to that trifling Subterfuge of not adoring the Image, but the Thing represented by it, in presence of the Image, it would likewise be cleared, whether the Jews were ever so senseless as to fall down before a molten Calf, merely in respect to it self, the Matter of which had lately hung in their Ears, or been worn upon their Arms; or if they did not rather mistake it, through their *Egyptian* Prejudices, to bear some Resemblance of God? or, at least, dream'd it to receive some secret Virtue, by passing through the high Priest's Hands? Whether Hell did ever contrive a more sottish Idolatry, than is the worshipping (not of a Substance, but) of bare Accidents, and that with the supreme Degree of Adoration due to God alone? For so the Council of *Trent*, expressly determines, *That the faithful are obliged to exhibit the Cult of Latria to the very Sacrament*, that is, not to Christ only in the Sacrament, but also to the Colour, Smell, and Dimensions of a Wafer, that according to them inwrap him. In short, it will become the spiritual Lords, before all further Procedure in this Matter, plainly and positively to declare, whether the Pope and his Clergy be Antichrist, and whether the Mass be Idolatry or not?

We do not judge it necessary here, to insist upon the Heap of their other ridiculous and absurd Doctrines, or rather Dreams, their toppish Fables, impertinent Fooleries, and antick Pageantries of Worship, which more resemble a charming Incantation, than the spiritual Service of the true and living God; their villainous Tricks and treacherous Practices, destructive to the Quiet and Safety of Mankind, all which gave the highest Reason for enacting our penal Laws against them, and do still give for maintaining of the same. We shall only observe, that the Source of all these is their chimerical Claim of Infallibility, pregnant with innumerable Errors, lodged, they can never agree amongst themselves where or with whom; but, to be sure, according to them all, somewhere or other in their Church; and practically refunding at last, into the oraculous Dictates of every little Priest. 'Tis by Means of this, that all their Votaries are indispensably obliged to support all their Errors; and whatever smooth and plausible Words many of their Tenets and Practices be clothed with on this Side the Alps yet, to joyn in Communion with those Churches that maintain bare-fac'd, stupid, and undisguised Popery, and to swallow glibly down whatever their ghostly Guides propose; and it is hereby they are likewise bound, under Pain of Damnation, (and the Order of Jesuits in particular, are at their Admission tied by Oath) to exert their utmost Vigour and Zeal for the Extirpation of Heresy, and the Propagation of their pretended Catholick Faith, and that not by the meek and gentle Ways

† Or if we are yet to look for another to rise out of the Tribe of *Dan*, or from any where else, (as the Papists fondly dream) who, in the Space of Three Years and an Half, is to do greater Feats than can be done in many Ages, to reign, according to some, at *Rome*, according to others at *Jerusalem*, who is to conquer the whole Earth, &c. their Accounts of him are loaded with Contradictions. As that he was to be revealed, when that which did withhold, to wit, the Emperors of *Rome*, should be taken out of the Way, being a Mystery of Iniquity that did already work in the very Apostles Days, and falling away of the true Church; that he was to boast of Miracles, and, by lying Wonders, to set up a *Babylonish* Idolatry, and to come with all Deceivableness of Unrighteousness, and to be given up to strong Delusions, to believe a Lie, such as that hideous Monster of Transubstantiation, the gainful Fignient of Purgatory, the pernicious Nonsense of Indulgences, and a Thousand other impious Fables, which not only destroy themselves and one another, but wholly evert and overthrow all Christianity and Reason; that he was to forbid to marry, not regarding the Desire of Women, which is Marriage, but indulging execrable unnatural Lusts, and to command to abstain from Meats, which God hath created to be received with Thanksgiving; that he was to have his Seat in the great City, founded upon Seven Hills, which then ruled over the Nations, and which the Papists themselves acknowledge to be *Rome*; that the Kings of the Earth were to give him their Power, until the Words of God should be fulfilled, that he should push with Two Horns, a civil and spiritual boundless Authority, and speak like a Lamb, professing himself to be the Vicar, or in place of the Lamb of God, but really be and rule like a Dragon; that he was to be, in divers Respects, the Seventh and Eighth Head of the *Roman* Empire, whereof one was, and Five had fallen in the Apostles Days; that he was to be clothed with Purple and Scarlet, the very Colours which the Pope and his Cardinals affect in the Inaugurations, Processions, Solemnities, and even in their ordinary Apparel; that he was to sit in the Temple of God, in the glorious Holy Mount, seated between the Seas, and, in that Elevation, to exalt and magnify himself above every God, claiming a Superiority over Kings, Rulers, and Governors, and to speak marvellous Things against the GOD of Gods, in dispensing with his Laws, and allowing them no Authority but from his Mouth, and to set up and honour the *Mahometan*, strange Gods of his own making and canonizing, which his Fathers never knew; that he was to impose his Doctrines, and the Dictates of his false infallible Chair, upon all the World that came within his Reach, so that no Man might live without his Mark; that he was to be, by way of Eminence above all others, the false Prophet, and was for a Time to prosper, and weir out the Saints of the Church, as the Pope at this Day doth, by Dispensations, Indulgences, Simony, &c. and a chief Part of his Traffick to be not only the Bodies but the Souls of Men, and that he was to be drunk with the Blood of the Martyrs and Saints of Jesus; in a Word, that he and his Party were to be for Idolatry a *Babylon*, for Tyranny an *Egypt*, and a *school* for Corruption. These few, amongst many other Passages, being either the very Words, or most clear and palpable Sense of the Scripture, and seeming to unavoidably to grip and lay hold upon the Man of Sin, sitting in the pretended infallible Chair of St. Peter at *Rome*, a more than ordinary Evidence will be necessary, to direct how otherwise they are to be applied: For as to the Popish Evils, such as the reserving some of these Things to the Turk, as it has having *Judas*, now all in *Rome*, in his Possession, could entitle him to the Character of sitting in the Temple of God; and as if he who was to usurp that Seat, was not other to be one who makes external Profession of Christianity; or, as it was the Mystery of the *Ottoman*, not of the Papal Inquiry, that began to work so early, even in the Apostles Days: These and the like, are so obviously silly and contradictory, that it is even a Shame to mention them, and serve for no other end, than to throw a little Dust upon the Eyes of such as are willing to have them put out, and who being pre-engaged by Interest, and other sordid Motives, rather than fail of a Pretence, will wink themselves unto Popery.

† *See* Heron's *Life of St. Peter*.  
 † *Sess. 13. Cap. 5. nullus itaque, &c.*



Ways of Christian Perswasion, but by the infernal Methods of lying, dissembling, plotting, murthering, torturing, and imbruing their Hands in the Blood of all who stand in their Way. History is full of sanct Examples of this Papal Fury; and we have recent bleeding Instances, in the Desolations of *France*, *Hungary*, *Piedmont*, and other Places, fresh before us.

By all which it evidently appears, how desperate and implacable is the raging Madness of the *Romish* Agents, and how actively they bestir themselves for the total Overthrow of the Reformation, in all Places where they unhappily gain the Ascendant over the Spirits of these in Power; their great Design being to reinstate the delivered Nations under the Yoke of a foreign Head, and to reintroduce the universal Empire of old Heathenish *Rome*, (to which our generous Ancestors alone, of all Kingdoms in *Europe*, could never be brought to submit) and that under a new and ghostly Disguise; a Domination by so much the more pernicious and vile, that the former imported only a civil Subjection to a princely People; but this a spiritual, as well as temporal Thralldom, under the capricious Impositions of a saucy incroaching Priest.

These, we doubt not, and a Thousand such Considerations more, will natively arise in your own Thoughts, and will manifestly hold forth to you the hainous Guilt, and eminent Hazard which any Protestant State or Kingdom must inevitably draw upon it self, by permitting the Parry of Antichrist, to exercise their Idolatry by Law; much more where Jesuits and Priests are ever so little tolerated and connived at: For whatever Moderation might be extended to peaceable conscientious Protestant Dissenters, yet these indefatigable Frogs, spued out of the Mouth of the Dragon, and of the Beast, and of the false Prophet, † that crawl into the Bed-chambers of Princes, and are sent forth to gather the Kings of the Earth unto the Battle of the great Day of God, the Disgrace of Mankind, and very Bane of all human Society, can never be suffered, upon any Terms, to enter, having given more than sufficient Evidence of their incurable Treachery, in all Places wherever they have been admitted; and whenever they could have but the thinnest Shadow of Connivance, they have greedily embraced, and wonderfully improved the same, knowing that the faintest Colour of a Law, may, by their Artifice, be heightened to a surprising Advantage, when they can hope to be Masters of the Interpretation. This some foreign States, ‡ even of the *Romish* Communion it self, have prudently been aware of, and carefully provided against; and this is that which, at the Reformation, moved our wise and pious Predecessors, by so strict and so often repeated Laws, to fence their Religion, their Lives, and their Liberties, against those unwearied Underminers of all that is dear to honest Men, whenever they obtain the least Access to insinuate themselves.

But to come closer to the present Case, that which in a more particular Manner we recommend to your serious Consideration, is the very odd and suspicious Circumstances under which this Proposal is now made. As

I. For what end do the Papists seek a Repeal of standing Laws, or indeed any Favour by Authority of Parliament at this Time, when they are not molested? unless with design to grasp all Places of Trust into their own Hands, to exercise their idolatrous Worship openly and avowedly, to scatter their Infection, without running the Risque of an After-reckoning, and with Hopes at length to abrogate all our Laws that establish the Protestant Religion; (by which they can fear to be one Day called to an Account for their present Miscarriages, and their unwarrantable invading of Places of publick Trust) and perhaps when they shall be strong enough for it, to divert the rightful Succession, and so become our absolute and incontrollable Masters: For if they pretend no further than moderate Ease and Connivance, what Need is there of an Act of Parliament for this? Who disquiets them? Or where are the penal Laws put in Execution? Yes, what have they at present to complain of, but that they want a national Establishment? And it is in vain here to ask, *Why then are those Laws any longer kept up?* Since they are, under God, and his Majesty's Royal Promises, the only legal Security of our Religion, and our best Defence against the insolent Attempts of these our all-ingrossing Adversaries, who have no other Restraint but the Terror of those Laws hanging over their Heads, as a perpetual Warning, if they abuse their present Favour, of what they may in Retaliation expect, at that Time, which perhaps is hastning faster on than they apprehend, when our penal Statutes shall be as an Echo, to that great Command of the first Lawgiver, *Reward her even as she rewarded you.*

II. Why is this required at a Time when the Protestant Religion, all *Europe* over, is so low? when the Papacy hath gained and doth daily gain such Ground upon the Reformation; when the Reformed *French*, an innocent and loyal People, who had done so signal Services to the Crown, and had been the very Instruments of settling their present Sovereign in that absolute Power, which he now, without all Provocation on their Part, so inhumanely exerciseth upon themselves; a People against whom, even their keenest Enemies, could not invent the least Shadow of Accusation; yet, by a long Tract of unjust Edicts, and dreadful Oppressions, have, by Degrees, been robbed of their well-founded Rights and Privileges, and at length to the highest Violation of publick Faith, and Infringement of the most sacred reiterated Engagements, are not only totally deprived of all their Liberties, but are compelled by Barbarities surpassing all Belief, either with utmost Hazard, to forsake and abandon their Estates and Friends, and native Land, or, flatly against their Consciences, to change their Religion, and pine away in Anguish and Despair; a Persecution of that prodigious Size, that we hope it shall stand a single Instance, whilst the World stands: And that as in its Complex, it never had a Precedent in any former Age, so in all succeeding Generations, it shall never have a Parallel; but that Protestants every where will be awakened by it, to consider what they are to expect from so perfidious and bloody a Religion. But now, whilst other Popish Countries are endeavouring to transcribe the *French* Example, and this Island remains, in a Manner, the only considerable Part of Christendom, wherein the Reformed Religion stands yet free from the cruel Attacks of *Romish* Rage, for them now to attempt to worm themselves in among us, and to court us to demolish our own Walls, looks as if they meant to involve us also in the universal Overthrow.

III. When

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† By which some Divines understand the Devil, the Roman Emperor, and the Pope, Rev. 16. 13. Esad. 8. 3.  
‡ As the Republick of *Venice*, which banished the Jesuits out of their Territories, *France* did also for a Time expel them, after the barbarous Murders of *Henry III.* and *IV.*



III. When, to all our former Ties, we have, in the immediately preceeding Parliament, to which his present Majesty was Commissioner, in prospect of our *Danger from the Restlessness of our Adversaries, who cease not to introduce their Errors, Superstitions and Delusi us, and to insinuate themselves into Affairs and Places of publick Trust,* superadded under his own Royal Direction and Influence, the solemn Oath of the *Test*, as an impregnable Rampart against their Machinations; and now so very soon after, whilst that sacred Bond remains yet fresh, and in full Vigour, to hope for Admission in less or in more, or a Relaxation of the Laws made against them, speaks as prodigious Impudence in them, as it would do Perfidy and Treachery in us to grant it. It is very strange, how any who reads and ponders the Words of the *Test*, and of the Act enjoining it, dream of reconciling it, or think it can possibly consist with the Parliament's granting the least Crum of Favour to Papists.

IV. It deserves to be considered, that after this very Parliament hath signalized it self in Loyalty, and firm Adherence to one Branch of the *Test*, by suppressing the late Rebellion, and quelling those inhumane Monsters of fanatical Fury, that had risen amongst our selves, and by a frank and ready Concurrence to the enacting such Laws, and establishing such Methods of Severity, as the wild Insolence of that Party made necessary; that now the Papists should pretend to have us ramiely pass from the other Part of our Oath, which secures us from their assiduous and no less dangerous Attempts; and so to slacken the Reins of a steady Government, in which the Security of the Crown and Nation, against their Enemies on both Hands, doth consist, seems to import, that they make a very scurvy Representation of us to his Majesty, and would do so to the World, as an easy pusillanimous People, led by Interest, and overawed by Fear, who may be driven to any thing, and with whom the Performance of Duty, is the Result of mean and unmanly Principles, and not of Conscience or Honour. And who knows, if the King, who is wise as an Angel of God, may not have been the more readily induced to consent, that this Tentative be made, to the end he might thereby try whom he could safely trust; knowing well, that these who are false to God and themselves, can never be faithful to their Prince; and that they only, who, after his own Royal Example, are honest and true to their Consciences, amidst all Discouragements and Dangers, are the Persons in whom he can most entirely confide.

V. We shall add a further Remark that ought well to be thought upon, and warily adverted to, which is, That since the saying and hearing of Mass, is, by the fundamental Laws establishing our Religion, declared upon just Reason, to infer the Pains of Treason, because the Mass. (besides its Superstition and Idolatry) is the Band of Communion with those who seek to seduce and debauch his Majesty's Subjects, from their due Allegiance to their natural Prince, and who prefer a foreign Jurisdiction to his; and these Laws have been ratified by all Parliaments since the Reformation, and particularly by the first Act of this present Parliament, and are not now required to be abrogated. In what Manner can any Man, who shall vote for this Act, be assured of Immunity from being afterwards challenged for giving his Consent to the committing of (at least *interpretative*) Treason: Nor would it avail to alledge, that this Act is an Exception from the general Law; if such an Exception should be judged inconsistent and contradictory, so long as the general Law stands unrepealed, and how far soever the Parliament's Power may reach, in dispensing with common Laws, yet certainly it is a very different Case, to dispense with those Laws that infer Treason against the King and State, and are grounded upon so weighty Reasons, as are those which influenced the making of our Laws, for the securing of our Religion, and the total Abolishment of Popery; seeing, by such a Dispensation, Liberty and Immunity would be allowed to such open Enemies of King and Government, as, in the Face of the World, dare own themselves Subjects of a foreign higher Power, Jurisdiction, and Head; a Head which, they boast, hath sometimes made Emperors serve as Footmen; and which, by the cheating Bugbears of unlimited Vicarship, triple Crown, double Sword, and Keys, doth arrogantly claim an authoritative Right to dispose of Kings and their Kingdoms, whatever way the Caprice of his Infallibility shall inspire him: And the Case standing thus, were it not both very dangerous, and very unsuitable to the Duty which the Parliament owes the King, as his sworn Subjects, and grand Council, to make a Law for allowing of that, which, by the standing, unrepealed, and so well founded Laws of the Nation, is constructive Treason against his Majesty, even tho' his Majesty should so far yield to the Importunities of some about him, flowing from their private Ends, as to give way thereunto himself.

VI. Lastly, there is one Thing more we cannot but take Notice of, That as you are the first Parliament in the World, that so bold a Proposal, in such Circumstances, was ever made unto, so the Methods taken to accomplish it are unaccountably strange, and without all Precedent, and do speak both unmeasurable Rashness and Confidence in the Promoters thereof, and an indecent undervaluing of you; that Papers of Information pleading for the standing Laws should be suppressed, and the Havers or Spreaders of them exposed to Trouble, whilst others that labour by weak and flat Sophistry, to supplant the Law, that endeavour to pervert the plain Sense and Meaning of Acts of Parliament, which in Law is treasonable, and to elude the Obligation of the *Test*, which in Divinity is impious; that asperse his sacred Majesty, and characterize him as cruel and perfidious, and as intending Mischief against our Religion and Government, if not gratified in the demanded Favour: Whilst these, with other Popish Papers, Pamphlets and Books, are industriously spread, countenanced and supported, that so great Pains should be taken to brigue Votes, and to dispose or hector the Members of Parliament, to a Thing so directly opposite to their Consciences and to Law, by proposing Rewards to some, depriving, threatening, and intimidating others; that Courses, never till now known in this Kingdom, should be taken, to seclude or remove from voting, able and honest Members, who are most capable of serving God, their King and Country, in Parliament. All this looks so very odd and illegal, that we see not how it can be let pass, without a Parliamentary Representation to the King.

Upon the whole, tho' we have entire Confidence in your Constancy and Courage, yet the Matter now before you being of the highest Import and our very All lying in it at the Stake, we cannot, for our own further Exoneration, but earnestly obtest and enjoin you to remember, that, in this Affair, the Eye of God is in a special Manner upon you, that you are exposed at present, as on a Theatre, to the Eyes of all Europe, and particularly of our Neighbours in England, that the Hopes of Papists and Protestants depend upon your Determinations, that you have a Trust in your Hands for which you must be accountable to God, to your own Consciences, to the Memory of your renowned Ancestors, and to the present and succeeding Generations; and that if any of you, which we are far from fearing, should prove so degenerate

and



and mean-spirited, as servilely to comply, and sacrifice the Religion and Laws of the Nation to present mistaken Interest, or be so far overswayed by Hopes or Fears, as but to keep Silence at this critical Time, and connive at so destructive a Vote; you shall never be able, by so doing to deceive God, who will certainly find you out, nor to save your worldly Concerns, by thinking to stop here, for, by unsatiable Priests, you shall still be pushed on to further Advances; so that there is no Mean, you must either resolve, at this Juncture, to stand your Ground, or to proceed the utmost Length, else all you can do at present, will as certainly pass for nothing, as it is now told some of you, that what you have already done shall not be valued unless you consent to this. Besides you should, by giving Way, in this Matter, to that assiduous insinuating Crew, the *Romish* Priests, not only endanger your secular Interests and Estates, many of which are settled by the Laws of the Kingdom, upon the Ruins and utter Extirpation of the Jurisdiction of the Pope and his Clergy, but also tarnish and forfeit all the Glory of your former Services, and, in the Sight of the World, brand your selves with the eternal Infamy of having vilely betrayed your Religion and Country, and taintly yielded up your selves, and your Posterity to Bondage.

We therefore, upon all these Considerations, do again solemnly obtest and enjoin you, by all that is sacred and dear unto Christians and Men.

*First.* That you give no Manner of Consent, directly nor indirectly, in favours of Papists, to the least slackning of the Force of the Law, in whatsoever Terms, or under whatsoever Cautions or Restrictions it may be offered and proposed, but that, to the uttermost of your Power, you vigorously oppose the same.

*Secondly.* That you heedfully beware of a Trepan in mistaking the Vote, remembering with what a Party you have to deal, but that you endeavour, if this Act comes in at all, to have it formally stated, *approve or reject*, left, by a captious proposing of the Question, or by any other preliminary or exploratory Vote, the Integrity, and good Intentions of honest Men, who are assured, are by the far greater Number in your Body, should remain undiscovered, and that for the strenghtning of mutual Confidence and Trust, you, by all Means, strive, in every Vote, to keep up a good Correspondence with such.

*Lastly.* Since it is not to be supposed, after the many repeated Declarations of his Majesty's gracious Purpose to preserve our Religion and Laws entire, that these Desires, which tend to weaken, or rather subvert both, do flow from his own Royal Heart, but rather from the impatient Forwardness of restless Priests, and the preposterous over-daring Zeal of new Profelytes who seek to value themselves, with their Confessors, upon doing some extraordinary Service for *Rome*. It is therefore our very earnest and serious Wish, if the Wisdom of the Parliament should so think fit, that an humble Address be ordered to his sacred Majesty, from the whole Body of Parliament, expressing their infinite Sorrow for being so far misrepresented, as to be thought capable of doing a Thing so much against their Consciences, their Honour and the Law, expecting and praying, from his Majesty's Goodness, and his Regard unto his loyal People, that some effectual Way may be found out, to stop the unhandson and illegal Courses that have been taken for practising Members, and laying aside or incapacitating to vote, such as are of unquestioned Loyalty, and good Affection to his Majesty's Service, and to the Government.

That the spreading and printing of Popish Pamphlets, and disseminating of their pernicious Principles (whether by themselves, or by false professed Protestants) may be impeded.

That the Grief of his Majesty's good and faithful Subjects may be appeased, and their further Fears prevented by the Removal of Papists from Offices of publick Trust, and the Nation secured from the like Danger in Time to come.

Shewing that they do make a repeated dutiful Offer of their Lives and Fortunes for his Majesty's Service (in which we, and we hope the whole Kingdom) do sincerely and heartily concur.

And that being by the established Laws their remaining firm and unshaken, guarded against the Hazard of Popery, or of the Access of Papists to any Share in the Government, they will, in their several Capacities, express all possible Tendernefs and Forbearance to the Persons of peaceable Papists, so long as they keep themselves within the Bounds prescribed by Law, this being the very utmost Length their Consciences and Honour can possibly allow them to go; humbly hoping that his Majesty will graciously approve, as the Effect of their bound Duty, this their Wariness in an Affair of so vast Consequence to the Government, and their Refusal to comply with that which their Religion makes Treason against God, and their Law makes Treason against the King. And we heartily wish, that some of you may have the Honour to be the first Proposers of this.

This sure is the proper Method to create an entire good Understanding betwixt the King and his People; and is the only native and dutiful Way of Redress for all Grievances that Subjects can have, or ought to take with so benign a Prince. Nor is it to be doubted, but his Majesty, who hath so graciously expressed himself, in his Letter, to be our indulgent Father, will, according to his innate Clemency and Goodness, favourably interpret, accept of, and correspond to the filial Confidence of his dutiful Subjects, who thus rely upon, and intrust themselves to his Royal paternal Care.

### Robert Cathcart's *Information against Mr. Renwick and his Party*, 1686. No. CXXI.

**M**atters in Church and State being in Confusion, they have stepped into the Chair, and arrogated to themselves the Government both of Church and State, and the Management of both civil and ecclesiastical Affairs, and that by the same Party, Persons and Assembly.

And first, being joyned in Societies for religious Exercises, they commisionate, from these Societies, some of their Number to meet in a general Meeting (out of which they choose a Committee of Fifteen, who determine,



termine, by Vote, in Affairs brought before them) who have constitute themselves into, and assumed the Name and Title of *Convention of Sires*, so, in the Declaration published at *Lanerk*, they call themselves, *A Convention of Estates and Shires of Scotland*, a *Convention of unprelimited Members*, the like whereof the Tyrant, since his Home-coming, never had, and have acted accordingly, 1mo. In a legal authoritative Deposing of the late King, rescinding, calling and annulling all the Acts and Statutes made by him, and his Conventions and Parliaments since the Year 1660. as they word it in the foresaid Declaration. 2do. In denouncing War against him, being thus declared a Tyrant, and deposed as such; and that in those Terms, in the Declaration published at *Sanguhar*, *We declare War against such a Tyrant and Usurper, and against such as have any way acknowledged him in his Usurpation, civil or ecclesiastick, or shall in any wise acknowledge any other in the like Usurpation.*

Next, as to Church Affairs, they have imposed Restrictions on Ministers in the Exercise of their Ministry, requiring them in their Call, intituled, *Call of the united Presbyterians*, to own their Papers, such as *Rutheglie, Sanguhar and Lanerk Declarations*, the *Excommunication at Torwood*, &c. declaring that otherwise they would not own them as Ministers, yea, that except they should forthwith embrace their Call (if they had once provided themselves with Ministers any other way) tho' they should afterward embrace, they might then own them as Brethren, never more as Ministers. And these being condemned as Ministers, they have entirely cast off the whole suffering Ministry, and taken the Power of Church-government into their own Hands, calling themselves the *Antipopish, Antiprelatick, Anti-erastian, true Presbyterian Church of Scotland*, in their printed Protestation against the Congregation at *Rotterdam*, and the Representatives of the Church, and sent Delegations, as such, to the Churches of *Holland, Helvetia and Geneva*.

The whole suffering Ministers being thus cast off, to supply this Want, or rather to erect a new Building (as their honourable Delegate Mr. *Hamilton* expresseth it, in his Letter recommendatory of Mr. *Renwick* to the Societies, *Take this as the first Stone of your new Building*) they have sent over some young Men of their Number, to the *Netherlands*, to study and to be ordained there. And having, by the lying Misinformation of their Delegate Mr. *Hamilton*, alledging that there were Eighty Elders who did concur in sending over Sixteen young Students, there being but Six young Men designed to be sent over, and Fifteen Persons who subscribed their Testificate, and not an Elder among them, imposed upon Mr. *William Brackel*, a Dutch Minister, have, by his Means, procured the Ordination of one of these young Men, Mr. *James Renwick*, whom alone they now own (declaring in their Letters to the Churches of *Helvetia and Geneva*, that they have no Minister save one, all the rest being turned cruel like the *Ostriches in the Wilderness*) whose first Work was to decry the whole suffering Ministry, namely, famous *Macwaird*, and that after his Death, with several others, who says yet further, *That there is not a faithful Minister in Britain or Ireland*, in a Letter to a Friend in *Ireland*, in Vindication of his Practice in seeking Ordination from the Church of *Holland*, wherein, speaking of that Church, he hath these Words, "But tho' there are some Things among them in that Church which are not justifiable, such as Organs in some of their Churches, and festival Days, and some customary Things, but I know that those in that Presbytery, with whom I was most intimately acquaint, never defended nor maintained such Things, but expressed their Design of a Reformation theretrom, tho' I could wish there were more Courage among them than there is; however their Case differeth from the Case of the Ministers of *Britain and Ireland*; for first that Church is not chargeable with Defections, as (Ah sad!) the Ministers of *Britain and Ireland* are chargeable with many gross Steps of defended Defection; it is true our Church was once a greater Length in Reformation than they are, however they are before us now in the most substantial Things, and have their Faces forward, whereas the Ministers of *Britain and Ireland* have theirs back again, and I count it my Duty to walk with those whose Faces are forward, and not with those whose Backs are turned." And a little after, "The next Thing you write of is, that I have separate from, and excommunicate all the Ministers belonging to *Scotland*; as to withdrawing from them, since their Unfaithfulness was made known to me, that I have done, and hold it to be my Duty."

They have also made Canons, in which are expressed the Qualifications of Persons capable to sit as Members in their Conventions, and Church-fellowship, whereof this is one, Are you free of joyning with the unfaithful, silent, complying Ministers of the Time, by hearing them preach, or receiving the Sacrament at their Hand, subjecting to their Discipline, or being joyned in Marriage with them. Which Canons they stretch the Length, that the Servant may not joyn in Family-worship with the Master, nor the Child with the Parent, if guilty of those Things by them judged scandalous. Thus *Gavin Alison* was debarred from sitting in their Meetings, because he joyned with his Father in Family-worship, who heard the indulged Ministers. *Gavin Weir* was censured for baptizing with Mr. *George Barclay*, *Alexander Gordon* for baptizing with Mr. *Alexander Pedin*, and several others.

And of late, at the general Meeting *January 28. 1686.* they have cast off most Part of the Societies in the Shires of *Air and Galloway*, chiefly upon these Two Heads. 1mo. That they would not disown and condemn the Declaration published by *Argyle*. 2do. Because they were clear to call and hear faithful suffering Ministers.

### Irish Proclamation against treasonable Speeches, Feb. 26. 1686. N<sup>o</sup>. CXXII.

*Tyrconnel.*

Whereas we are informed that several disaffected Persons within this his Majesty's Kingdom, have been of late very industrious, by false Reports, and malicious Insinuations, to suggest to many of his Majesty's loyal Subjects, as it we, his Majesty's chief Governor, intended to govern under his Majesty here, otherwise than by the known Law of this Land of *Ireland*, and as if some of his Majesty's loyal Subjects should stand in Hazard of being disturbed and disquieted in their just Liberties, Properties and other Rights due



due to them by Law, which Calumnies have been heightened and encouraged by some few fiery Spirits in the Pulpits, by taking upon them to treat of Matters that do not ly within their Province; for which Assertions there was not the least Ground, but the perverse Humour, and wicked Principles of the Authors, since his sacred Majesty hath given all his Subjects frequent Assurances of his gracious Resolutions to govern them by Law, and to protect them in their respective Properties and Privileges according to Law; which Resolutions of his said Majesty he has given us his Deputy, in particular Charge, to observe and signify to all his Subjects. For the removing therefore of all Fears and Jealousies proceeding from such scandalous Suggestions, from the Hearts of his Majesty's Subjects here, and for quieting the Minds of the People; and to the end that all his Majesty's good and loyal Subjects may with Cheerfulness apply themselves to their particular Concerns, Trade and Vocation: We the Lord Deputy and Council do hereby publish and declare, that we will, by the Grace of God, apply all our Care and Industry to yield exact and perfect Obedience to his Majesty's said Commands; and do hereby publish and declare in his Majesty's behalf, that we shall take diligent Care that all his Majesty's Subjects within this Kingdom, of what Perswasion in Religion or Degree, whatsoever they be, shall be protected in their just Rights and Properties due to them by Law, and in the free Exercise of their Religion, provided they persevere in their Duty and Allegiance to his Majesty, without giving any Occasion of Disturbance to the Peace of the Kingdom. And for the further Preservation of the publick Peace of this Realm, we do charge and require all Persons whatsoever, to forbear speaking any undutiful or irreverent Expressions of his Majesty's sacred Person or Government. And we do require all his Majesty's Judges, Justices, Magistrates, and Officers, to take particular Care, that all Persons that shall be discovered to be guilty of spreading such scandalous Reports, or using such malicious Insinuations, shall be prosecuted according to the utmost Rigour of the Law, to the end the just Punishment to be inflicted upon them, may terrify others from committing the like Crime.

*Given at the Council-chamber in Dublin, the 21 Day of February, 1686.*

*A. Fytton, C. Franc, Dublin, Granard P. Antrim, Roscommon, Drogheda, Tyrone, Longford, Limerick, Gormonston; Galmoy, Nettervill, Ross, J. Macartie, John Keating, Hen. Hene, John Davis, Th. Nugent, De. Daly, Stephen Rice, Wil. Talbot, Rob. Hamilton, Tho. Newcomen, N. Purcel, Tho. Sheridan.*

God save the King.

*King's Letter to the Archbishops, with Directions to Preachers, March 1636.*  
N<sup>o</sup>. CXXIII.

J A M E S R.

**M**ost Reverend Fathers in God, We greet you well. Whereas the bold Abuses, and Extravagancies of Preachers in the Pulpit, have not only by the Experience of former Ages, been found to tend to the Dishonour of God, the Scandal of Religion, and Disturbance of the Peace, both of Church and State, but did also (through the Licentiousness of the late rebellious Times) much increase, to the inflaming, fomenting, and heightning of the sad Distempers and Confusions that were then among us: And whereas even at this present (notwithstanding the merciful Providence of God, so signally manifested in restoring Our royal Family, and the lawful Government of these Realms, and putting an End to the great Rebellion, and notwithstanding the pious Care and Endeavours of our late dear Brother, and our Self ever since, to govern our Realms in Peace and Tranquillity) it may justly be feared that in sundry Parts of this Realm, there want not Men of unquiet and factious Spirits, who instead of preaching the pure Word of God, and building up the People in Faith and Holiness, will (if they be not restrained) make it a great Part of their Business to beget in the Minds of their Hearers, an evil Opinion of their Governors, by insinuating Fears and Jealousies, to dispose them to Discontent, and to season them with such unsound and dangerous Principles as may lead them into Disobedience, Schism and Rebellion: And whereas also sundry young Divines and Preachers, either out of a Spirit of Contention and Contradiction, or in a vain Ostentation of their Learning, take upon them in their popular Sermons, to handle the deep Points of God's eternal Counsels and Decrees, or to meddle with the Affairs of State and Government, or to wrangle about Forms and Gestures, and other fruitless Disputes and Controversies, serving rather to amuse than profit the Hearers; which is done for the most part, and with the greatest Confidence, by such Persons as least understand them: We, out of Our princely Care and Zeal for the Honour of God, the Advancement of Piety, Peace, and true Religion, and for the preventing for the future, as much as lieth in Us, the many and great Inconveniencies and Mischiefs that will unavoidably ensue, if a timely Stop be not given to these and the like growing Abuses, do, according to the Examples of several of Our Predecessors of blessed Memory, by these Our special Letters, straitly charge and command you, to use your utmost Care and Diligence that these Directions, which upon long and serious Consideration, Our late dear Brother thought good to give concerning Preachers, and which We upon like Considerations have Anno 1662. approved, and caused to be reprinted, and herewith sent unto you, be from henceforth duly and strictly observed by all the Bishops, and others concerned therein within your Provinces. And to this end Our Will and Pleasure is, that you forthwith send them Copies of these our Directions, to be by them speedily communicated to every Parson, Vicar, Curate, Lecturer, and Preacher in every Cathedral, Collegiate, and Parish-church within their Dioceses: And that you earnestly require them to imploy their utmost Endeavour for the due Observation of the same, whereof We shall expect a strict Account, both of you



you, and every one of them: And these Our Letters shall be your sufficient Warrant, and Discharge in that behalf;

*Given at Our Court at Whitehall the fifth Day of March, 1685. in the second Year of Our Reign.*

By his Majesty's Command,

SUNDERLAND: P.

*Directions concerning Preachers.*

I. **T**hat no Preachers in their Sermons presume to meddle with Matters of State, to model new Governments, or take upon them to declare, limit, or bound out the Power and Authority of sovereign Princes, or to state and determine the Differences between Princes and the People; but that upon all good Occasions they faithfully instruct the People in their bounden Duty of Subjection and Obedience to their Governors, superior and subordinate, of all Sorts, and to the established Laws according to the Word of God, and the Doctrine of the Church of *England*, as it is contained in the Homilies of Obedience, and the Articles of Religion set forth by publick Authority.

II. That they be admonished not to spend their Time and Study in the Search of abstruse and speculative Notions, especially in and about the deep Points of Election and Reprobation, together with the incomprehensible Manner of the Concurrence of God's free Grace, and Man's free Will, and such other Controversies as depend thereupon: But howsoever that they presume not positively, and doctrinally to determine any Thing concerning the same.

III. That they forbear in their Sermons ordinarily and causelessly to enter upon the handling of any other Controversies of less Moment and Difficulty: But whensoever they are occasioned by Invitation from the Text they preach upon, or that in regard of the Auditory they preach unto, it may seem requisite or expedient so to do; that in such Cases they do it with all Modesty, Gravity, and Candor, asserting the Doctrine and Discipline of the Church of *England*, from the Cavils and Objections of such as are Adversaries to either, without Bitterness, Railing, Jeering, or other unnecessary or unseemly Provocation.

IV. That for the more edifying of the People in Faith and Godliness (the aforesaid Abuses laid aside) all Ministers and Preachers in their several respective Cures, shall not only diligently apply themselves to catechize the younger Sort, according as in the Book of Common Prayer is appointed; but also, shall in their ordinary Sermons insist chiefly upon catechetical Doctrines (wherein are contained all the necessary and undoubted Verities of Christian Religion) declaring withal unto their Congregations what Influences such Doctrines ought to have into their Lives and Conversations, and stirring them up effectually, as well by their Examples as their Doctrines, to the Practice of such religious and moral Duties, as are the proper Results of the said Doctrines, as Self-denial, Contempt of the World, Humility, Patience, Meekness, Temperance, Justice, Mercy, Obedience, and the like; and to a Detestation and shunning of Sin, especially such Sins as are so rife among us, and common to the Age we live in; such are those usually stiled the seven deadly Ones, in short, all Kind of Debauchery, Sensuality, Rebellion, Profaneness, Atheism, and the like. And because the late licentious Times have corrupted Religion, even in the very Roots and Foundations, that where there is an Afternoon's Exercise, it be especially spent either in explaining some Part of the Church-catechism, or in preaching upon some such Text of Scripture, as will properly and naturally lead to the handling of some Thing contained in it, or may conduce to the Exposition of the Liturgy, and Prayers of the Church (as Occasion shall be offered) the only Cause they grew into Contempt amongst the People being this, that they were not understood. That also the Minister, as often as conveniently he can, read the Prayers himself; and when he cannot so do, he procure or provide some fit Person in holy Orders, who may do it with that Gravity, Distinctness, Devotion and Reverence as becomes so holy an Action: And whensoever, by reason of his Infirmary, or the Concurrence of other Offices, the Time may seem too short, or be unable to perform the Office of both Prayers and Sermon at length, he rather shorten his Discourse or Sermon, than omit any Thing of the Prayers, lest he incur the Penalty of the Act for Uniformity, requiring them to be read according as the Book directs.

V. And further Our Will and Pleasure is, that all Ministers within their several Cures, be enjoined publicly to read over unto the People, such Canons as are or shall be in Force, at least once, and the Thirty nine Article twice every Year, to the end they may the better understand, and be more thoroughly acquainted with the Doctrine and Discipline of the Church of *England*, and not so easily drawn away from it as formerly they have been.

VI. Since preaching was not anciently the Work of every Priest, but was restrained to the choicest Persons for Gravity, Prudence and Learning, the Archbishops and Bishops of this Kingdom, are to take great Care whom they license to preach, and that all Grants and Licences of this Kind heretofore made by any Chancellor, Official, Commissary, other secular Person (who are presumed not to be so competent Judges in Matters of this Nature) be accounted void and null, unless the same shall likewise be allowed by the Archbishop or the Bishop of the Diocese, and that all Licences of Preachers hereafter to be made or granted by any Archbishop or Bishop, shall be only during Pleasure, otherwise to be void to all Intents and Purposes, as if the same had never been made nor granted.

VII. Lastly, that for the better observing of the Lord's Day, too much neglected of late, they shall, as by often and serious Admonitions and sharp Reproofs, endeavour to draw off People from such idle, debauched, and profane Courses as dishonour God, bring a Scandal on Religion, and Contempt on the Laws and Authority, Ecclesiastical and Civil, so shall they very earnestly perswade them to frequent divine Service on the Lord's Day, and other Festivals appointed by the Church to be kept solemn; and in case any Person shall resort



sort unto any Taverns or Ale-houses, or use any lawful Sports and Exercises on such Days, the Minister shall exhort those which are in Authority in their several Parishes and Congregations, carefully to look after all such Offenders in any Kind whatsoever, together with all those that abet, receive or entertain them, that they may be proceeded against, according to the Laws, and Quality of their Offences, that all such Disorders may, for the Time to come, be prevented.

*Given at Our Court at Whitehall, the fifth Day of March, 1685. in the second Year of Our Reign.*

By his Majesty's Command,

SUNDERLAND. P.

*Proclamation against Slanderers and Leasing-makers, June 16. 1686. N<sup>o</sup>. CXXIV.*

**J**A M E S, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, To Our Lyon King at Arms, and his Brethren, Herald, Mace, of Our Privy Council, Purlevants, and Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Whereas We are informed that divers Ministers and others, to promote their seditious Designs, do take upon them in Sermons, and other Discourses, to alarm the People, and to raise Dislike of Our Person and Government in their Hearts, defaming and standing Our Designs, or at least, meddling in Our Affairs; all which are highly punishable, and the Punishments declared by Our Laws and Acts of Parliament, especially by the seventh Act of the eighth Par. of King James the VI. Our royal Grand-father, (of ever blessed Memory) Cap. 134. Intituled, *Against Slanderers of the King, his Progenitors, Estate and Realm*; And of which, in so far as relates to these Affairs, the Tenor follows. Forasmuch as it is understood to Our sovereign Lord, and his three Estates assembled in this present Parliament, what great Harm and Inconvenience has fallen in this Realm, chiefly since the Beginning of the civil Troubles, occurred in the Time of his Highness's Minority, through the wicked and licentious, publick and private Speeches, and untrue Calumnies of divers his Subjects, to the Disdain, Contempt and Reproach of his Majesty, his Council and Proceedings, and to the Dishonour and Prejudice of his Highness, his Parents, Progenitors and Estate; stirring up his Highness's Subjects thereby to Mifiking, Sedition, Unquietness, and to cast off their due Obedience to his Majesty, to their evident Peril, Tinsel and Destruction; his Highness continuing always in Love and Clemency towards all his good Subjects, and most willing to seek the Safety and Preservation of them all; which wilfully, needlessly, and upon plain Malice after his Highness's, Mercy and Pardon oft-times afore granted, has procured themselves by their treasonable Deeds, to be cut off as corrupt Members of this Common-wealth: Therefore it is Statute and Ordained, by Our sovereign Lord and his three Estates in this present Parliament, that none of his Subjects (of whatsoever Function, Degree, or Quality in time coming) shall presume to take upon Hand privately or publickly, in Sermons, Declamations, or familiar Conferences, to utter any false, slanderous, or untrue Speeches, to the Disdain, Reproach and Contempt of his Majesty, his Council and Proceedings, or to the Dishonour, Hurt or Prejudice of his Highness, his Parents and Progenitors, or to meddle in the Affairs of his Highness, and his Estate present, bygone, and in time coming, under the Pains contained in the Acts of Parliament, against Makers and Tellers of Leasings: Certifying them that shall be tried Contraveeners thereof, or that hear such slanderous Speeches, and report not the same with Diligence, the said Pains shall be executed against them with all Rigour, in Example of others. And to the end that so necessary and laudable a Law may receive due and punctual Obedience, We therefore, with Advice of Our privy Council, do hereby declare, that the Contraveeners hereof any manner of way, shall be exemplarily punished with all Rigour, conform to the Pre-script of the said Statute in all Points. And that Our Royal Pleasure in the Premises may be made publick and known, Our Will is, and we charge you strictly and command, that incontinent, these our Letters seen, ye pass to the Market-crosses of Edinburgh, and all the other Market-crosses of the head Burghs of the Shires of this Kingdom, and there in Our Name and Authority, by open Proclamation, make Publication of Our Royal Pleasure in the Premises, that all Our Lieges may have Notice thereof, and give Obedience thereto, as they will be answerable at their highest Peril.

*Given under Our Signet, at Edinburgh the seventeenth Day of June, One thousand six hundred eighty six Years, and of Our Reign the second Year.*

*Per actum Dominorum secreti Concilii*

COLIN MACKENZIE *Cl. Sec. Concilii*

God save the King.

*Proclamation pardoning the Shire of Argyle, Sept. 16. 1686. N<sup>o</sup>. CXXV.*

**J**A M E S, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, To Our Lyon King at Arms, and his Brethren, Herald, Mace, of Our Privy Council, or Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Forasmuch as We being now resolved, for the Ease of Our good Subjects, and quietting the Shires



Shires of *Argyle* and *Tarbet*, out of Our Royal Clemency and princely Compassion, to indemnify the Commoners therein, for their Accession to the late *Argyle's* Rebellion, with the Exception aftermentioned, do therefore, with Advice of Our Privy Council, hereby give and grant Our full, free, and ample Pardon and Indemnity to all the Commoners within the said Shires of *Argyle* and *Tarbet*, for their Lives only; excepting such as shall be found by Our Commissioner, now sent thither, during his Stay there, to have been either Ringleaders, or Officers in the said Rebellion, (who are hereby excluded.) And We hereby declare, that this Our Pardon and Indemnity shall be to the said Commoners (not excepted, as said is) as valid and sufficient, for any Accession they had to the said late Rebellion, or for harbouring, resetting, conversing, or corresponding with these Rebels, as if they and every of them had a particular Remission for the said Crimes, past under Our great Seal. And further, We hereby declare, that it is and shall be free to all Our Lieges, from the Date hereof, to converse, correspond, and intercommune with, reset, harbour, and entertain the Commoners indemnified, as said is, without incurring any Hazard, or Action, civil or criminal, upon that Account, in all Time coming: And that this Our gracious and ample Indemnity may be published and known, Our Will is, and We charge you strictly and command, that incontinent, these Our Letters seen, ye pass to the Market-cross of *Edinburgh*, and other Places needful, and there, in Our Royal Name and Authority, by open Proclamation, make Publication of Our gracious Pardon and Indemnity abovescriben, that all Persons concerned may have Notice thereof.

*Given under Our Signet, at Edinburgh the sixteenth Day of September, One thousand six hundred and eighty six, and of Our Reign the Second Year.*

*Per actum Dominorum secreti Concilii.*

*Col. Mackenzie Cl. Secr. Concilii.*

God save the King.

*Criminal Letters against Doctor Gilbert Burnet, 1687. No. CXXVI. A.*

**JAMES**, &c. To Our Lovits, &c. Heralds, Pursewards, Macers, and Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Forasmuch as it is humbly meant and complained to Us, by Our right trusty and familiar Counsellor, Sir *John Dalrymple* the younger of *Stair*, Our Advocate, for Our Interest, upon Doctor *Gilbert Burnet*.

That where, notwithstanding by the Laws and Acts of Parliament, and constant Practick of this Our Kingdom, the venting of slanderous, treasonable, and advised Speeches and Positions, and the reproaching Our Person, Estate, and Government, and the resetting, supplying, aiding, assisting, intercommuning with, and doing Favours to denounced Rebels, or forfeited Traitors, are punishable by Forfeiture of Life, Land, and Goods; and particularly by the 134 Act of 8 Parl. King *Jam. VI.* it is statute and ordained, that none of our Subjects of whatsoever Degree, Estate, or Quality, shall presume or take upon Hand, privately or publickly, in Sermons, Declamations, or familiar Conferences, to utter any false, slanderous, or untrue Speeches, to the Disdain, Reproach, or Contempt of Us, Our Council or Proceedings, or to the Dishonour, Hurt, or Prejudice of Us, or to meddle in Our Affairs or Estate bygone, present, or in Time coming, under the Pain of Death, and Confiscation of Moveables. And by the 10 Act, 10 Parl. *Jam. VI.* it is statute and ordained, that all Our Subjects contain themselves in Quietness, and dutiful Obedience to Us, Our Government and Authority; and that none of them presume, or take upon Hand publickly to declaim, or privately to speak or write any Purpose of Reproach or Slander against Our Person, Estate or Government, or to deprave Our Laws and Acts of Parliament, or misconstrue Our Proceedings, whereby any Dislike may be moved betwixt Us, Our Nobility and loving Subjects, in Time coming, under the Pain of Death; and that these that do in the contrary shall be reputed as seditious and wicked Instruments, Enemies to Us, and the common Well of this Realm, and that the said Pain of Death shall be inflicted upon them with all Rigour, in Example of others. And by the Second Act, 2 Sess. of the 1 Parl. of King *Char. II.* We and Our Estates of Parliament do declare, that in these Positions that it is lawful for Subjects, upon Pretence of Reformation, or any other Pretence whatsoever, to enter into Leagues or Covenants, or to take up Arms against Us, or these commisionate by Us, or to put Limitations upon their due Obedience and Allegiance, are rebellious and treasonable; and that all Persons who shall, by writing, preaching, or other malicious and advised speaking, express these treasonable Intentions, shall be proceeded against, and adjudged Traitors, and shall suffer Forfeiture of Life, Lands, and Goods; likeas, by the 3 Act, 1 Parl. King *Jam. I.* and 37 Act of his 2 Parl. and by the 9 Act of 13 Parl. King *Jam. II.* and 144 Act, 12 Parl. *Jam. VI.* and divers and sundry other Laws and Acts of Parliament of this Our Kingdom, it is declared high Treason for any of Our Subjects to reset, supply, or intercommune with declared or forfeited Traitors, or give them Meat, Drink, House, Harbour, or any Relief or Comfort; and if they do in the contrary, they are to undergo the same Pains the said Traitors or Rebels ought to have sustained, if they had been apprehended.

Nevertheless, it is of Verity, that the said Doctor *Gilbert Burnet*, shaking off all Fear of God, Conscience, and Sense of Duty, Allegiance and Loyalty to Us his sovereign and native Prince, upon the Safety of whose Person and Maintenance of whose sovereign Authority and princely Power, the Happiness, Stability, and Quietness of Our Subjects depend, has most perfidiously and treasonably presumed to commit, and is guilty of the Crimes abovementioned, in so far as, *Archibald Campbell*, sometime Earl of *Argyle*, *James Stuart* Son to Sir



Sir James Stuart sometime Provost of Edinburgh, Mr. Robert Feigussan sometime Chaplain to the late Earl of Shaftesbury, Thomas Stuart of Culneth, William Denholm sometime of Westbels, Mr. Robert Martin sometime Clerk to Our Justice-court, and several other Rebels and Traitors, being most justly, by Our high Courts of Parliament and Justice-court, forfeited for the Crimes of Treason, and fled to Our Kingdom of England, and to Holland, Flanders, Geneva, and several other Places, the said Doctor Gilbert Burnet did upon the First, Second, and remanent Days of the Months of January, February, and remanent Months of the Years 1682, 1683, 1684. or January, February, March or April, 1685. converse, correspond, and intercommune with the said Archibald late Earl of Argyle, a forfeited Traitor, and that within the said Doctor Burnet his Dwelling-house, in Lincoln's Inn-fields, near the Plough-inn in Our City of London, or Suburbs thereof, or some other Part or Place within Our Kingdom of England, defamed, slandered and reproached, and advisedly spoke to the Disdain and Reproach of Our Person, Government, and Authority, wrote several Letters, and received Answers thereto, from the said forfeited Traitor, when he was in Holland or elsewhere, expressly contrary to his Duty and Allegiance to Us his sovereign Lord and King. And likewise, upon the First, Second, and Third Days of the Months of May, June, July, August, September, October, November, and December, 1685. and upon the First, Second, and Third Days of the Months of January, February, and remanent Months of the Year 1686. and First, Second, and Third Days of the Months of January, February, March, 1687. or any other of the Days of any or other of the said Months or Years, the said Doctor Gilbert Burnet did most treasonably refer, supplied, aided, assisted, conversed, and intercommuned with, and did Favours to the said James Stuart, Mr. Robert Fergusson, Thomas Stuart, William Denholm, and Mr. Robert Martin, forfeited Traitors and Rebels, in the Cities of Rotterdam, Amsterdam, Leyden, Breda, Geneva, or some other Part or Place within the Netherlands, or elsewhere, publicly and avowedly uttered several Speeches and Positions, to the Disdain of Our Person, Authority, and Government, continues and persists in such undutiful and treasonable Practices against Us and Our Government, ( We being his sovereign Lord and Prince ) expressly contrary to his Allegiance and Duty. By committing of the which Crimes above specified, or either of them, the said Doctor Burnet is guilty and culpable of the Crime of high Treason, and is Art and Part thereof, which being found by any Inquest, he ought and should suffer Forfeiture of Life, Land, and Goods, to the Terror and Example of others to commit the like hereafter. Our Will is therefore, and We charge you traitly and command, that incontinent, this Our Letter seen, ye pass, and in Our Name and Authority, command and charge the said Doctor Gilbert Burnet above complained upon, by Sound of Trumpet, with displayed Coat, and using other Solemnities necessary, to come and find sufficient Caution and Surety, acted in Our Books of Adjournal, that he shall compare before Our Lords Justice-general, Justice-clerk, and Commissioners of Justiciary, within the Tolbooth or criminal Court-house of Edinburgh, the Twenty seventh Day of June next to come, in the Hour of Cause, there to underly the Law for the Crimes abovementioned, and that under the Pains contained in the new Acts of Parliament ; and that ye charge him personally, if he can be apprehended, and failing thereof, at his Dwelling-house, and by open Proclamation at the Market-crofs of the head Burgh of the Shire, Stewartry, Regality, and other Jurisdiction where he dwells, to come and find the said Surety acted in Manner foresaid, within Six Days, if he be within this Our Kingdom ; and if he be out with the same, that ye command and charge him in Manner foresaid, by open Proclamation on at the Market-crofs of Edinburgh, Pier and Shore of Leith, to come and find the said Surety within Threescore Days next after he is charged by you thereto, under the Pain of Rebellion, and putting of him to Our Horn. Which Six and threescore Days respectively being bypast, and the said Surety not being found, nor no Intimation made by him to you of the finding thereof, that ye incontinent thereafter denounce him Our Rebel, and put him to Our Horn, escheat and bring in all his Moveables, Goods and Gear to Our Use, for his Contemption and Disobedience. And if he come and find the said Surety, Intimation being always made by him to you of the finding thereof, that Summons and Assize hereto, not exceeding the Number of Forty five Persons, together with such Witnesses who best know the Verity of the Premises, whose Names shall be given you in Roll, subscribed by the said Complainer, ilk Person under the Pain of an Hundred Merks. And that ye, within Fifteen Days after his Denunciation for not finding of Caution, cause registrate thir Our Letters, with your Executions thereof, in Our Books of Adjournal, conform to the Act of Parliament made thereanent, according to Justice, as ye will answer to Us thereupon. The which to do commits to you conjunctly and severally Our full Power, by thir Our Letters, delivering them to be by you duly executed, and indorsed again to the Bearer.

Given under Our Signet, at Edinburgh the Nineteenth Day of April, and of Our Reign the Third Year, One thousand six hundred and eighty seven.

*Ex deliberatione Dominorum Commissionariorum Justiciarum.*

Tho. Gordon.

*The Witnesses against Doctor Gilbert Burnet are,*

Mr. William Carstairs Preacher,  
Robert Baird Merchant in Holland,  
Mr. Richard Baxter Preacher,  
Sir John Cochran of Ochiltree,

John Cochran of Waterside,  
Mr. Rob. West Lawier, Englishman,  
Mr. Zach. Burn Brewer, Englishman.



## Doctor Burnet's Answer. No. CXXVI. B.

I Look upon it as a particular Misfortune, that I am forced to answer a Citation that is made in his Majesty's Name, which will be ever so sacred with me, that nothing but the Sense of an indispensable Duty could draw from me any Thing that looks like a contending with that sublime Character.

I owe the Defence of my own Innocence, and of my Reputation and Life, to my self; I owe also to all my Kindred and Friends, to my Religion, as I am a Christian and a Protestant, and to my Profession as I am a Churchman, and above all to his Majesty as I am his born Subject, such a Vindication of my Loyalty and Integrity, as may make it appear, that my not going to *Scotland*, according to the Tenor of this Citation, does not flow from any Sense of Guilt or Fear, but merely from those Engagements under which I am in *Holland*.

I hope my contradicting or refuting the Matters of Fact set forth in this Citation, shall not be so maliciously perverted by any, as if I meant either to reflect on his Majesty for writing to his Council of *Scotland*, ordering this Citation to be made, or on his Advocate for forming it, and issuing it out: But as I acknowledge, that upon the Information it seems was offered of those Matters here laid against me, it was very reasonable for his Majesty to order Justice to be done upon me; so his Advocate, in whose Hands those Informations it seems are now put, had all possible Reason to lay them against me, as he has done; and therefore I will not pretend to make any Exception to the Laws and Acts of Parliament set forth in the first Part of this Citation; but I will only answer the Matters of Fact laid to my Charge, and whatsoever I say concerning them, does only belong to my false Accusers; and therefore I hope they will not be looked on as Things in which even his Majesty's Advocate, but much less his sacred Majesty is any way concerned.

I am first accused for having seen, conversed with, and held Correspondence with the late Earl of *Argyle*; and to make this appear the more probable, the Place is marked very critically where I lived, and where, as it is pretended, we met: But it is now almost Two Years since the late *Argyle* was taken, and suffered, and that a full Account was had of all his secret Practices, in all which I have not been once so much as mentioned, tho' it is now a Year since I have lived and preached openly in these Provinces. The Truth is, that for Nine Years before the late Earl of *Argyle*'s Forfeiture, I had no Sort of Correspondence with him, nor did I ever see him since the Year 1676. After his Escape out of Prison, I never saw him, nor wrote to him, nor heard from him, nor had I any Sort of Commerce with him, directly nor indirectly; the Circumstance of my House, and the Place wherein I lived is added, to make the Thing look somewhat probable: But tho' it is very easy to know where I lived, and I having dwelt in *Lincoln-inn-fields* the Space of Seven Years, it was no hard Matter to add this Particular; yet so inconsiderate is the Malice of my Enemies, that even in this it leads them out of the Way; for soon after *Argyle*'s Escape, and during the Stay that, as is believed, he made in *London*, I had removed from *Lincoln-inn-fields* into *Brook-buildings*, this makes me guess at the Informer, who saw me often in the one House, but never in the other; and yet even he who has betrayed all that ever past between us, has not Impudence enough to charge me with the least Disloyalty, tho' I concealed very few of my Thoughts from him.

With this of my seeing the late *Argyle*, the Article of the scandalous and treasonable Words, pretended to be spoken by me to him, against his Majesty's Person and Government, falls to the Ground: It is obvious that this cannot be proved, since *Argyle* is dead; and it is not pretended, that these Words were uttered in the hearing of other Witnesses, nor is it needful to add that his Majesty was then only a Subject, so that any Words spoken of him at that Time cannot amount to Treason; but I can appeal to all these with whom I have ever conversed, if they have ever heard me fail in the Respect I owed the King: And I can easily bring many Witnesses, from several Parts of *Europe*, of the Zeal with which I have on all Occasions expressed my self on those Subjects; and that none of all those hard Words that have been so freely bestowed on me has made me forget my Duty in the least.

I am in the next Place accused of Correspondence with *James Stuart*, *Mr. Robert Fergusson*, *Thomas Stuart*, *William Denholm*, and *Mr. Robert Martin*, since my coming out of *England*; and that I have entertained them and supplied them in foreign Parts, particularly in the Cities of *Amsterdam*, *Rotterdam*, *Leyden*, *Breda*, *Geneva*, or in some other Parts within the *Netherlands*. This Article is so very ill laid in all its Branches, that it shews my Enemies have very ill Informations concerning my most general Acquaintance, since, tho' there are amongst those who are condemned for Treason, some that are of my Kindred and ancient Acquaintance, they have here cast together a Company of Men, who are all (*James Stuart* only excepted) absolutely unknown to me, whom I never saw, and with whom I never exchanged one Word in my whole Life, as far as I can remember; one of them, *Mr. Robert Martin*, was, as I ever understood it, dead above a Year before I left *England*; as for *James Stuart*, I had a general Acquaintance with him Twenty Years ago, but have had no Commerce with him now for many Years, unless it was that I saw him twice by accident, and that was several Years before there was any Sentence past on him: My Accusers know my Motion ill, for I have not been in *Breda* these Twenty three Years. I settled in the *Hague* upon my coming into *Holland*, because I was willing to be under the Observation of his Majesty's Envoy: And I chose this Place the rather, because it was known that none of those that lay under Sentences come to it. I have never gone to *Amsterdam* or *Rotterdam* in secret, and have never been there but upon my private Affairs, and that never above a Night or Two at a Time, and I have been so visible all the while that I was in these Places, that I thought there was not room left even for Calumny.

In the last Place, it is said that I have publicly and avowedly uttered several Speeches and Positions to the Disdain of his Majesty's Person, Authority, and Government, and that I continue and persist in these treasonable Practices; this is so generally asserted, that it is enough for me to say, it is positively false: But I have yet clearer Evidence to the contrary of this; I have preached a whole Sermon in the *Hague*, against all treasonable Doctrines and Practices, and particularly against the Lawfulness of Subjects rising in Arms against their Sovereign, upon the account of Religion; and I have maintained this so oft both in publick and



and private, that I could, if I thought it convenient, give Proofs of it, that would make all my Enemies be ashamed of their Injustice and Malice.

The Witnesses cited against me are, first, Sir *John Cochran*, whom I have not seen above these Four Years last past, and with whom I have had no Sort of Commerce since I saw him. It is almost Two Years since he had his Pardon, so it is probable he then told all that he has ever told concerning me; and it is not likely that the Matter would have been let ly sleeping all this while, if he had said any thing to my Prejudice. I confess I have been long acquainted with him; I look upon him as a Man of Honour, and I reckon my self so safe in his Honour, and in my Innocence, that I do freely release him from all the Obligations of Friendship and Confidence, and wish that he may declare every thing that has ever past between us; for then I am sure he will do me the Right to own, that as oft as we talked of some Things that were complained of in *Scotland*, I took the Occasion to repeat my Opinion of the Duty of Subjects, to submit and bear all the ill Administrations that might be in the Government, but never to rise in Arms upon that account. The next Witness is his Son, whom I never saw but once or twice, and with whom I never entred into any Discourse, but what became a Man of my Profession to so young a Person, exhorting him to the Duties of a Christian. The next Two are Mr. *West* and Mr. *Burn*, whose Faces I do not know; after them come Mr. *Carstairs* and Mr. *Baird*, whose Faces I know not either. It seems these are the Witnesses to be led against me, for the Article relating to the *Netherlands*; but as I am wholly a Stranger to Mr. *Carstairs*, so I do not so much as know if there be such a Person in Being as Mr. *Baxter*; I have had no Correspondence at all with him, these Two and twenty Years, unless it was, that once or twice I met him by Accident, in a Visit in a third Place, and that once, about Six Years ago, I went to discourse with him concerning a Matter of History, in which we differed; but as all our Conversation at that Time, was in the Presence of some Witnesses, so it was not at all relating to Matters of State.

And now I have gone over all the Matter that is laid against me in this Citation, and have made such Reflections both on the Facts that are alledged, and the Witnesses that are named, as will, I hope, satisfy even my Enemies themselves, of the Falshood and Injustice of these Informations; so that I presume so far on his Majesty's Justice, as to expect that all the Indignation which is kindled against me, will be turned upon my false Accusers.

To all this I will add one Thing further, for my Justification, tho' I am fully satisfied it is that which I am not obliged to do, and which, if I were in other Circumstances, I would not do my self, as I would advise no other Man to do it: For it is a Part of that Right that every Man has, to preserve himself by all lawful Ways, that he do not accuse himself, and, by Consequence, that he do not purge himself by Oath; of Matters objected to him; and I do not so well approve of the Courts of Inquisition, as to give Countenance to a Practice which was first set on foot by them, of requiring Men to answer upon Oath to Matters objected to them. If I were not a Church-man, I would not do this which I am about to do, as I declare I will never do it again, let my Enemies lay to my Charge what they please; but the Regard I have to this sacred Function to which I am dedicated, makes me now, once for all, offer this solemn Purgation of my self. I attest the great God, the Searcher of all Things, and the Judge of all Men, that all the Matters of Fact laid to my Charge in this Citation, are utterly groundless and absolutely false. This I am ready to confirm with my corporal Oath, and to receive the Sacrament upon it.

And now I hope I have said enough to satisfy his Majesty concerning my Innocence, so that I am confident he will not only discharge all further Proceedings against me upon this Accusation, but that he will express his Royal Displeasure against my false Accusers: But if the Power of my Enemies, and their Credit with his Majesty, is still so great, that this Matter shall be carried further, and that Advantage shall be taken from my not appearing in *Scotland*, to proceed to a Sentence against me, which some brutal Men now in the *Hague*, are threatening before-hand, that they will execute it, I then make my most humble Appeal to the great God, the King of Kings, who knows my Innocence, and to whom my Blood will cry for Vengeance against all that may be any way concerned in the shedding of it: He will, at the great Day, judge all Men righteously, without Respect of Persons; it is to him that I flee, who, I am sure, will hear me. Judge me, O God, according to the Integrity that is in me.

Gilbert Burnet

*At Hague in Holland, 17 May, O. S. 1687.*

Dr. Burnet's second Citation. N<sup>o</sup>. CXXVI. C.

**JAMES**, by the Grace of GOD, &c. Greeting. Forasmuch as it is humbly meant or complained to Us, by Our right trusty and familiar Counsellor, Sir *John Dalrymple* the younger of *Stair*, Our Advocate for Our Interest, upon Dr. *Gilbert Burnet*: That where, by the common Law, by the Acts of Parliament, and the municipal Laws of this Kingdom, the declining or impugning Our sovereign Authority, or putting treasonable Limitations upon the Prerogatives of Our Crown, upon the native Allegiance due by any of Our Subjects, born *Scotsmen*, whether residing within Our Dominions or not, are declared to be high Treason, and punishable by the Pains due and determined in the Law for Treason. Nevertheless it is of Verity, that Dr. *Gilbert Burnet*, who is a *Scotsman* by Birth and Education, being cited at the Pier and Shore of *Leith*, at the Instance of Our Advocate, for several treasonable Crimes, to underly the Law, by virtue of particular Command from Us, direct to the Lords of Our Privy Council, and an Act of Our said Privy Council hereupon, ordering Our Advocate to intent the Process; instead of appearing before the Lords of Justiciary, Dr. *Gilbert Burnet* did write and subscribe a Letter, dated at the *Hague* the Third Day of May last, directed for the Earl of *Middleton*, one of our principal Secretaries of State for Our Kingdom



of England: In the which, the said Dr. shews, that in respect the Affairs of the united Provinces fall to his Lordship's Share in the Ministry, therefore he makes the following Addreses to his Lordship, and by him to Us, and gives an Account that he is certiorate of the Process of Treason executed against him, at the Instance of Our Advocate; and, for Answer thereto, the Dr. writes, That he has been Thirteen Years out of the Kingdom of Scotland, and that he is now upon the Point of marrying in the Netherlands, and that he is naturalized by the States of Holland, and that thereby, during his Stay there, his Allegiance is translated from Us to the Sovereignty of the Province of Holland; and, in the End of his Letter, he certifies, that if this Declinature be not taken off his Hand, to sist the Process, he will appear in Print in his own Detence, and will not so far betray his own Innocence, as to suffer a Thing of that Nature to pass upon him, in which he will make a Recital of Affairs that have passed these Twenty Years, and a vast Number of Particulars, which he believes will be displeasing to Us; and therefore desires, that he may not be forced to it, which is a direct declining of Our Authority, denying of his Allegiance to Us, and asserting, that his Allegiance is translated from Us to the Sovereignty of the States of Holland, and a threatening Us to expose, traduce, disparage, and bely Our Government, and the publick Affairs for Twenty Years past; tho' he acknowledges it will be displeasing to Us, yet, by a most indiscreet and disloyal Insolence, he threatens to do it in Contempt, except forsooth We will acquiesce, and suffer the Declinature of Our Royal Authority, and pass from the Process, as having no Allegiance due to Us from the Dr. &c. in common Form.

*Proclamation against Conventicles, 1687. N<sup>o</sup>. CXXVII.*

**JAMES**, by the Grace of GOD, King of Great Britain, France, and Ireland, Defender of the Faith: Macers  
 To  
 of Our Privy Council, or Messengers at Arms, Our Sheriffs in that Parr, conjunctly and severally, specially constitute, and to all and sundry Our Lieges and Subjects, whom it effects, Greeting: Whereas We have, by Our Proclamation, of the Twentieth of February last past, and Our other Proclamation of the Twenty eighth of June thereafter, explaining and extending the same in favours of all Our Subjects of this Kingdom, of whatsoever Profession, granted full Liberty to them to meet, and serve God in their own Way and Manner, on the Terms therein expressly mentioned: Yet We understanding, that several seditious Preachers, and others, declared Fugitives, do, nevertheless of that Our great and unexpected Clemency and Favour, meet in the open Fields, and there keep Conventicles, (these Rendevouzes of Rebellion) and that great Numbers of Persons of all Sorts, do frequent these seditious Meetings, and many in Arms. We have thought fit therefore, with Advice of Our Privy Council, hereby to declare, that not only all such Persons, (whether Preachers or Hearers, that shall presume to be at any Conventicle in the open Fields) but also all dissenting Ministers, who shall take upon them to preach in Houses, without observing such Directions as are prescribed by Our said late Proclamation, viz. *That nothing be preached or taught among them, which may any way tend to alienate the Hearts of Our People from Us or Our Government, and that their Meetings be peaceable, openly and publicly held, and all Persons freely admitted to them, and that they do signify and make known to some one or more of Our next Privy Counsellors, Sheriffs, Stewarts, Bailies, Justices of Peace, or Magistrates of Royal Burrows, what Place or Places they set apart for these Uses, with the Names of the Preachers;* shall be prosecuted with the utmost Rigour and Severity, that Our Laws, Acts of Parliament, and Constitutions of this Our ancient Kingdom, will allow: Requiring hereby all Our Officers, civil and military, and all other Our good Subjects, who are or may be any way concerned in the Execution thereof, to see this Our Royal Will and Pleasure duly performed, and put in Execution, conform to Our said Laws, Acts of Parliament, and Constitutions aforesaid, every manner of way, as is thereby prescribed, and under the Pains and Certifications therein mentioned: And to the end Our said Proclamation, of the Twenty eighth of June last, may receive due Obedience, We, with Advice aforesaid, do strictly require all such as shall preach, by virtue thereof, at any Time, or in any Place, to make Intimation of their Preaching, as to the Time and Place, before their Meetings, to some one or more of Our next Privy Counsellors, Sheriffs, Stewarts, Bailies, Justices of Peace, or Magistrates of Our Royal Burrows, and of their fixing their Abodes there, which shall be sufficient to them during their Residence at that Place or Places only. And in case they be transient Preachers, that they give the same Intimation to some one or more of Our Privy Council, or others aforesaid, both, as they will be answerable. And further, We, in prosecution of Our said late Proclamation, do hereby require all and every Person aforesaid, to whom such Intimation shall be given, *respective*, to send in to the Clerks of Our Privy Council, once every Month, the Name and Surname of the Persons Preachers, and the Times and Places of their Meetings, as they will answer the contrary at their Peril. And that Our Royal Pleasure in the Premises may be known, and due and exact Obedience given thereto, Our Will is herefore, and We charge you strictly and command, that incontinent, these Our Letters seen, ye pass to the Market-cross of Edinburgh, and all the other Market-crosses of the head Burghs of the Shires of this Kingdom, and other Places needful, and there, in Our Name and Authority, by open Proclamation, make Publication of Our Pleasure in the Premises, that none may pretend Ignorance.

*Given under Our Signet, at Edinburgh the Fifth Day of October, 1687. and of Our  
 Reign the third Year.*

*Per actum Dominorum Secreti Concilii.*

*Col. Mackenzie Cl. Secr. Concilii.*

God save the King:

King's



*King's Letter to the Council, February 12. 1687. N<sup>o</sup>. CXXVIII.*

JAMES R.

Right trusty and right well-beloved Cousin and Counsellor, Right trusty and right well-beloved Counsellor, Right trusty and entirely beloved Cousins and Counsellors, Right trusty and right well-beloved Cousins and Counsellors, Right trusty and well-beloved Cousins and Counsellors, Right trusty and well-beloved Counsellors, and trusty and well-beloved Counsellors, We greet you well. Whereas, by Our Letter of the Twenty first Day of August last past, We were graciously pleased to inform you of Our Designs, in order to the Ease of Our Roman Catholick Subjects, unto which We had your dutiful Answer in some Days thereafter; We have now thought fit to publish these Our Royal Intentions, and to give an additional Ease to those of tender Consciences, so to convince the World of Our Inclinations to Moderation, and to evidence that those of the Clergy who have been regular, are Our most particular Care, though We have given some Ease to those whose Principles We can with any Safety trust: We have at the same Time expressed Our highest Indignation against those Enemies of Christianity, as well as Government and human Society, the *Field-conventiclers*, whom We recommend to you to root out with all the Severities of Our Laws, and with the most vigorous Prosecution of Our Forces, it being equally Our, and Our People's Concern, to be rid of them. As for the other Particulars of Our Royal Proclamation here inclosed, We doubt not but they will appear to you most just and reasonable, as they do to Us, and that you will, in your respective Capacities, assert and defend Our Royal Rights and Prerogatives, which We are resolved to maintain in that Splendor and Greatness, which can only make them safe for Us, Supports for Our Friends, and Terrors to Our Enemies. It is evident, We do not mean to inroach on the Consciences of any, and what We will not do, We are resolved not to suffer in others: And therefore it is Our Will and Pleasure, that these Our Commands be forthwith obeyed, and that, in order thereunto, this Our Proclamation be forthwith printed and published, in the usual Manner in such Cases accustomed: And if any shall be so bold as to shew any Dislike of this Our Procedure, We desire to be informed thereof by you, to the end We may convince the World that We are in earnest, assuring all, that as We expect Obedience therein, and a Readiness from you and all Our Judicatures, to assert Our Rights, so it shall be Our Care on all Occasions, to shew Our Royal Favours to all of you in general, and to every one in particular. For doing all these Things, as well contained in this Our Letter as in Our Proclamation aforesaid, these Presents shall be to you, and all others respectively, who may be therein any way concerned, a sufficient Warrant; and so We bid you heartily Farewel.

*Given at Our Court at Whitehall the 12 Day of February 1687, and of Our Reign the Third Year.*

*By his Majesty's Command.*

*Proclamation, Feb. 12. 1687. or first Indulgence. N<sup>o</sup>. CXXIX.*

JAMES R.

JAMES VII. by the Grace of God, King of Scotland, England, France and Ireland, Defender of the Faith, &c. To all and sundry Our good Subjects, whom these Presents do or may concern, Greeting. We having taken into Our Royal Consideration the many and great Inconveniencies which have happened to that Our ancient Kingdom of Scotland of late Years, through the different Perswasions in the Christian Religion, and the great Heats and Animosities amongst the several Professors thereof, to the Ruin and Decay of Trade, wasting of Lands, extinguishing of Charity, Contempt of the Royal Power, and converting of true Religion, and the Fear of God, into Animosities, Name, Factions, and sometimes into Sacrilege and Treason; and being resolved, as much as in Us lies, to unite the Hearts and Affections of Our Subjects, to God in Religion, to Us in Loyalty, and to their Neighbours in Christian Love and Charity, have therefore thought fit to grant, and by Our sovereign Authority, Prerogative Royal, and absolute Power, which all Our Subjects are to obey without Reserve, do hereby give and grant Our Royal Toleration, to the several Professors of the Christian Religion afternamed, with, and under the several Conditions, Restrictions and Limitations aftermentioned. In the first Place, We allow and tolerate the moderate Presbyterians, to meet in their private Houses, and there to hear all such Ministers, as either have, or are willing to accept of Our Indulgence allenarly, and none other, and that there be not any Thing said or done contrary to the Well and Peace of Our Reign, seditious or treasonable, under the highest Pains these Crimes will import; nor are they to presume to build Meeting-houses, or to use Our-houses or Barns, but only to exercise in their private Houses, as said is. In the mean Time, it is Our Royal Will and Pleasure, that Field-conventicles, and such as preach or exercise at them, or who shall any wise assist or connive at them, shall be prosecuted according to the utmost Severity of Our Laws made against them, seeing, from these Rendezvous of Rebellion, so much Disorder hath proceeded, and so much Disturbance to the Government, and for which, after this Our Royal Indulgence for tender Consciences, there is no Excuse left. In like Manner, We do hereby tolerate Quakers, to meet and exercise in their Form, in any Place or Places appointed for their Worship. And considering the severe and cruel Laws made against Roman Catholicks (therein called *Papists*)



*Papists*) in the Minority of Our Royal Grandfather of glorious Memory, without his Consent, and contrary to the Duty of good Subjects, by his Regents, and other Enemies to their lawful Sovereign, Our Royal great Grandmother Queen *Mary* of blessed and pious Memory, wherein, under the Pretence of Religion, they clothed the worst of Treasons, Factions and Usurpations, and made these Laws, not as against the Enemies of God, but their own; which Laws have still been continued of Course, without Design of executing them, or any of them, *ad terrorem* only, on Supposition, that the *Papists*, relying on an external Power, were incapable of Duty and true Allegiance to their natural Sovereigns, and rightful Monarchy. We, of Our certain Knowledge, and long Experience, knowing that the *Catholicks*, as it is their Principle to be good Christians, so it is to be dutiful Subjects, and that they have likewise on all Occasions, shewn themselves good and faithful Subjects to Us, and Our royal Predecessors, by hazarding, and many of them, actually losing their Lives and Fortunes, in their Defence, (though of another Religion) and the Maintenance of their Authority, against the Violences and Treasons of the most violent Abettors of these Laws, do therefore, with Advice and Consent of Our Privy Council, by Our sovereign Authority, Prerogative Royal, and absolute Power aforesaid, suspend, stop and disable all Laws or Acts of Parliament, Customs or Constitutions, made or executed against any of Our *Roman Catholick* Subjects, in any Time past, to all Intents and Purposes, making void all Prohibitions therein mentioned, Pains or Penalties therein ordained to be inflicted, so that they shall, in all Things, be as free, in all Respects, as any of Our Protestant Subjects whatsoever, not only to exercise their Religion, but to enjoy all Offices, Benefices and others, which We shall think fit to bestow upon them in all Time coming: Nevertheless it is Our Will and Pleasure, and We do hereby command all *Catholicks*, at their highest Pains, only to exercise their religious Worship in Houses or Chapels, and that they presume not to preach in the open Fields, or to invade the Protestant Churches by Force, under the Pains aforesaid, to be inflicted upon the Offenders respectively, nor shall they presume to make publick Processions in the High-streets of any of Our Royal Burghs, under the Pains abovementioned. And whereas the Obedience and Service of Our good Subjects is due to Us by their Allegiance, and Our Sovereignty, and that no Law, Custom or Constitution, Difference in Religion, or other Impediment whatsoever, can exempt or discharge the Subjects from their native Obligations and Duty to the Crown, or hinder Us from protecting and employing them, according to their several Capacities, and Our Royal Pleasure, nor restrain Us from conferring heritable Rights and Privileges upon them, or vacuate or annul these Rights heritable, when they are made or conferred: And likewise considering, that some Oaths are capable of being wrested by Men of sinister Intentions, a Practice, in that Kingdom, fatal to Religion, as it was to Loyalty, do therefore, with Advice and Consent aforesaid, cass, annul and discharge all Oaths whatsoever, by which any of Our Subjects are incapacitated, or disabled from holding Places or Offices in Our said Kingdom, or enjoying their hereditary Rights and Privileges, discharging the same to be taken or given in any Time coming, without Our special Warrant and Consent, under the Pains due to the Contempt of Our Royal Commands and Authority; and, to this effect, We do, by Our Royal Authority aforesaid, stop, disable and dispense with all Laws enjoying the said Oaths, Tests, or any of them, particularly the First Act of the First Session of the First Parliament of King *Charles II.* the Eleventh Act of the foresaid Session of the foresaid Parliament, the Sixth Act of the Third Parliament of the said King *Charles*, the Twenty first and Twenty fifth Acts of that Parliament, and the Thirteenth Act of the First Session of Our late Parliament, in so far alienarily as concerns the taking the Oaths or Tests therein prescribed, and all others, as well not mentioned as mentioned, and that, in place of them, all Our good Subjects, or such of them as We, or Our Privy Council shall require so to do, shall take and swear the following Oath alienarily.

*I A. B. do acknowledge, testify and declare, that James VII. by the Grace of God, King of Scotland, England, France and Ireland, Defender of the Faith, &c. is rightful King, and supreme Governor of these Realms, and over all Persons therein, and that it is unlawful for Subjects, on any Pretence, or for any Cause whatsoever, to rise in Arms against him, or any commissioned by him, and that I shall never so rise in Arms, nor assist any who shall so do, and that I shall never resist his Power or Authority, nor ever oppose his Authority, to his Person, as I shall answer to God, but shall, to the utmost of my Power, assist, defend and maintain him, his Heirs and lawful Successors, in the Exercise of their absolute Power and Authority, against all deadly. So help me God.*

And seeing many of Our good Subjects have, before Our Pleasure, in these Matters, was made publick, incurred the Guilt appointed by the Acts of Parliament above mentioned, or others, We, by Our Authority, and absolute Power, and Prerogative Royal abovementioned, of Our certain Knowledge, and innate Mercy, give Our ample and full Indemnity to all those of the *Roman Catholick* or *Popish* Religion, for all Things by them done contrary to Our Laws or Acts of Parliament, made in any Time past, relating to their Religion, the Worship and Exercise thereof, or for being *Papists*, *Jesuits*, or *Traffickers*, for hearing, or saying of Mass, concealing of Priests, or *Jesuits*, breeding their Children *Catholicks*, at home or abroad, or any other Thing, Rite or Doctrine, said, performed or maintained by them, or any of them, and likewise for holding or taking of Places, Employments, or Offices, contrary to any Law or Constitution, Advices given to Us, or Our Council, Actions done, or generally any Thing performed or said against the known Laws of that Our ancient Kingdom; excepting always from this Our Royal Indemnity, all Murders, Assassinations, Thefts, and such like other Crimes, which never used to be comprehended in Our general Acts of Indemnity. And We command and require all Our Judges, or others concerned, to explain this in the most ample Sense and Meaning Acts of Indemnity at any Time have contained; declaring this shall be as good to every one concerned, as if they had Our Royal Pardon and Remission under Our great Seal of that Kingdom. And likewise indemnifying Our Protestant Subjects, from all Pains and Penalties due for hearing or preaching in Houses, providing there be no treasonable Speeches uttered, in the said Conventicles, by them, in which Case the Law is only to take place against the guilty, and none other present, providing also that they reveal to any of Our Council the Guilt so committed; as also excepting all Fines, or Effects of Sentences already given. And likewise indemnifying fully and freely all *Quakers*, for their Meetings and Worship, in all Time past, preceeding the Date of these Presents, and We doubt not but Our Protestant Subjects will give their Assistance and Concourse hereunto, on all Occasions, in their respective Capacities: In Consideration whereof, and the Ease those of Our Religion, and others, may have hereby, and for the Encouragement of Our Protestant Bishops, and the regular Clergy, and such as have hitherto lived orderly, We think fit to declare, that it never was Our Principle, nor will We ever suffer Violence to be offered



ferred to any Man's Conscience, nor will We use Force, or invincible Necessity against any Man on the account of his Perswasion, nor the Protestant Religion, but will protect Our Bishops and other Ministers in their Functions, Rights and Properties, and all Our Protestant Subjects in the free Exercise of their Protestant Religion in the Churches; and that We will, and hereby promise, on Our Royal Word, to maintain the Possessors of Church-lands formerly belonging to Abbays, or other Churches of the Catholick Religion, in their full and free Possession and Right, according to Our Laws and Acts of Parliament, in that behalf, in all Time coming; and We will imploy indifferently all Our Subjects, of all Perswasions, so as none shall meet with any Discouragement on the account of his Religion, but be advanced and esteemed by Us, according to their several Capacities and Qualifications, so long as We find Charity and Unity maintained; and if any Animosities shall arise, as We hope in God there will not, We will shew the severest Effects of Our Royal Displeasure against the Beginners or Fomenters thereof, seeing thereby Our Subjects may be deprived of this general Ease and Satisfaction We intend to all of them, whose Happiness, Prosperity, Wealth and Safety is so much Our Royal Care, that We will leave nothing undone which may procure these Blessings for them. And *lastly*, to the end all Our good Subjects may have notice of this Our Royal Will and Pleasure, We do hereby command Our Lyon King at Arms, and his Brethren, Heralds, Maces, Pursuivants, and Messengers at Arms, to make timeous Proclamation thereof at the Market-crofs of *Edinburgh*; and besides the printing and publishing of this Our Royal Proclamation, it is Our expresse Will and Pleasure, that the same be past under the great Seal of that Our Kingdom *per saltum*, without passing any other Seal or Register. In order whereunto, this shall be to the Directors of Our Chancellery, and their Deputes for writing the same, and to Our Chancellor for causing Our great Seal aforesaid to be appended thereunto, a sufficient Warrant.

*Given at Our Court at Whitehall, the Twelfth Day of February, 1685. and of Our Reign the Third Year.*

By his Majesty's Command,

M E L F O R D.

God save the King.

### *Some Reflections on the foresaid Proclamation.* N<sup>o</sup>. CXXX.

I. **T**HE Preamble of a Proclamation is oft writ in Haste, and is the Flourish of some wanton Pen, but one of such an extraordinary Nature as this is, was probably more severely examined. There is a new Designation of his Majesty's Authority, here set forth, of his *absolute Power*, which is so often repeated, that it deserves to be a little searched into. Prerogative Royal, and sovereign Authority are Terms already received and known, but for this *absolute Power*, as it is a new Term, so those who have coined it, may make it signify what they will. The Roman Law speaks of *princeps legibus solutus*, and absolute in its natural Signification, importing the being without all Ties and Restraints; then the true Meaning of this seems to be, that there is an inherent Power in the King, which can neither be restrained by Laws, Promises, nor Oaths; for nothing less than the being free from all these, renders a Power *absolute*.

II. If the former Term seemed to stretch our Allegiances, that which comes after it, is yet a Step of another Nature, tho' one can hardly imagine what can go beyond *absolute Power*, and it is in these Words, *which all Our Subjects are to obey without Reserve*. And this is the carrying Obedience many Sizes beyond what the Grand Seigneur has ever yet claimed: For all Princes, even the most violent Pretenders to *absolute Power*, till till Lewis the Great's Time, have thought it enough to oblige their Subjects to submit to their Power, and to bear whatsoever they thought good to impose upon them; but till the Days of the late Conversions by the Dragoons, it was never so much as pretended, that Subjects were bound to obey their Princes *without Reserve*, and to be of his Religion, because he would have it so, which was the only Argument that those late Apostles made use of: So it is probable this Qualification of the Duty of Subjects was put in here, to prepare us for a terrible *le Roy le veut*; and in that Case we are told here, that we must *obey without Reserve*: And when those severe Orders come, the Privy Council, and all such as execute this Proclamation, will be bound, by this Declaration, to shew themselves more forward than any others, *to obey without Reserve*, and those poor Pretensions of Conscience, Religion, Honour and Reason, will be then reckoned as *Reserves* upon their Obedience, which are all now shut out.

III. These being the Grounds upon which this Proclamation is founded, we ought not only to consider what Consequences are now drawn from them, but what may be drawn from them at any Time hereafter; for if they are of Force, to justify that which is now inferred from them, it will be full as just to draw, from the same Premises, an Abolition of the Protestant Religion, of the Rights of the Subjects, not only to Church-lands, but to all Property whatsoever. In a Word, it asserts a Power to be in the King, to command what he will, and an Obligation in the Subjects, to obey whatsoever he shall command.

IV. There is also Mention made, in the Preamble, of the *Christian Love and Charity*, which his Majesty would have established among Neighbours; but another Dash of a Pen, founded on this *absolute Power*, may declare us all Hereticks; and then in wonderful Charity to us, we must be told, that we are either to obey without Reserve, or to be burnt without Reserve. We know the Charity of that Church pretty well; it is indeed fervent and burning: And if we have forgot what has been done in former Ages, *France*, *Spain*, and *Hungary* have set before our Eyes very fresh Instances of the Charity of that Religion. While those Examples are so green, it is a little too imposing on us, to talk to us of *Christian Love and Charity*. No doubt his Majesty means sincerely, and his Exactness to all his Promises, chiefly to those made since he came to the Crown, will not suffer us to think an unbecoming Thought of his royal Intentions; but yet after all, tho' it seems, by this Proclamation, that we are bound to *obey without Reserve*, it is Hardship upon Hardship to be bound to believe without Reserve.



V. There are a Sort of People here tolerated, that will be very hardly found out, and these are the moderate Presbyterians. Now, as some say that there are very few of those People in *Scotland* that deserve this Character, so it is hard to tell what it amounts to; and the calling any of them immoderate, cuts off all their Share in this Grace. Moderation is a Quality that lies in the Mind, and how this will be found out, I cannot so readily guess. If a Standard had been given of Opinions or Practices, then one could have known how this might have been distinguished; but as it lies, it will not be easy to make the Discrimination; and the declaring them all immoderate, shuts them out quite.

VI. Another Foundation laid down for repealing all Laws made against the Papists, is, that they were enacted in King *James VI's* Minority, with some harsh Expressions, that are not to be insisted on, since they shew more the Heat of the Penner, than the Dignity of the Prince, in whose Name they are given out; but all these Laws were ratified over and over again by King *James*, when he came to be of full Age: And they have received many Confirmations by King *Charles I.* and King *Charles II.* as well as by his present Majesty, both when he represented his Brother in the Year 1681. and since he himself came to the Crown: So that whatsoever may be said concerning the first Formation of those Laws they have received now for the Course of a whole hundred Years, that are lapsed since King *James* was of full Age, so many Confirmations, that if there is any Thing certain in human Government, we might depend upon them; but this new coined *absolute Power* must carry all before it.

VII. It is also well known, that the whole Settlement of the Church-lands and Tithes, with many other Things, and more particularly the Establishment of the Protestant Religion, was likewise enacted, in King *James's* Minority, as well as those penal Laws: So that the Reason now made use of, to annul the penal Laws, will serve full as well for another Act of this *absolute Power*, that shall abolish all those; and if Maxims that unhinge all the Securities of human Society, and all that is sacred in Government, ought to be looked on with the justest and deepest Prejudices possible, one is tempted to lose the Respect that is due to every Thing that carries a royal Stamp upon it, when he sees such Grounds made use of, as must shake all Settlements whatsoever; for if a Prescription of 120 Years, and Confirmations reiterated over and over again these 100 Years past, do not purge some Defects in the first Formation of those Laws, what can make us secure? But this looks so like a Fetch of the *French* prerogative Law, both in their Processes with relation to the Edict of *Nantz*, and those concerning Dependences at *Mentz*, that this seems to be a Copy from that famous Original.

VIII. It were too much ill Nature to look into the History of the last Age, to examine on what Grounds those Characters of *pious* and *blessed* given to the Memory of Queen *Mary* are built; but since King *James's* Memory has the Character of *glorious* given to it, if the Civility due to the fair Sex makes one unwilling to look into the one, yet the other may be a little dwelt on. The peculiar Glory that belongs to King *James's* Memory, is, that he was a Prince of great Learning, and that he employed it chiefly in writing for his Religion. Of the Volume in *Folio*, in which we have his Works, two Thirds are against the Church of *Rome*; one Part of them is a Commentary on the *Revelation*, proving that the *Pope is Antichrist*; another Part of them belonged more naturally to his Post and Dignity, which is the Warning that he gave to all the Princes and States of *Europe*, against the treasonable and bloody Doctrines of the *Papacy*. The first Act he did when he came of Age, was to swear in Person, with all his Family, and afterwards with all his People of *Scotland*, a Covenant containing an Enumeration of all the Points of *Popery*, and a most solemn Renunciation of them, somewhat like our Parliament Test. His first Speech to the Parliament of *England* was copious on the same Subject: And he left a Legacy of a Wish on such of his Posterity as should go over to that Religion, which in good Manners is suppressed. It is known, King *James* was no Conqueror, and that he made more use of his Pen than his Sword: So the Glory that is peculiar to his Memory, must fall chiefly on his learned and immortal Writings: And since there is such a Veneration expressed for him, it agrees not ill with this, to wish that his Works were more studied by those who offer such Incense to his *glorious Memory*.

IX. His Majesty assures his People of *Scotland*, upon his certain Knowledge and long Experience, that the Catholics, as they are good Christians, so they are likewise dutiful Subjects: But if we must believe both these equally, then we must conclude severely against their being good Catholics; for we are sure they can never be good Subjects, not only to an heretical Prince, but even to a Catholick Prince, if he does not extirpate Hereticks; for their beloved Council of the *Lateran*, that decreed Transubstantiation, has likewise decreed, that if a Prince does not extirpate Hereticks out of his Dominions, the *Pope* must depose him, and declare his Subjects absolved from their Allegiance, and give his Dominions to another: So that even his Majesty, how much soever he may be a zealous Catholick, yet cannot be assured of their Fidelity to him, unless he has given them secret Assurances, that he is resolved to extirpate Hereticks out of his Dominions, and that all the Promises which he now makes to these poor Wretches, are no other way to be kept, than the Assurances which the great *Lewis* gave to his Protestant Subjects, of his observing still the Edict of *Nantz*, even after he had resolved to break it, and also his last Promise made in the Edict that repealed the Edict of *Nantz*, by which he gave Assurances, that no Violence should be used to any for their Religion, in the very Time that he was ordering all possible Violences to be put in Execution against them.

X. His Majesty assures us, that on all Occasions the Papists have shewed themselves good and faithful Subjects to him and his royal Predecessors; but how *absolute* soever the King's Power may be, it seems his Knowledge of History is not so absolute, but it may be capable of some Improvement. It will be hard to find out what Loyalty they shewed on the Occasion of the *Gun-powder Plot*, or during the whole Progress of the *Rebellion of Ireland*. If the King will either take the Words of King *James* of *glorious Memory*, or King *Charles I.* that was indeed of *pious* and *blessed Memory*, rather than the Word of the Penners of this Proclamation, it will not be hard to find Occasions where they were a little wanting in this their so much boasted Loyalty: And we are sure, that by the Principles of that Religion, the King can never be assured of the Fidelity of those he calls his Catholick Subjects, but by engaging to them to make his heretical Subjects Sacrifices to their Rage.

XI. The King declares them capable of all the Offices and Benefices which he shall think fit to bestow on them, and only restrains them from invading the Protestant Churches by Force: So that here a Door is plainly opened for admitting them to the Exercise of their Religion in Protestant Churches, so they do not break into them by Force; and whatsoever may be the Sense of the Term *Benefices*, in its ancient and first Signification,



nification, now it stands only for Church Preferments, so that when any Churches, that are at the King's Gift, fall vacant, here is a plain Intimation, that they are to be provided to them; and then it is very probable, that all the Laws made against such as go not to their Parish Churches, will be severely turned upon those that will not come to *Mass*.

XII. His Majesty does in the next Place, in the virtue of his *absolute Power*, annul a great many Laws, as well those that established the Oaths of Allegiance and Supremacy, as the late *Test*, enacted by himself in Person, while he represented his Brother: Upon which he gave as strange an Essay to the World of his *absolute Justice* in the Attainder of the late Earl of *Argyle*, as he does now of his *absolute Power* in condemning the *Test* it self; he also repeals his own Confirmation of the *Test*, since he came to the Crown, which he offered as the clearest Evidence that he could give of his Resolution to maintain the Protestant Religion, and by which he gained so much upon that Parliament, that he obtained every Thing from them that he desired of them, till he came to try them in the Matters of Religion. This is no extraordinary Evidence to assure his People, that his Promises will be like the Laws of the *Medes and Persians*, which alter not; nor will the Disgrace of the Commissioner that enacted that Law, lay this Matter wholly on him; for the Letter that he brought, the Speech that he made; and the Instructions which he got, are all too well known to be so soon forgotten. And if Princes will give their Subjects Reason to think, that they forget their Promises, as soon as the Turn is served for which they were made, this will be too prevailing a Temptation on the Subjects to mind the Prince's Promise as little as it seems he himself does, and will force them to conclude; that the Truth of the Prince is not so absolute as it seems he fancies his Power to be.

XIII. Here is not only a repealing of a great many Laws, and established Oaths and Tests, but by the Exercise of the *absolute Power* a new Oath is imposed, which was never pretended to by the Crown in any former Time; and as the Oath is created by this *absolute Power*, so it seems the *absolute Power* must be supported by this Oath, since one Branch of it is an Obligation to maintain his Majesty and his lawful Successors in the Exercise of this their *absolute Power and Authority against all deadly*, which I suppose is *Scors* for *Mortals*. Now to impose so hard a Yoke as this *absolute Power* on the Subjects, seems no small Stretch; but it is a wonderful Exercise of it; to oblige the Subjects to defend this: It had been more modest, if they had been only bound to bear it, and submit to it. But it is a terrible Thing so far to extinguish all the Remnants of natural Liberty, or of a legal Government, as to oblige the Subjects by Oath, to maintain the Exercise of this, which plainly must destroy themselves: For the short Execution by the Bow-strings of *Turky*, or by sending Orders to Men to return in their Heads, being an Exercise of this *absolute Power*, it is a little hard to make Men swear to maintain the King in it: And if that Kingdom has suffered so much by the many Oaths that have been in use among them, as is marked in this Proclamation, I am afraid this new Oath will not much mend the Matter.

XIV. Yet after all, there is some Comfort; his Majesty assures them, he will use no Violence nor Force; nor any *invincible Necessity* to any Man on the account of his Perswasion: It were too great a Want of Respect to fancy; that a Time may come, in which even this may be remembered, full as well as the Promises that were made to the Parliament after his Majesty came to the Crown. I do not, I confess, apprehend that; for I see here so great a Caution used in the Choice of these Words, that it is plain, very great Severities may very well consist with them: It is clear, that the general Words of Violence and Force are to be determined by these last of *invincible Necessity*; so that the King does only promise to lay no *invincible Necessity* on his Subjects; but for all Necessities, that are not invincible, it seems they must expect to bear a large Share of them: Disgraces, Want of Employments, Fines, and Imprisonments, and even Death it self are all vincible Things to a Man of a Firmness of Mind: So that the Violences of Torture, the Furies of Dragoons, and some of the Methods now practised in *France*, perhaps may be included within this Promise; since these seem almost *invincible* to human Nature, if it is not fortified with an extraordinary Measure of Grace: But as to all other Things, his Majesty binds himself up from no part of the Exercise of his *absolute Power* by this Promise.

XV. His Majesty orders this to go immediately to the great Seal, without passing through the other Seals. Now since this is counter-signed by the Secretary, in whose Hands the Signet is, there was no other Step to be made but through the privy Seal; so I must own, I have a great Curiosity of knowing his Character in whole Hands the privy Seal is at present; for it seems his Conscience is not so very supple, as the Chancellor's and the Secretary's are: But it is very likely, if he does not quickly change his Mind, the privy Seal at least will very quickly change its Keeper; and I am sorry to hear, that the Lord Chancellor and the Secretary have not another Brother to fill this Post, that so the Guilt of the Ruin of that Nation may lie on one single Family, and that there may be no others involved in it.

XVI. Upon the whole Matter, many smaller Things being waved, it being extreme unpleasant to find Fault, where one has all possible Dispositions to pay all Respect, we here in *England* see what we must look for. A Parliament in *Scotland* was tried; but it proved a little stubborn; and now *absolute Power* comes to set all right; so when the Cloistering has gone round, so that Noses are counted, we may perhaps see a Parliament here, but if it chances to be untoward, and not to obey *without Reserve*, then our reverend Judges will copy from *Scotland*, and will not only tell us of the King's imperial Power, but will discover to us this new Mystery of *absolute Power*, to which we are all bound to obey *without Reserve*.

Council's Answer to the King, February 24. 1687. N<sup>o</sup>. CXXXI.

May it please your most sacred Majesty,  
 Y<sup>our</sup> Majesty's Commands are exactly obeyed, your royal Proclamation is printed and published, by which your Majesty hath given a further Evidence of your Favour and Goodness to all your Subjects: And we are hopeful, that by your Majesty's extraordinary Acts of Mercy to some, who have been too ready  
 on



on many Occasions to abuse the Clemency of your royal Predecessors, they will be at last convinced what they owe to so gracious a King; and if any shall be still so obstinate as to make any wrong Use of your Majesty's Goodness, we do unanimously assure your Majesty, that we will maintain and assert your royal Prerogatives and Authority, with the Hazard of our Lives and Fortunes; and all of us shall in our several Capacities do our utmost, that your Government may be easy to all whom your Majesty thinks worthy of your Protection.

We are very willing that your Majesty's Subjects who are peaceable and loyal, may be at Ease and Security, notwithstanding of their Profession and private Worship, and do conceive, that such of them as are, or shall be employed by your Majesty in Offices of Trust, civil or military, are sufficiently secured by your Majesty's Authority and Commission for their exercising the same:

We return your Majesty our most humble Thanks, for giving us your Royal Word for maintaining the Church and our Religion, as it is now established by Law, and rest satisfied, believing your Majesty's Promise to be the best and greatest Security we can have. We are,

*May it please your Majesty,*

*Your Majesty's most humble, most faithful,*

*and most obedient Subjects and Servants,*

Signed by

*Edinburgh,*

*Feb. 24. 1687.*

The Earl of Perth Lord high Chancellor, the Lord Archbishop of St. Andrews, the Lord Archbishop of Glasgow Elect, the Lord Marquis of Athole Lord keeper of the Privy Seal, the Duke of Gordon, the Lord Marquis of Douglas, the Earl of Linlithgow, the Earl of Dumfermling, the Earl of Strathmore, the Earl of Lawderdale, the Earl of Southesk, the Earl of Traquair, the Earl of Airlie, the Earl of Balcarras, the Lord Viscount of Tarris, the Lord Viscount of Strathallan, the Lord Livingstone, the Lord Kinnaird, Sir George Lockhart of Carnwath Lord president of the Session, Sir John Dalrymple younger of Stair Lord Advocate, Sir James Fowles of Colinton Lord Justice Clerk, Sir John Lockhart of Castlehill one of the Senators of the College of Justice, Lieutenant General James Douglas, Sir Andrew Ramsay of Abbotshall, Major General John Graham of Claverhouse, and Andrew Wauchop of Niddry.

And his Majesty's said Privy Council having ordered, that the said Letter should afterwards be signed by such of the Counsellors as were not then present; it was accordingly signed at Westminster by the Earl of Murray, and the Earl of Melford, Principal Secretaries of State for the said Kingdom, the Earl of Arran, the Earl of Drumlanrig, the Earl of Winton, the Earl of Seaforth, the Earl of Ancrum, and the Earl of Dumbarton.

*King's Letter to the Council, March 31. 1687. or the Second Toleration. N<sup>o</sup>. CXXXII.*

JAMES R.

Right trusty and right welbeloved Cousin and Counsellor, Right trusty and right welbeloved Counsellors, Right trusty and entirely beloved Cousins and Counsellors, Right trusty and right welbeloved Cousins and Counsellors, Right trusty and welbeloved Cousins and Counsellors, Right trusty and welbeloved Cousins and Counsellors, Right trusty and welbeloved Counsellors, and trusty and welbeloved Counsellors, We greet you well. Whereas by Our Letter of the First Day of this Instant, amongst other Things, We did recommend unto you to take Care, that any of the Presbyterians should not be allowed to preach, but such only as should have your Allowance for the same; and that they, at receiving the Indulgence therein mentioned, should take the Oath contained in Our Proclamation, bearing Date the Twelfth Day of February last past: These are therefore to let you know, that thereby we meant such of them as did not formerly take the Test, or any other Oath; but if nevertheless, the Presbyterian Preachers do scruple to take the said Oath, or any other Oath whatsoever, and that you shall find it reasonable or fit to grant them Our Indulgence, so as they desire it upon these Terms: It is now Our Will and Pleasure, and We do hereby authorize and require you to grant them, or any of them, Our said Indulgence, without being obliged to take or swear the Oath in Our said Proclamation mentioned, or any other Oath whatsoever, with Power unto them, or any of them respectively, to enjoy the Benefit of the said Indulgence, (during our Pleasure only) or so long as you shall find that they behave themselves regularly and peaceably, without giving any Cause of Offence to Us, or any in Authority and Trust under Us in Our Government. For doing whereof these Presents shall be to you and them, and all others respectively, who may be therein respectively any way concerned, a sufficient Warrant. And so we bid you heartily farewell.

*Given at Our Court at Whitehall, the Thirty first Day of March 1687. and of Our Reign the Third Year.*

*By his Majesty's Command.*

MELFORD.

*King's*



*King's Declaration for Liberty of Conscience in England, April 4. 1687. N<sup>o</sup>. CXXXIII.*

JAMES R.

**I**T having pleased almighty God, not only to bring Us to the imperial Crown of these Kingdoms through the greatest Difficulties, but to preserve Us by a more than ordinary Providence upon the Throne of Our Royal Ancestors, there is nothing now that We so earnestly desire, as to establish Our Government on such a Foundation, as may make Our Subjects happy, and unite them to Us by Inclination as well as Duty; which We think can be done by no Means so effectually, as by granting to them the free Exercise of their Religion for the Time to come, and add that to the perfect Enjoyment of their Property, which has never been in any Case invaded by Us since Our coming to the Crown: Which being the Two Things Men value most, shall ever be preserved in these Kingdoms, during Our Reign over them, as the truest Methods of their Peace and Our Glory. We cannot but heartily wish, as it will easily be believed, that all the People of Our Dominions were Members of the Catholick Church, yet We humbly thank almighty God, it is, and hath of long Time been Our constant Sense and Opinion, ( which upon divers Occasions We have declared ) that Conscience ought not to be constrained, nor People forced in Matters of mere Religion: It has ever been directly contrary to Our Inclination, as We think it is to the Interest of Government, which it destroys by spoiling Trade, depopulating Countries, and discouraging Strangers; and finally, that it never obtained the End for which it was employed: And in this We are the more confirmed by the Reflections We have made upon the Conduct of the Four last Reigns; for after all the frequent and pressing Endeavours that were used in each of them, to reduce this Kingdom to an exact Conformity in Religion, it is visible the Success has not answered the Design, and that the Difficulty is invincible. We therefore out of Our princely Care and Affection unto all Our loving Subjects, that they may live at Ease and Quiet, and for the Increase of Trade, and Encouragement of Strangers, have thought fit, by virtue of Our Royal Prerogative, to issue forth this Our Declaration of Indulgence, making no doubt of the Concurrence of Our Two Houses of Parliament, when We shall think it convenient for them to meet.

In the first Place We declare, that We will protect and maintain Our Archbishops, Bishops, and Clergy, and all other Our Subjects of the Church of *England*, in the free Exercise of their Religion, as by Law established, and in the quiet and full Enjoyment of all their Possessions, without any Molestation or Disturbance whatsoever.

We do likewise declare, that it is Our Royal Will and Pleasure, that from henceforth the Execution of all, and all Manner of penal Laws in Matters ecclesiastical, for not coming to Church, or not receiving the Sacrament, or for any other Nonconformity to the Religion established, or for, or by reason of the Exercise of Religion in any Manner whatsoever, be immediately suspended; and the further Execution of the said penal Laws, and of every of them is hereby suspended.

And to the end that by the Liberty hereby granted, the Peace and Security of Our Government in the Practice thereof, may not be endangered, We have thought fit, and do hereby straitly charge and command all Our loving Subjects, that as We do freely give them Leave to meet and serve God after their own Way and Manner, be it in private Houses or Places purposely hired or built for that Use; so that they take special Care, that nothing be preached or taught amongst them, which may any ways tend to alienate the Hearts of Our People from Us or Our Government, and that their Meetings and Assemblies be peaceably, openly, and publickly held, and all Persons freely admitted to them; and that they do signify and make known to some one or more of the next Justices of the Peace, what Place or Places they set apart for those Uses.

And that all Our Subjects may enjoy such their religious Assemblies, with greater Assurance and Protection, We have thought it requisite, and do hereby command, that no Disturbance of any Kind be made or given unto them, under Pain of Our Displeasure, and to be further proceeded against with the uttermost Severity.

And for as much as We are desirous to have the Benefit of the Service of all Our loving Subjects, which by the Law of Nature is inseparably annexed to, and inherent in Our Royal Person, and that none of Our Subjects may for the future be under any Discouragement or Disability, ( who are otherwise well inclined and fit to serve Us ) by reason of some Oaths or Tests, that have been usually administered on such Occasions: We do hereby further declare, that it is Our Royal Will and Pleasure, that the Oaths commonly called, *the Oaths of Supremacy and Allegiance*, and also the several Tests and Declarations mentioned in the Acts of Parliament made in the 25 and 30 Years of the Reign of Our late Royal Brother King *Charles II.* shall not at any Time hereafter be required to be taken, declared, or subscribed by any Person or Persons whatsoever, who is or shall be employed in any Office or Place of Trust, either civil or military, under Us or in Our Government. And We do further declare it to be Our Pleasure and Intention, from Time to Time hereafter, to grant Our Royal Dispensations under Our great Seal to all Our loving Subjects so to be employed, who shall not take the said Oaths, or subscribe or declare the said Tests or Declarations in the above-mentioned Acts, and every of them.

And to the end that all Our loving Subjects may receive and enjoy the full Benefit and Advantage of Our gracious Indulgence hereby intended, and may be acquitted and discharged from all Pains, Penalties, Forfeitures, and Disabilities by them or any of them incurred or forfeited, or which they shall or may at any Time hereafter be liable to, for or by reason of their Nonconformity, or the Exercise of their Religion and from all Suits, Troubles, or Disturbances for the same: We do hereby give Our free and ample Pardon unto all Nonconformists, Recusants, and other Our loving Subjects, for all Crimes and Things by them committed or done contrary to the penal Laws formerly made relating to Religion, and the Profession or Exercise thereof. Hereby declaring, that this Our Royal Pardon and Indemnity shall be as good and effectual to all

Intents



Intents and Purposes, as if every individual Person had been therein particularly named, or had particular Pardons under Our great Seal, which We do likewise declare shall from Time to Time be granted unto any Person or Persons desiring the same: Willing and requiring Our Judges, Justices, and other Officers, to take Notice of and obey Our Royal Will and Pleasure herein before declared.

And although the Freedom and Assurance We have hereby given in relation to Religion and Property, might be sufficient to remove from the Minds of Our loving Subjects all Fears and Jealousies in relation to either; yet We have thought fit further to declare, that We will maintain them in all their Properties and Possessions, as well of Church and Abbay-lands, as in any other their Lands and Properties whatsoever.

*Given at Our Court at Whitehall, the Fourth Day of April, One thousand six hundred and eighty seven, in the Third Year of Our Reign.*

*By his Majesty's Special Command.*

*Proclamation June 28. and July 5. 1687. or the Third Toleration. No. CXXXIV.*

**JAMES VII.** by the Grace of God, King of Scotland, England, France, and Ireland, Defender of the Faith, &c. To all and sundry Our good Subjects whom these Presents do or may concern, Greeting. Whereas by Our Royal Proclamation of the Date the 12 Day of February 168<sup>6</sup>. We were graciously pleased for the Causes, and on the Terms therein mentioned, to grant Our Royal Toleration to the Professors of the Christian Religion therein named, with, and under certain Restrictions and Limitations; all which are in the said Proclamation more at length expressed: We now taking into Our Royal Consideration the sinister Interpretations, which either have, or may be made of some Restrictions therein mentioned, have thought fit by this Our Royal Proclamation, further to declare, that We will protect Our Archbishops and Bishops, and all Our Subjects of the Protestant Religion, in the free Exercise of their Protestant Religion, as it is by Law established, and in the quiet and full Enjoyment of all their Possessions, without any Molestation or Disturbance whatsoever. And We do likewise by Our sovereign Authority, Prerogative royal, and absolute Power, suspend, stop and disable, all penal and sanguinary Laws, made against any for Non-conformity to the Religion established by Law, in that Our ancient Kingdom, or for exercising their respective Worship, Religions, Rites and Ceremonies; all which Laws are hereby stopt, suspended, and disabled to all Intents and Purposes. And to the end, that by the Liberty thereby granted, the Peace and Security of Our Government in the Practice thereof, may not be endangered, We have thought fit, and do hereby straitly charge and command all Our loving Subjects, that as We do give them Leave to meet and serve God after their own Way and Manner, be it in private Houses, Chapels, or Places purposely hired or built for that Use, so that they take Care that nothing be preached or taught among them, which may any ways tend to alienate the Hearts of Our People from Us or Our Government, and that their Meetings be peaceable, openly and publickly held, and all Persons freely admitted to them, and that they do signify and make known to some one or more of the next Privy Counsellors, Sheriffs, Stewarts, Bailies, Justices of the Peace, or Magistrates of Burghs royal, what Place or Places they set apart for these Uses, with the Names of the Preachers.

And that all Our Subjects may enjoy such their religious Assemblies with greater Assurance and Protection, We have thought fit, and do hereby command, that no Disturbance of any Kind be made or given unto them, under Pain of Our Royal Displeasure, and to be further proceeded against with the utmost Severity; provided always, that their Meetings be in Houses, or Places provided for the Purpose, and not in the open Fields, for which now after this Our Royal Grace and Favour shewn, (which surpasses the Hopes, and equals the very Wishes of the most zealously concerned) there is not the least Shadow of Excuse left; which Meetings in Fields We do hereby strictly prohibit and forbid, against all which We do leave Our Laws and Acts of Parliament in full Force and Vigour, notwithstanding the Premises; and do further command all Our Judges, Magistrates, and Officers of Our Forces, to prosecute such as shall be guilty of the said Field-conventicles or Assemblies, with the utmost Rigour, as they would avoid Our highest Displeasure; for We are confident none will, after these Liberties and Freedoms We have given to all, without Reserve, to serve God in their own Way, presume to meet in these Assemblies, except such as make a Pretence of Religion, to cover their treasonable Designs against Our Royal Person, and the Peace of Our Government. And lastly, to the end all Our good Subjects may have Notice of this Our Royal Will and Pleasure, We do hereby command Our Lyon King at Arms, and his Brethren, Heralds, Macers, Pursevants, and Messengers at Arms, to make timeous Proclamation thereof at the Market-crofs of Edinburgh: And besides the printing and publishing of this Our Royal Proclamation, it is Our express Will and Pleasure, that the same be past under Our great Seal of that Our Kingdom *per saltum*, without passing any other Seal or Register. In order whereunto, these shall be to the Directors of Our Chancellery and their Deputes, for writing the same, and to Our Chancellor, for causing Our great Seal aforesaid to be appended thereunto, a sufficient Warrant.

*Given at Our Court at Windsor, the Twenty eighth Day of June, One thousand six hundred and eighty seven, and of Our Reign the Third Year.*

*By his Majesty's Command,*

MELFORD.

Edin.



Edinburgh, July 5. 1687.

*Present in Council,*

James Earl of Perth Lord high Chancellor,  
John Lord Archbishop of Glasgow,  
The Lord Marquis of Athole Privy Seal,  
Duke of Hamilton,  
Duke of Gordon,  
Earl of Arran,  
Earl of Linlithgow Lord Justice-general,  
Earl of Dumfermling,  
Earl of Strathmore,  
Earl of Lawderdale,  
Earl of Southesk,

Earl of Airly,  
Lord Viscount Tarbet,  
Lord Viscount Strathallan,  
Lord Livingstone,  
Lord President of Session,  
Lord Advocate,  
Lord Justice-clerk,  
Lord Castlehill,  
General-lieutenant Douglas,  
Niddry.

The abovementioned Proclamation from his most sacred Majesty, being read in his Privy Council of Scotland, was, in pursuance of his Majesty's Royal Commands, ordered to be published with all due Solemnities. Extracted forth of the Records of his Majesty's Council, by me Sir William Paterson, Clerk to his Majesty's most honourable Privy Council.

*Wil. Paterson.*

God save the King.

*The Presbyterian Ministers Address of Thanks, July 21. 1687. N<sup>o</sup>. CXXXV.*

*May it please your Majesty,*

**W**E your Majesty's most loyal Subjects, the Ministers of the Presbyterian Perswasion, in your ancient Kingdom of Scotland, from the deep Sense we have of your Majesty's gracious and surprising Favour, in not only putting a Stop to our long sad Sufferings for Nonconformity, but granting us the Liberty of the publick and peaceable Exercise of our ministerial Function, without any Hazard; as we bless the great God, who hath put this in your Royal Heart, do withal find our selves bound in Duty, to offer our most humble and hearty Thanks to your sacred Majesty, the Favour bestowed being to us, and all the People of our Perswasion, valuable above all our earthly Comforts; especially since we have Ground from your Majesty to believe, that our Loyalty is not to be questioned upon the account of our being Presbyterians; who, as we have, amidst all former Temptations, endeavoured, so are firmly resolved still to preserve an entire Loyalty in our Doctrine and Practice, (consonant to our known Principles, which, according to the holy Scriptures, are contained in the Confession of Faith generally owned by Presbyterians, in all your Majesty's Dominions) and, by the Help of God, so to demean our selves, as your Majesty may find Cause rather to enlarge, than to diminish your Favours towards us; thoroughly perswading our selves, from your Majesty's Justice and Goodness, that if we shall at any time be otherwise represented, your Majesty will not give Credit to such Information, until you take due Cognition thereof: And humbly beseeching, that those who promote any disloyal Principles and Practices, (as we do disown them) may be look'd upon as none of ours, whatsoever Name they may assume to themselves.

May it please your most excellent Majesty, graciously to accept this our humble Address, as proceeding from the Plainness and Sincerity of loyal and thankful Hearts, much engaged by this your Royal Favour, to continue our fervent Prayers to the King of Kings, for divine Illumination and Conduct, with all other Blessings, spiritual and temporal, ever to attend your Royal Person and Government; which is the greatest Duty can be rendred to your Majesty, by

*Your Majesty's most humble, most faithful,*

*and most obedient Subjects:*

Subscribed in our own Names, and in the Names of the rest of the Brethren of our Perswasion, at their Desire.



*Address of the Inhabitants of Edinburgh and Canongate, 1687. N<sup>o</sup>. CXXXVI.**May it please your most sacred Majesty,*

WE cannot find suitable Expressions to evidence our most humble and grateful Acknowledgments, for your Majesty's late gracious Declaration, by which we are happily delivered of many sad and grievous Burdens we have long groined under, and (all Restraints, to our great Joy, being taken off) are allowed the free and peaceable publick Exercise of our Religion, a Mercy which is dearer to us than our Lives and Fortunes.

Could we open our Hearts, your Majesty would undoubtedly see what deep Sense and true Zeal for your Service, so surprising and signal a Favour hath imprinted on our Spirits; for which we reckon ourselves highly obliged (throwing our selves at your Majesty's Feet) to return your most excellent Majesty, our most humble, dutiful, and hearty Thanks; and we desire humbly to assure your Majesty, that as the Principles of the Protestant Religion, which, according to our Confession of Faith, we profess; obligeth us, all the Days of our Lives, to that entire Loyalty and Duty to your Majesty's Person and Government, that no Difference of Religion can dissolve; so we hope, and, through God's Assistance, shall still endeavour to demean our selves in our Practice, in such Manner as shall evidence to the World, the Truth and Sincerity of our Loyalty and Gratitude, and make it appear, that there is no Inconsistency betwixt true Loyalty and Presbyterian Principles.

Great Sir, we humbly offer our dutiful and faithful Assurances, that as we have not been hitherto wanting in that great Duty, which our Consciences bind upon us to pray for your Majesty, so this late refreshing and unexpected Favour, will much more engage us in great Sincerity, to continue still to offer up our Desires to the God of Heaven, by whom Kings reign, and Princes decree Justice, to bless your Royal Majesty's Person and Government, and, after an happy and comfortable Reign on Earth, to crown you with an incorruptible Crown of Glory in Heaven, which is most ardently prayed for, by

*Most dread Sovereign,*

*Your Majesty's most humble, most loyal, most dutiful, and most obedient Subjects.*

Subscribed in our own Names, and by Order of the Citizens and Inhabitants of the Presbyterian Perswasion, within your City of *Edinburgh and Canongate*.

*Act, January 17. 1688. for a Thanksgiving upon the Queen's being with Child. N<sup>o</sup>. CXXXVII.*

SINCE it hath pleased almighty God, the Fountain of all Life, by whom Kings reign, and Kingdoms are established, to grant unto the King's most excellent Majesty, fresh Hopes of Royal Issue, by his most serene Consort, Our gracious Queen *Mary*, who (through the great Goodness and Blessing of God) is now with Child; and considering, that the multiplying of the Branches of the Royal Family. (especially issuing from our present sacred Sovereign, *James VII.* under whose auspicious, wise, and clement Government we enjoy so much Prosperity, Peace and Plenty) is a most desirable Blessing, a native Support, and strengthening of the Crown, and, by just Consequence, a publick Blessing to this Kingdom, tending to the further Security of the Peace and Happiness thereof; his Majesty therefore, (at the humble and earnest Desire, and by the Advice of his Privy Council) hath thought fit upon this important Occasion, to set apart, and appoint a Time, for rendering devout and solemn Thanks to God, for this great Mercy and Blessing, and for offering publick and hearty Prayers to his divine Majesty, to bless and preserve the sacred Person of our dread sovereign Lord the King, to prosper his Reign with honourable and glorious Successes, and to prolong his Life, that he may see his Childrens Children, and his Throne may be as the Sun; as also, that he may bless, preserve, and strengthen his Royal Consort the Queen's Majesty, and make perfect his Work begun for her, may save and defend her from all Dangers and evil Accidents, that what she hath conceived, may be preserved and happily brought forth, to the Joy of our sovereign Lord the King, the further Security of his Crown, and the Happiness and Establishment of this Kingdom.

For this end, his Majesty, with Advice foresaid, doth appoint and ordain, that the foresaid Thanksgiving and Prayers, be devoutly and solemnly performed, in all the Parish-churches within the City and Diocese of *Edinburgh*, upon the Twenty ninth Day of *January* instant, and in all the other Churches within this Kingdom, upon the Nineteenth Day of *February* next; and his Majesty accordingly requires and commands, the most Reverend and right Reverend, the Archbishops and Bishops, to take Care, that in all the Parish-churches within their respective Dioceses, these Prayers and Thanksgivings be accordingly celebrate by all the Ministers and Presbyters under their Jurisdiction, and that they cause Intimation be made hereof, by reading of the same from the Pulpits, in the several Parish-churches, the Lord's Day immediately preceeding the said solemn Days of publick Thanksgiving, *respective*. And finally, his Majesty charges and commands



mands all his loving Subjects, heartily to joyn and concur in these religious and dutiful Performances, as they would shew their Piety and Loyalty, in praying for the Life of the King, the Increase of his Royal Issue, the further Security of the Crown, and the Establishment of Peace and Happiness in this his ancient Kingdom. And that these Presents may be made publick and known, his Majesty ordains his Lyon King at Arms, and his Brethren, Heralds, the Mace-bearers of the Privy Council, and Purse-bearers, to pass to the Market-cross of *Edinburgh*, and other Places needful, and there, by open Proclamation, and with all accustomed Solemnities on extraordinary Occasions, make Publication of the Premises, that none may pretend Ignorance. Extracted forth of the Records of Privy Council, by Sir *William Paterson* Baronet, Clerk of his Majesty's most honourable Privy Council.

*William Paterson* Cl. Secr. Concilii.

God save the King.

*Proclamation, May 15. 1688. or the Fourth Indulgence. N<sup>o</sup>. CXXXVIII.*

JAMES R.

**JAMES VII.** by the Grace of God, King of *Great Britain, France and Ireland*, Defender of the Faith, &c. To all and sundry Our good Subjects, whom these Presents do or may concern, Greeting. Since Our Accession to the Throne of Our Royal Ancestors, Our chiefest Care has been to procure the Security, Peace and Happiness of Our Subjects, by all the ways Our paternal Care of Our People could suggest to Us, especially by removing the Pressures of penal Laws, in Matters of mere Religion, and forbidding all differencing Oaths and Tests, whose unreasonable Weight hung heavy on Us and Our People, precluding both from Our native Freedom and Birth-right; and this We did by Our Royal Declaration, of the Date the 12 of *February* 1687. In which Declaration We were pleased, for the great and weighty Causes and Considerations therein mentioned, and by virtue of Our sovereign Authority, Prerogative royal, and absolute Power, so plainly acknowledged by several Acts of Parliament, and especially by the second Act of Our first Parliament, to give and grant Our Royal Toleration, to all the Professors of the Christian Religion therein named, and with and under certain Conditions, Restrictions and Limitations, judged by Us for the Time to be necessary; requiring and expecting, that all Our good Subjects would give their Assistance and Concurrence thereunto; on all Occasions, in their respective Capacities; suspending, disabling, and stopping all penal Laws, Acts of Parliament, Customs or Constitutions, made or executed against Dissenters, for Matters of mere Religion. And further, We did ease, annul, and discharge, all Oaths whatsoever, by which any were disabled from holding Places or Offices, or enjoying their hereditary Rights and Privileges, discharging the same to be thence forward given or taken, without Our special Warrant; stopping, disabling, and dispensing, as well with all Laws enjoying the said Oaths and Tests, as with the other penal Laws therein mentioned; and declaring, that it never was Our Principle, nor would We suffer Violence to be offered to any Man's Conscience, or Force to be used against any Man, on the account of his Perswasion; and that We would imploy indifferently, all Our Subjects of all Perswasions, so as none should meet with any Discouragement, on the account of his Religion, but be advanced and esteemed by Us, according to their several Capacities and Qualifications, so long as We should find Charity and Unity maintained: And if any Animosities should arise, that then We would shew the severest Effects of Our Royal Displeasure, against the Beginners or Fomenters thereof, seeing thereby Our Subjects might be deprived of that general Ease and Satisfaction that We did intend to all of them, whose Happiness, Prosperity, Wealth and Safety, were so much in Our Royal Care, that We would leave nothing undone that might procure these Blessings for them. We did likewise declare, that We were resolved to maintain Our Archbishops and Bishops of the Protestant Religion, with all the inferior Clergy, in the full and free Possession of their Rights and Privileges, as they now enjoy them, and all Our Protestant Subjects, in the free Exercise of their Religion; as likewise the Possessors of Church or Abbay Lands, in their full Right of their Possessions, according to Law in that Case already provided; likewise granting Our Indemnity, with such Exceptions as in the foresaid Proclamation is more fully exprest. Thereafter We thought fit to explain and enlarge the same, by Our second Declaration, bearing Date at *Windjor* the 28 Day of *June* last bypast. (See Appendix No. 114.)

And in pursuance of Our Royal Intentions therein exprest, We have dissolved all Our Judicatures of Privy Council, Session, Exchequer, Justiciary, and Magistracy of Our Burghs Royal, that by their Acceptations of new Commissions, on the Terms of Our Royal Pleasure, as above exprest, We might convince the World of the Justice of Our Procedure, as the universal Thanks of Our People have manifested the Joy, for so unexpected, unhoped for Blessings, terminating at once their Persecutions, and freeing Our self from the bad Consequences thereof, too manifest in bypast Reigns, to be forgotten in this; and yet there are still some Enemies to Us, and to their own Peace, who labour, to lessen the Happiness Our People enjoy, by Fears and Jealousies, that it will not be lasting; but We will let them and all the World know, that Our Care shall be more indefatigable to prevent and defeat their Malice, than they shall be to contrive or aid the same. And therefore, We have again thought fit to declare Our Royal Intentions, to stand to and maintain Our first Declaration, of the Date the 12 of *February* 1687. in so far as it is above repeated, and as it is explained and enlarged by Our second, of the Date the 28 of *June*, according to the true Meaning and Import of the same. And if any shall be so bold as to refuse their due Concurrence with, or Obedience to Us in these Points, they shall find the Weight of Our Royal Displeasure, so as to terrify others from the like Unausfulness to Our Royal Authority, whilst on the other Part, such as dutifully obey and act as become them.



them, shall enjoy the Comfort of Our Royal Protection and Favour. And to the end all Our Subjects may have Notice of this Our Royal Will and Pleasure, We do hereby command Our Lyon King at Arms, and his Brethren, Herald, Macers, Pursevents, and Messengers at Arms, to make timeous Proclamation thereof, at the Market-crofs of *Edinburgh*. For all which, this shall be to all Persons respectively, who may be therein any way concerned, a sufficient Warrant.

*Given under Our Royal Hand and Signet, at Our Court at Whitehall, the Seventh Day of May, 1688. and of Our Reign the Fourth Year.*

*By His Majesty's Command,*

MELFORD.

*Edinburgh, May 15. 1688. present in Council,*

The Earl of Perth Lord High Chancellor,  
The Lord Archbishop of St. Andrews,  
The Lord Archbishop of Glasgow,  
The Lord Marquis of Athole Privy Seal,  
The Earl of Linlithgow,  
The Earl of Strathmore,  
The Earl of Lawderdale,  
The Earl of Traquair,  
The Earl of Balcarras,

The Lord Viscount of Tarbet,  
The Master of Balmerino,  
The Lord President of Session,  
The Lord Advocate,  
The Lord Justice-clerk,  
The Lord Castlehill,  
General-major Graham of Claverhouse,  
The Laird of Niddry.

**T**He abovementioned Proclamation, from his most sacred Majesty, being read in his Privy Council of Scotland, was (in pursuance of his Majesty's Royal Commands) ordered to be published the Morrow, at the ordinary Time, with all due Solemnities. Extracted forth of the Records of his Majesty's most honourable Privy Council, by me

*Will. Paterson Cl. Secr. Concilii*

God save the King.

*Act for a Thanksgiving, June 14. 1688. N<sup>o</sup>. CXXXIX.*

*Present in Council,*

The Earl of Perth, &c. Lord High Chancellor,  
The Lord Archbishop of St. Andrews,  
The Lord Duke of Hamilton,  
The Lord Marquis of Douglas,  
The Earl of Linlithgow,  
The Earl of Lawderdale,  
The Earl of Airly,  
The Earl of Balcarras,

The Lord Viscount Tarbet,  
The Master of Balmerino,  
The Lord President of Session,  
The Lord Advocate,  
The Lord Justice-clerk,  
The Lord Castlehill,  
Major-general Graham of Claverhouse,  
The Laird of Niddry.

**I**T having pleased the almighty God, by whom Kings reign, to bless his sacred Majesty, our august and glorious Monarch, and in him us, his dutiful and happy Subjects, with the Birth of the most serene and high-born Prince, the Prince and Stewart of Scotland, &c. by his Royal Consort, our gracious Queen Mary: And these glad News being intimated to us, by a most welcome Letter under his Royal Hand, we, in Acknowledgment of this great Blessing, do, in the first Place, thank the great King of Heaven for so extraordinary a Mercy, fitted to unite all our Hearts, and prevent all our Jealousies; not doubting, but that all his Majesty's loyal Subjects, will express their solemn and sincere Joy, upon so signal an Occasion; and that they will put up their ardent Prayers to the Almighty, to whom they owe this hopeful Prince, for prolonging his Life, in which they ought to be concerned, as in their chief earthly Blessing, next to that of his Royal Parents, whom God preserve. And for this end, we the Lords of his Majesty's Privy Council, do, by his Majesty's special Warrant, appoint and ordain, that a solemn and publick Thanksgiving be kept and observed, in all the Churches of this his Majesty's ancient Kingdom, on the respective Days after specified, viz. Those in the Diocese of *Edinburgh*, and the Three *Lothians*, on Thursday the 21 Day of June instant, and in all the other Parish-churches of the Kingdom, on the Thursday thereafter, being the 28 of the same Month. And we, by Warrant foresaid, do accordingly require and command the most Reverend and the right Reverend, the Archbishops and Bishops, to take Care that Intimation be made hereof, by the Ministers reading the same from their Pulpits, the Lord's Day immediately preceeding the said Days of Thanksgiving and Solemnity, *respective*; and that in all the Parish-churches within their Dioceses, the said Thanksgiving be

accer-



accordingly celebrated: And we require and command the Magistrates of all Burghs royal, that they cause the said Thanksgiving and Solemnity be observed with all suitable Marks of Joy and Congratulation, within their respective Burghs; and ordain the Lyon King at Arms, and his Brethren, Heralds, Macers of Council, and Pursewards, forthwith to pass to the Market-crofs of *Edinburgh*, and make Publication of these Presents. Extracted forth of the Records of Privy Council, by me

*Will. Paterson* Cl. Secr. Concilii.

God save the King.

*Proclamation against Mr. David Houstoun, June 22. 1688. N<sup>o</sup>. CXL.*

**T**HE Lords of his Majesty's Privy Council having notice of an Attack made upon a Party of his Majesty's Forces who were conveying one *Houstoun*, a declared Rebel, Prisoner to the Tolbooth of *Edinburgh*, by his Majesty's special Command, in whose March several of the said Forces were killed, and others desperately wounded; they having therefore thought fit, that full and exact Search, Enquiry and Trial should be made in the said Matter, both as to the Actors, Abettors, or Hounders out of the said desperate Rebels, that they may be brought to condign Punishment, and for preventing the like Villanies in Time coming, have directed Letters to the Sheriffs of *Ayr*, *Lanerk*, *Renfrew* and *Nithsdale*, or their Deputes, to call and convene the Nobility, Freeholders, Heritors, and indulged Ministers, to meet and convene the 29 Day of *June* instant, at the head Burgh of the said respective Shires, and Stewartry; as also the Sheriff of the Shire of *Wigtoun*, and Stewart of the Stewartry of *Kirkcudbright*, or their Deputes, to call and convene the Nobility, Freeholders, Heritors, and indulged Ministers of the said Shire and Stewartry, to meet and convene at the head Burghs thereof respective, upon the Sixth Day of *July* next, do therefore expressly require and command the Noblemen, Heritors, Freeholders, and indulged Ministers foresaid, within the said Shires and Stewartries, to meet and convene at the Days and Places respective abovementioned, and then and there to give Obedience to the said Letter, as they will be answerable at their highest Peril. And to the end these Presents may be made known to all Persons concerned therein, the said Lords ordain the Macers of Privy Council to pass to the Market-crofs of *Edinburgh*, and Messengers at Arms, to pass to all other Places usual, and make Publication hereof, that none may pretend Ignorance. Extracted forth of the Records of Privy Council, by me,

*Col. Mackenzie* Cl. Secr. Concilii.

God save the King.

*Proclamation, August 15. 1688. against Books and Pamphlets. N<sup>o</sup>. CXLI.*

**J**AMES, by the Grace of God, King of *Great Britain*, *France* and *Ireland*, Defender of the Faith: To  
Macers of Our Privy Council, Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting: Forasmuch as We being informed, that there are many impious and scandalous Books and Pamphlets printed in *Holland*, and elsewhere, inciting Our Subjects to Murder and Assassination, as well as Rebellion, to the great Reproach of the Christian Religion, and the Ruin of all human Society; in which also Our Government and the Actions of Our Royal Predecessors, and Our own, are represented as cruel, barbarous and tyrannical, and all such as have served and obeyed Us, are railed at as Enemies to God and their native Country, notwithstanding of the great Care We have always taken to tolerate all different Perswasions, and the Clemency We have shewn in pardoning the greatest Criminals, which Books are brought Home into this Kingdom, and vended, and spread here; and We being most desirous, on this, as on all other Occasions, to prevent any of Our Subjects being brought into a Snare, We have thought fit hereby to intimate and make known, that if any of Our Subjects shall hereafter bring Home, vend or sell, disperse or lend any of the Books underwritten, viz. all Translations of *Buchanan de jure regni*, *Lex Rex*, *Jus populi*, *Nephthali*, *The Cup of cold Water*, *The Scots Mist*, *The apologetical Relation*, *Mene Tekel*, *The Hynd let loose*, the treasonable Proclamations issued out at *Sanquhar*, and these issued out by the late Duke of *Monmouth*, and the late Earl of *Argyle* or any other Books that are, or shall be hereafter written or printed, defending these treasonable and seditious Principles, they shall be liable as if they were Authors of the said Books; and all other Our Subjects are hereby commanded to bring in any of the said Books they have, and deliver them in to any Privy Counsellor, Sheriff, Bailie of Regality, or Bailiaries, or their Deputes, or any Magistrates of Burghs, to be transmitted by them to the Clerks of Our Privy Council, to the end the same may be destroyed; with Certification, that whoever (except Privy Counsellors) shall be found to have any of the said Books, and not to have delivered them up, shall be fined, for Our Use, in such a Penalty, as Our Council shall appoint, for



for each of the said Books, that he or they have not delivered up; and appoints the said Books and Pamphlets to be brought in betwixt and the Diets following, *viz.* These in the Town of *Edinburgh*, and Suburbs thereof, betwixt and the First *Tuesday* of *September* next to come, and all others within this Kingdom, betwixt and the First *Tuesday* of *November* next to come. And to the end Our Royal Pleasure in the Premises may be made publick and known, Our Will is, and We charge you strictly and command, that incontinent, these Our Letters seen, ye pass to the Market-crofs of *Edinburgh*, and whole remanent Market-croffes of the head Burghs of the Shires of this Kingdom, and other Places needful, and there, in Our Name and Authority, make Publication of Our Royal Pleasure in the Premises. And recommend to the most Reverend the Archbishops, and right Reverend Bishops, to cause read this Our Royal Proclamation, in all the Pulpits of this Kingdom, upon some convenient Lord's Day, in the Forenoon, immediately after divine Service, that none pretend Ignorance.

Given under Our Signet, at *Edinburgh* the fifteenth Day of August, One thousand six hundred eighty eight Years, and of Our Reign the fourth Year.

*Per actum Dominorum secreti Concilii.*

Will. Parterfon Cl. Secr. Concilii.

God save the King.

### *Rules of the Schools at Holy-rood-house. N<sup>o</sup>. CXLII.*

- I. **T**he Intention of opening these Schools is, to teach Youth Virtue and Learning. They shall be taught *gratis*, nor shall they be at any further Charges or Expences than the buying of their own Pens, Ink, Paper and Books.
- II. These Schools are common to all, of what Condition soever, and none shall be excluded, when they shall be thought fit to begin to learn *Latin*, and write sufficiently well; and in these Schools shall be taught *Greek* and *Latin*, as also Poetry, Rhetorick, and Philosophy, &c. as they shall rise to higher Schools.
- III. And altho' Youths of different Professions, whether Catholicks or Protestants, come to these Schools; yet, in teaching all, there shall be no Distinction made, but all shall be taught with equal Diligence and Care, and every one shall be promoted according to his Deserts.
- IV. There shall not be, either by Masters or Scholars, any tampering or meddling to perswade any one from the Profession of his own Religion, but there shall be all Freedom for every one to practise what Religion he shall please, and none shall be less esteemed or favoured for being of a different Religion from others.
- V. None shall upbraid or reproach any one on the account of Religion; and when any Exercise of Religion shall be practised, as hearing Mass, catechising, or preaching, or any other, it shall be lawful for any Protestant, without any Molestation or Trouble, to absent himself from such publick Exercise, if he please.
- VI. All shall be taught to keep God's Commandments, and therefore none shall be permitted to lie, swear, or curse, or talk uncivil Discourse, nor shall fight or quarrel with one another; and he who shall be observed to fail in these Duties, shall be punished according to his Demerit: And when any one, for these, or other Faults, shall be adjudged to any Chastisement, if he shall refuse to receive such Chastisement quietly, or be stubborn, he shall be expelled the Schools, and not be re-admitted again, until he shall have given Satisfaction for such his Fault.
- VII. All shall be in their respective Schools by a Quarter before Eight in the Morning, and shall there stay until Ten and an Half; again at a Quarter before Two, until Half an Hour after Four. And all Parents are earnestly desired to send their Children timely to School, and not easily to stay them at Home, for the Neglect of some Days may hinder the Profit of many Weeks and Months. And they are to send them decently clad.
- VIII. The other Hours of the Day they shall study at their own Homes, and prepare those Exercises which the Masters in the Schools appoint to be brought, at their next coming to the Schools. And therefore all Parents are desired to allow their respective Scholars such Conveniency for their Studies at their own Houses, that they may comply with those Duties which are appointed them.
- IX. All are required to be exact and diligent, in daily frequenting the Schools, and being there, none are to go out without Leave of their Master: And when any one shall be absent from School, he shall, the next Day he comes, bring, from his Parents, a Ticket of the Lawfulness of such his Absence; yet they shall have, every Week, Two Afternoons of Recreation, in which they come not to School; unless an holy Day happen that Week, which shall then be their Day of Relaxation.
- X. Such as come from the Writing School, and have no Entrance in *Latin*, are to be received but Three Times in the Year, *viz.* at the Beginning of the New Year, at Easter, and about our Lady-day in September.



*Proclamation for raising the Militia, and setting up Beacons, September 1688.*  
N<sup>o</sup>. CXLIII.

**J**AMES, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith : To Our Lyon King at Arms, and his Brethren, Heralds, Macears of Our Privy Council, Pursevants, Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute, Greeting. Forasmuch as, by the Thirty second Act of Our First Parliament, We were graciously pleased, for the Ease of Our People, to discharge the ordinary Rendevouzes of Our established Militia, during Our Royal Pleasure ; and now We having thought fit, for the Good of Our Service, and Security of Our Royal Government, that the Foot Regiments of Our Militia of the Town of *Edinburgh*, Mid, East and West *Lothian*, *Fife* and *Kinross*, *Perth*, *Stirling*, *Merse* and *Forfar*, should be rendevouzed, at the Times and Places, and under the Commanders aftermentioned, therefore We, with Advice of Our Privy Council, do hereby strictly require and command, that all Persons liable in Outrick of the said Militia Foot Regiments, in the foresaid Shires, do peremptorily send out their respective Proportions, as formerly, with their best Arms, and with Forty eight Hours Provision, viz. the Regiment of Our good Town of *Edinburgh*, at the Links of *Leith* upon *Tuesday* next the 25 instant, at Ten a Clock in the Forenoon, under the Command of the Lord Provost of *Edinburgh*, and in his Absence, under the Command of the first Bailie ; the Regiment of Mid *Lothian*, at the said Time and Place, under the Command of the Earl of *Lawderdale* ; the Regiment of East *Lothian*, the said Time, at the Burgh of *Haddingtoun*, under the Command of Sir *James Hay* of *Linsplum* ; the Regiment of West *Lothian*, the said Time, at the Burgh of *Linlithgow*, under the Command of the Earl of *Linlithgow*, Our Justice-general ; the East Regiment of *Fife*, at the Town of *Leven*, the said Day and Time, under the Command of the Earl of *Balcarras* ; the West Regiment of that Shire, upon *Wednesday* thereafter, the 26 instant, the said Time, at the Burgh of *Kirkaldy*, under the Command of the said Earl of *Balcarras* ; the Regiment of *Stirling*-shire, at *Sauchinford*, the 25 instant, at the abovescribed Hour, under the Command of the Earl of *Callendar* ; the Regiment of *Berwick*-shire, the foresaid Time, at the Town of *Dunle*, under the Command of the Earl of *Hume* ; the Regiment of *Forfar*, at the Burgh of *Forfar*, the said Day and Time, under the Command of the Earl of *Strathmore* ; the West Regiment of *Perth*-shire, at *Auchtermador*, the foresaid Time, under the Command of Sir *John Drummond* of *Machany*, or in his Absence, *James Graham* of *Urchle* ; and the East Regiment of that Shire, at the same Time, at the Inch of *St. Johnston*, under the Command of the Marquis of *Athole* Lord Privy Seal, or whom he shall appoint. And ordain the said Regiments to continue in the respective Places abovescribed, in a Body, for the Space of Forty eight Hours ; in which Time they are to receive further Orders from Us, or Our Privy Council ; hereby strictly charging and commanding all Heritors, Liferenters, Leaders, and others, any manner of way liable in Outrick of the said Regiments, to give punctual Obedience to this Our Royal Will and Pleasure, under the Pains contained in the Acts of Parliament anent Our Militia ; requiring also the said Persons now nominate by Us, to send in exact Accounts from their said first Meeting, to Our Chancellor, what commisionate Officers are wanting in their respective Regiments, that We may supply the same, as in Our Royal Wisdom We shall think fit ; hereby likewise requiring and commanding all Persons, whether Officers or Soldiers of the said Regiments, to give cheerful Obedience to those intrusted by Us in this Command, and that as they will be answerable at their highest Peril, and appoint and command the respective Sheriffs and their Deputes, to cause prepare Beacons at *North-berwick-law*, *Garrintoun-hill*, *St. Abbs-head*, *Coldingham-moor*, *Arthurs-seat*, *Dininicker-law*, *Kellie-law*, *Largo-law*, *Easter Lowmont* in *Fife*, and the *Bass*, upon which Places the respective Sheriffs are ordered to cause kindle Beacons, how soon they see any considerable Number of Ships appearing on the Coasts of this Kingdom. And strictly require and command all fencible Persons, Our Lieges in the said Bounds, betwixt Sixty and Sixteen, in their best Arms, to repair to the respective Places appointed for the Rendevouz of the said Shires, and that immediately upon their having notice of the firing of the said Beacons, or either of them. And likewise hereby requiring all Heritors, Liferenters and Wadsetters, to be ready with their best Horses and Arms, to attend Our Host, whenever they shall be required thereto, and that under the Pains and Penalties contained in the Acts of Parliament anent Absents from Our Host. And to the end Our Royal Pleasure in the Premises may be made publick and known, Our Will is, and We charge you strictly and command, that incontinent, these Our Letters seen, ye pass to the Market-cross of *Edinburgh*, and whole remanent Market-crosses of the head Burghs of the Shires of this Kingdom, and other Places needful, and there, in Our Name and Authority, by open Proclamation, make Publication of Our Royal Pleasure in the Premises. And recommend to the most Reverend the Archbishops, and right Reverend Bishops, to cause read this Our Royal Proclamation, in the all Pulpits of this Kingdom, upon the first next Lord's Day, in the Forenoon, immediately after divine Service, that none pretend Ignorance.

*Given under Our Signet, at Edinburgh the Eighteenth Day of September, One thousand six hundred and Eighty eight Years, and of Our Reign the Fourth Year.*

*Per actum Dominorum secreti Concilii.*

*Will. Paterson Cl. Secr. Concilii.*

God save the King.



JAMES R.

Given at Our Court at Whitehall, the Sixth Day of October, 1688. and  
of Our Reign the Fourth Year.

By his Majesty's Command,

MELFORD.

*Proclamation calling out Heritors, October 3. 1688. N<sup>o</sup>. CXLV.*

**JAMES**, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith: To Our Lyon King at Arms, and his Brethren, Heralds, Maces of Our privy Council, Pursuivants, Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constitute Greeting. Forasmuch as We being obliged by the vast Preparations of the States of Holland, to put this Our ancient Kingdom in a Condition of Defence, as well for the securing of Our own Honour, as the protecting the Lives and Estates of all Our Liege People; therefore We, with Advice of Our Privy Council, do hereby peremptorily require and command the whole Heritors, Liferenters, and Wadsetters, and the Factors and Chamberlains of such as are Minors, out of the Kingdom, or otherwise necessarily absent, to convene with their best Horses and Arms, and to be rendezvoused under the Command, and at the respective Places and Diets aftermentioned, viz. The Shire of Nithsdale and Stewartry of Anandale, at the Town of Dumfries, the fiftieth of October instant, under the Command of the Duke of Queensberry; the Shire of Wigton, the said Day at Dumfries, under the Command of the Earl of Galloway, and in his Absence the Laird of Logan; the Stewartry of Kirkcudbright, the said Day and Place, under the Command of the Viscount of Kenmuir, or the Laird of Laz; the Bailiary of Cuninghame, the said Day at Glasgow, under the Command of the Lord Montgomery; the Bailiaries of Kyle and Carrick, the said Day and Place, under the Command of the Earl of Cassilis; the Shire of Renfrew, at the said Town, the twelfth Day of October instant, under the Command of the Earl of Dundonald; the Shire of Lanerk, the said Day and Place, under the Command of the Duke of Hamilton, and in his Absence, Lord John Hamilton his Son; the Shire of Dumbarrow, the said Day and Place, under the Command of the Earl of Glencairn; the Shire of Teviotdale, at Edinburgh, the tenth Day of October instant, under the Command of the Earl of Leithian and the Lord Newbottle; the Shire of Berwick, the said Day and Place, under the Command of Sir Archibald Cockburn of Langtoun, Baronet; the Shires of Forest and Peebles, the said Day and Place, under the Command of the Laird of Drumelzier; the Shire of East-lothian, the said Day and Place, under the Command of the Lord Yester; the Shire of Mid lothian, the said Day and Place, under the Command of the Earl of Lawderdale; the Shires of West-lothian, Stirling, and Clackmannan, the said tenth Day instant, under the Command of the Earl of Mar; the Shires of Fife and Kinross, the said Day, at the Town of Burnt-island, under the Command of the Earl of Balcarras; the western Division of Perth-shire, at Stirling the foresaid tenth instant, under the Command of David Viscount of Stormount; the eastern Division of that Shire, the foresaid Day and Place, under the Command of the Lord Murray; the Shire of Forfar, at the Burgh of Stirling, the twelfth instant, under the Command of the Earl of Southesk; the Shire of Merns, at the Burgh of Perth, the fifteenth instant, under the Command of the Lord Keith; Maryhal's Part of Aberdeen, at Brechin or Forfar, the fifteenth instant, under the Command of the Earl



Earl of Kintore; the rest of the Shire of *Aberdeen*, with the Shire of *Banff*, the said Day and Place, under the Command of the Duke of *Gordon*; all betwixt *Spey* and *Ness*, at the Burgh of *Brechin*, the twentieth instant, under the Command of the Lord *Duffus*; the Shires of *Ross* and *Cathness*, at the Burgh of *Elym*, the twenty fourth instant, under the Command of the Master of *Tarbet*. And hereby requires and commands the Earl of *Cathness* to levy two hundred Foot, out of the Shire of *Cathness*, in place of the Militia of the said Shire, sufficiently armed and provided with fourteen Days Loan, which is to be proportionably laid on by the Commissioners of Supply of the said Shire, upon all Persons liable in Outrick of the Militia, and with these to march to the Head of *Lochness*, betwixt and the twenty ninth instant. As likewise, requires and commands the Lord *Down*, forthwith to rendezvouze the Foot-militia, betwixt *Spey* and *Ness*, and to make a Detachment of the third Part thereof, provided with fourteen Days Loan, which is to be imposed and proportioned upon these liable, in Manner above exprest, and with these to march to *Lochness*, betwixt and the twenty ninth instant. As likewise requires the Lord *Strathnaver* to levy two hundred Men in Place of the Militia of *Sutherland*, and to march forthwith to the Head of *Lochness*, with fourteen Days Loan, which is to be laid on and proportioned on the said Shire, in Manner abovementioned; and this besides and without Prejudice to the Proportions of Men, formerly ordered by Our Council to be rendezvouzed and levied by those of Our Nobility and Gentry, having Interest in Our Highlands; with Certification to such as shall fail herein, they shall be punished as Absents from Our Host, conform to Our Laws and Acts of Parliament. And ordains all the said Commanders, and all under their respective Command, to remain at the respective abovementioned Places, till further Order from Our Council. And for the Security of all Persons concerned in this Our Service, We do hereby, by virtue of Our Royal Prerogative, discharge all personal Execution for any civil Cause or Debt, against any Person, who comes out to Our Host in obedience to this Our Royal Command, and that during their attending the same: And to the end Our Pleasure in the Premises may be made publick and known, Our Will is, and We charge you strictly and command, that incontinent, these Our Letters seen, ye pass to the Market-cross of *Edinburgh*, and whole remanent Market-crosses of the head Burghs of the Shires of this Kingdom, and other Places needful, and there, in Our Royal Name and Authority, make open Proclamation of the Premises; that all persons concerned may have Notice thereof, and give punctual and exact Obedience thereto, as they will be answerable at their highest Peril.

*Given under Our Signet, at Edinburgh the third Day of October, 1688. and of Our Reign the fourth Year.*

God save the King.

### *Act anent the Militia, October 9. 1688. No. CXLVI.*

**T**He Lords of his Majesty's Privy Council do ordain, that when his Majesty's Service requires any Detachments to be made in the Militia for the future, that the respective Commanders of the Militia Regiments, make the said Detachments proportionally from the Persons liable to outrick the Militia: As likewise, they do ordain, that when any Man's Arms are taken, and given to another, whom the Officers think fitter for the said Service, they are to give to the Owner of the said Arms, a Note obliging them to return the same; and that the said Militia, and all the Detachments thereof may prove effectual for his Majesty's Service, the said Lords do hereby decern and ordain any Runaways, or Deserters of his Majesty's Militia, or Detachments thereof, to be liable to corporal Punishment, according to Law; and that the Master or any other who shall reset the said Deserter, or Runaway, shall be punished with all Rigour, as the said Lords of the Privy Council shall think fit; and that the Outrickers of the said Deserter, or Deserters, upon Intimation by the Officer, shall be forthwith obliged to furnish others in their Place; with Certification, that the said Outrickers shall be liable to the Pains and Penalties contained in the Acts of Parliament anent the Deficients of the Militia. And to the end that the said Deserters or Runaways may be known, the respective Colonels and other Commanders, are hereby ordered to cause proclaim the Names of such Runaways and Deserters, at all the Church-doors of the Shire, that none may pretend Ignorance in resetting of them; and for the Encouragement of all concerned in the said Militia, ordain the Pay due to the Soldiers, to be given in to the Officers; and by them to be paid to the Soldiers daily, according to their Service and Attendance, as they will be answerable. As likewise, the said Lords, for preventing any Abuses for the future, by pressing of Horses for the Use of his Majesty's Forces, or Artillery, do require and command, that in all time coming, when Horses are needful for his Majesty's Service, in and about *Edinburgh*, that the commanding Officer give in a Note to his Majesty's Privy Council, of the Number of Horses, and Furniture needful for the Time, and that the said Horses be proportionally furnished, viz. the one Half by the Town of *Edinburgh*, and the other by the Shire of *Mid-lothian*; and for that effect, that an Order be direct to the Provost of *Edinburgh*, and another to the Clerk for the Supply of the Shire, who is hereby ordered to call the *Quota* conform to the Valuation, and send the several Proportions of the respective Parishes, to one of the Justices of the Peace of the said Parish, who is hereby forthwith ordered to send the said Horses and Furniture to the Place appointed by the Council: And for that effect, the said Justices are hereby empowered and authorized to seize Horses, and fine or imprison the Deficients; and further to prevent Abuses in the furnishing of Horses, the Magistrates of *Edinburgh* are hereby peremptorily discharged to take, or press any Horses from any Persons, except from their own Inhabitants, and these living in their Town and Suburbs, and under their Jurisdiction. And the Lords of Council do hereby expressly and peremptorily prohibit and discharge any Officers, or Soldiers, whether of his Majesty's standing Forces, or Militia, to press or seize any Horses, upon Pretence of his Majesty's Service, without exprels Warrant from the Lord High



Chancellor, or a Privy Counsellor at least, as they will be answerable at their highest Peril. And the said Lords declare, notwithstanding of the Speciality foresaid, that this Act is to be extended as to the whole Shires of the Kingdom, and ordain the same to be put in Execution accordingly, every manner of way, as is above expressed. And to the end these Presents may be made known, ordain the same to be published at the Market-crois of *Edinburgh* by the Macers of Council, and by Messengers at Arms, at the whole other Market-croises of the head Burghs of the Shires of this Kingdom, that none may pretend Ignorance. Extracted by me

COL. MACKENZIE. Cl. Secr. Concilii.

God save the King.

*Letter from the Scots Bishops to the King, November 3. 1688. N<sup>o</sup>. CXLVII.*

*May it please your most sacred Majesty,*

WE prostrate our selves to pay our most devout Thanks and Adoration to the sovereign Majesty of Heaven and Earth, for preserving your sacred Life and Person, so frequently exposed to the greatest Hazards, and as often delivered, and you miraculously prospered with Glory and Victory, in Defence of the Rights and Honour of your Majesty's august Brother, and of these Kingdoms; and that by his merciful Goodness, the Ragings of the Sea, and Madnefs of unreasonable Men, have been stilled and calmed, and your Majesty, as the Darling of Heaven, peaceably seated on the Thrones of your Royal Ancestors, whose long, illustrious, and unparalleled Line, is the greatest Glory of this your ancient Kingdom.

We pay our most humble Gratitude to your Majesty, for the repeated Assurances of your Royal Protection to our national Church and Religion, as the Laws have established them, which are very suitable to the gracious Countenance, Encouragement and Protection your Majesty was pleased to afford to our Church and Order, whilst we were happy in your Presence amongst us.

We magnify the divine Mercy in blessing your Majesty with a Son, and us with a Prince, whom we pray Heaven may bless and preserve to sway your royal Sceptres after you, and that he may inherit, with your Dominions, the illustrious and heroick Virtues of his august and most serene Parents.

We are amazed to hear of the Danger of an Invasion from *Holland*, which excites our Prayers for an universal Repentance to all Orders of Men, that God may yet spare his People, preserve your Royal Person, and prevent the Effusion of Christian Blood, and to give such Success to your Majesty's Arms, that all who invade your Majesty's just and undoubted Rights, and disturb or interrupt the Peace of your Realms, may be disappointed, and clothed with Shame, so that on your Royal Head the Crown may still flourish.

As by the Grace of God we shall preserve in our selves a firm and unshaken Loyalty, so we shall be careful and zealous to promote in all your Subjects an intemperate and steadfast Allegiance to your Majesty, as an essential Part of their Religion, and of the Glory of our holy Profession, not doubting but that God in his great Mercy, who hath so often preserved and delivered your Majesty, will still preserve and deliver you, by giving you the Hearts of your Subjects, and the Necks of your Enemies. So pray we, who in all Humility are,

*May it please your most sacred Majesty,*

*Your Majesty's most humble, most faithful,*

*and most obedient Subjects and Servants.*

*Edinburgh, Nov.  
3. 1688.*

Signed by

Arch. St. Andrews,	Geo. Abredonen.	Arch. Sodoren.
Jo. Glasgow,	Wil. Moravien.	And. Oraden.
Alex. Edinburgen.	Ja. Rossen.	Cathness,
Jo. Gallovidien.	Ja. Brechinen.	Argyle Lesmoren.
Jo. Dunkelden.	Ro. Dumblanen.	

*King's Answer to the former, November 15. 1688. N<sup>o</sup>. CXLVIII.*

JAMES R.

Right trusty and right welbeloved Counsellors, and right trusty and welbeloved, We Greet you well. We have received your most dutiful Letter, of the Third Day of *November*, in which We are glad to see, that you are far from being of the Number of those spiritual Lords, whom the Prince of *Orange* pretends



tends to have been invited by ; as We have likewise had repeated Assurances from all the Bishops of *England*, of their Innocency in that, and Duty to Us : We have now thought fit by this to tell you, how sensible We are of your Zeal for Our Service, and for the dutiful Expressions of your Loyalty to Us, in a Time when all Arts are used to seduce Our Subjects from their Duty to Us. We do likewise take Notice of your Diligence in your Duty, by your inculcating to those under your Charge, these Principles which have always been owned, taught and published by that Protestant, loyal Church you are truly Members of : We do assure you of Our royal Protection to you, your Religion, Church and Clergy, and that We will be careful of your Concerns, whenever there shall be a suitable Occasion offered to Us ; you, and every one of you, being most perfectly in Our royal Protection and Favour. And so We bid you heartily Farewel.

*Given at Our Court at Whitehall, the Fifteenth Day of November, 1688. and of Our Reign the Fourth Year.*

*By his Majesty's special Command,*

MELFORD.

*Proclamation, Nov. 10. 1688. against Spreaders of false News. N<sup>o</sup>. CXLIX.*

*Present in Council,*

The Earl of *Perth* Lord high Chancellor,  
His Grace the Lord Archbishop of *St. Andrews*,  
His Grace the Lord Archbishop of *Glasgow*,  
The Marquis of *Athole* Lord Privy Seal,  
His Grace the Duke of *Gordon*,  
The Earl of *Errol*,  
The Earl of *Mar*,  
The Earl of *Cassils*,  
The Earl of *Linlithgow* Lord Justice-general,  
The Earl of *Dumfermling*,  
The Earl of *Strathmore*,  
The Earl of *Southesk*,  
The Earl of *Traquair*,  
The Earl of *Bakarras*,

The Earl of *Broadalbin*,  
The Lord Viscount of *Tarbet* Clerk of Register,  
The Lord *Strathnaver*,  
The Lord *Mantland* Treasurer-depute,  
The Lord *Duffus*,  
The Lord *Kinnaird*,  
The Mr. of *Balmerino*,  
Sir *George Lockhart* Lord President of the Session,  
The Lord Advocate,  
The Lord Justice-clerk,  
The Lord *Castlehill*,  
Lieutenant-general *Monro*,  
The Laird of *Nidavry*.

**W**Hereas we have seen a Proclamation issued out in Name of his most sacred Majesty, declaring, that the Prince of *Orange* and his Adherents have designed to invade his Majesty's Kingdoms ; and that now his Majesty hath signified by his Royal Letter, of the Date, at *Whitehall* the Fifth Day of *November* instant, that they are landing in *England*, and in order thereto, have contrived and framed several treasonable Papers and Declarations, hoping thereby to seduce and corrupt his Majesty's Subjects, and that several Persons are employed to disperse the same : And since such Methods may be taken to corrupt his Majesty's Subjects, in this his ancient Kingdom ; therefore we, the Lords of his Majesty's Privy Council, in his Royal Name, and by his Authority, have thought it necessary to admonish all his Majesty's Subjects within this Kingdom, of what Degree or Quality soever, that they do not publish, disperse, repeat, or hand about the said treasonable Papers or Declarations, or any of them ; or any other Paper or Papers of such like Nature, and particularly a Declaration in the Prince of *Orange's* Name, and another in the Name of the *States General*, nor presume to read, receive, conceal, or keep the said treasonable Papers or Declarations, or any of them, or any other Paper or Papers to that Purport, or to disperse any false News, tending to the amusing his Majesty's Subjects, or to the Disturbance of the Peace of the Kingdom, without discovering and revealing the same, as speedily as may be, to some of the Privy Council, or to some other Judges, Justices of the Peace, or Magistrates, upon Peril of being prosecuted according to the utmost Severity of Law. Extracted forth of the Records of Privy Council by me,

*Wil. Paterson* Cl. Secr. Concilii.

God save the King.

*Proclamation, Dec. 14. 1688. anent Papists. N<sup>o</sup>. CL.*

**T**He Lords of his Majesty's Privy Council, for preventing Jealousies and Fears in this Kingdom, and for the Security of the Kingdom, do hereby ordain Sheriffs, Bailies, Lords of Regality, and Magistrates of Burrows, to search the Houses of Papists within their Jurisdictions, and to seize and secure all Arms



and Ammunition that shall be found therein, except such as they, or any of them, according to their Quality, use to wear for themselves, and their necessary Servants: And all just Jealousies being thus removed against them, the Lords of his Majesty's Privy Council, do hereby recommend to all the said Officers of the Law, to protect the Persons and Houses of the said Papists, against all publick Tumults, and private Insults, by preventing and punishing the same, as they shall see Occasion. And ordain these Presents to be published at the Market-crosses of *Edinburgh*, and whole other Market-crosses of this Kingdom, that none pretend Ignorance. Extracted forth of the Records of Privy Council, by me

*Wil. Paterson* Cl. Secr. Concilii.

God save the King.

*Proclamation, Dec. 24. 1688. calling forth the Heritors. N<sup>o</sup>. CLI.*

**T**He Lords of his Majesty's Privy Council, considering the great Fears and Jealousies of the Kingdom, from the Apprehensions his Majesty's Lieges generally have, of the Papists being in Arms in *Galloway* and other Places, and the Suspicions there may be of the *Irishes*, and other Papists from *England* and *Ireland*, in this dangerous Conjunction, their joyning with them, to the manifest Hazard of the Protestant Religion, and the endangering the Peace and Quiet of this his Majesty's ancient Kingdom; have therefore thought fit, that all his Majesty's Protestant Subjects may put themselves in their best Posture of Defence, for Security of the Protestant Religion, and securing their own Lives, Liberties, and Properties: In pursuance of which, the said Lords do hereby require and command the whole Heritors within this Kingdom, (armed and provided according to their Conditions and Qualities) to repair to the head Burghs of their respective Shires and Stewartries, or such convenient Places, as the respective Commanders aftermentioned shall appoint, and there to be rendezvoused under the Command of the Persons following, *viz.* The Shire of *Nithsdale* and Stewartry of *Anandale*, under the Command of the Duke of *Queensberry*, or such as he shall appoint; the Shire of *Air*, comprehending all its Jurisdictions, under the Earl of *Cassils*; the upper Ward of *Clidsdale*, under the Marquis of *Douglas*, or such as he shall appoint; the nether Ward, under the Duke of *Hamilton*, and in his Absence, the Lord *Carmichael*; the Shire of *Galloway*, under the Laird of *Logan*; the Stewartry of *Kirkcudbright*, under the Viscount of *Kenmuir*; the Shire of *Renfrew*, under the Command of Sir *Archibald Stuart* of *Blackhall*, Baronet; the Shire of *Dumbarton*, under the Command of the Laird of *Ardincaple*; the Shire of *Teviotdale*, under the Earl of *Lothian*; the Shire of *Berwick*, under Sir *Archibald Cockburn* of *Langtoun*, Baronet; the Shires of *Forest* and *Peebles*, under the Laird of *Drumelzier*; the Shire of *East Lothian*, under the Command of *Charles Master* of *Yester*; the Shire of *Edinburgh*, under the Earl of *Lawderdale*; the Shire of *Linlithgow*, under the Earl of *Linlithgow*, Lord Justice-general; the Shires of *Stirling* and *Clackmannan*, under the Earl of *Mar*; the Shire of *Kinross* and Western Division of *Fife*, under *John Bruce Fiar* of *Kinross*; the Eastern Division of *Fife*, under Sir *Charles Halket* of *Pitfirren*; the Two Divisions of the Shire of *Perth*, under such Commanders as they shall think fit to choose; the Shire of *Forfar*, under the Earl of *Southesk*; the Shire of *Kincardin*, under the Lord *Keith*; *Marshall's Part* of *Aberdeen*, under the Master of *Forbes*, or such as he shall appoint; the rest of *Aberdeen* Shire, under the Master of *Forbes*, or such as he shall appoint; the Shire of *Bamff*, under the Earl of *Finlater*; all betwixt *Spey* and *Ness*, under the Lord *Duffus*; the Shire of *Ross*, under Sir *Rory Mackenzie* of *Findon*; the Shire of *Sutherland*, under the Lord *Srathnaver*, and in his Absence, by Sir *Robert Gordon* of *Gordonstoun*; the Shire of *Cathness* under the Lord *Glenorchy*; the Shire of *Bute*, under the Sheriff of *Bute*. And authorize and require the said Heritors so met and rendezvoused, to act and do every Thing lawful and necessary for the Security of the Protestant Religion, and Peace and Quiet of the Kingdom; with Power to the said Commanders abovementioned, to keep together or dismiss them as they shall see Cause, unless they have particular Orders from the Council to the contrary. As likewise hereby authorize and empower the Magistrates of the whole Royal Burrows within this Kingdom, to rendezvouze the whole fencible Persons, Inhabitants within the same, for the great and laudable Ends abovementioned. Likeas, the said Lords do hereby advertise and require the whole Militia of Foot in this Kingdom, to be in Readiness to be rendezvouzed, when ever his Majesty's Privy Council shall have Occasion for their Service, and that at the respective Places of their Rendezvouz, and under their respective Commanders; and ordain the Heritors abovementioned, to be rendezvouzed at the Places of Rendezvouz, within their respective Shires, at the Diets following, *viz.* all the Shires below the River of *Tay*, upon *Tuesday* the first Day of *January* next; the Shires betwixt the River of *Tay* and *Spey*, upon *Tuesday* thereafter, the Eighth Day of the said Month; and the whole other Shires benorth *Spey*, upon *Tuesday* the Fifteenth Day of the said Month of *January*. And grant personal Protection to all who may be herein concerned, from all Execution of the Law for personal Debts, and that for the Space of one Month after the respective Days appointed for their Rendezvouz, in Manner abovementioned; but prejudice always of quartering, or other legal Diligence to be done for the inbringing of the Excise, Supply, and other publick Burdens. And ordain the Sheriffs of the Sherifdoms, Bailies of Regalities and Bailiaries, and Stewarts of Stewartries, and their Deputies, to cause make Intimation hereof in the usual Way and Manner accustomed; and these Presents to be published at the Market-crosses of the head Burghs of the whole Shires and Stewartries abovementioned, that none pretend Ignorance. Extracted forth of the Records of his Majesty's Privy Council, by me

*Wi'. Paterson* Cl. Secr. Concilii.

God save the King.



*First Draught of an Address to the Prince of Orange. N<sup>o</sup>. CLII.*

*To his Royal Highness the Prince of Orange, the Representation of the Grievances of many Thousands in the Church and Kingdom of Scotland, caused from a prevailing Faction, making Defection from the laudable Work of Reformation, at our first coming out of Popery, after the Year 1560. and renewed after Thirty Years Defection, in the Year 1683. until 1660. and first by the Acts of the Parliaments and Privy Council, and secondly by the Practice founded thereupon, and beyond them, whereby these evil Counsellors have given to the King, an absolute and arbitrary Power, engaging themselves, and what in them lies, with the whole Nation, to obey him without a Reserve, which is blasphemous, and only proper to the sovereign Majesty of GOD; together with a Call and humble Petition to his Highness, from the People of Scotland, of all Sorts, especially of the Presbyterians there.*

**I.** **T**He Acts of Parliament and Council, first they took a Way that none should be Members of Parliament, Privy Council, Justiciary Courts, Exchequer, and of any Place of Trust in Church or State, but such as should be for, and comply with their Designs; and that by Acts of Parliament and Council, imposing Oaths upon such, and keeping up warlike Forces to compel all who should any ways oppose their Proceedings, or disobey them in any thing, whereby all Judicatories and Places of Trust were corrupted, and appointing the Lord Chancellor, now and always in Time coming, to preside in Parliament and all publick Judicatories.

1<sup>st</sup>. By the Act anent the Prerogative of King Charles II. *Parl. 1. Sess. 1. Act 1.* which all Members of Parliament, at their downsitting, were to swear, and to be taken by all in civil Places of Trust, before their Admission thereunto.

2<sup>dly</sup>. By taking the Oath of Supremacy, (falsly called the Oath of Allegiance) *Act 11. ejusdem*, and renewed in Parliament second, *Sess. 1. Act 1.* and which all the Subjects were to take when required, *Parl. 1. Sess. 1. Act 17.* of King James VII.

3<sup>dly</sup>. None are to have Office in any University or College, but such as own Prelatical Government, and take the Oath of Supremacy, *Sess. 2. Act 4. Parl. 1. King Charles II.*

4<sup>thly</sup>. By taking the Declaration, wherein all Subjects are discharged to enter into Leagues and Covenants, or to take up Arms against the King, or any commissioned by him, upon any Pretence whatsoever, and annulling all done before, in carrying on the Work of Reformation, (called therein the late Troubles) condemning the national Covenant of Scotland, (made at our first Reformation from Popery, and renewed in the Year 1638.) as explained in the said Year, which, by the general Assembly, condemned the Hierarchy of Bishops, and the solemn League and Covenant of the Three Kingdoms, *Act 5. ejusdem*, the owning of these Covenants as lawful, shall infer the Crime and Pains of Treason, *Parl. 1. Sess. 1. Act 5.* of K. James VII. the Duke of *Queensberry* being Commissioner; to which is added, That he who refuses to take the said Declaration, in Burghs, shall, besides what is in the foresaid Acts, lose the Privileges of Merchandizing, Trading, and others belonging unto a Burghers, *Parl. 1. Sess. 3. Act 2.* K. Charles II.

5<sup>thly</sup>. By taking the Oath of the Test, (far differing from the English Test) wherein is the Oath of Supremacy, the Abjuration of the Covenants, and a swearing to defend, assist, and maintain his Majesty's Jurisdiction: This must be understood of what the Parliament has given him, securing the Supremacy to its Height, *Parl. 3. Sess. 1. Act 6.* of King Charles II. also all Heritors and Liferenters, Wadsetters, Masters of Ships, all Burghesses and Inhabitants of Burghs, are to take it, *Parl. 1. Act 13.* of K. James VII. but no Papist to take it.

**II.** Screwing up the Supremacy to a strange Height, as 1<sup>st</sup>. by the Oaths of the Prerogative, Supremacy, the Declaration and Test above exprest.

2<sup>dly</sup>. By discharging all Church-judicatories to exercise any Power, which doth not acknowledge a Dependence upon, and Subordination to the sovereign Power of the King, as Supreme; and asserting the ordering and Disposal of the external Government and Policy of the Church, properly to belong to his Majesty, as an inherent Right of the Crown, by virtue of his Royal Prerogative, and Supremacy in Causes ecclesiastical, *Parl. 1. Sess. 2. Act 1.* K. Charles II. Thus the King is made the Head and King of the Church, which is only proper to Christ, and annuls all Proceedings to the contrary, altho' made by K. James VI. and Charles I. and their Parliaments.

3<sup>dly</sup>. *Act 4. ejusdem*, it is asserted, that the Nomination of Members of Church-judicatories, and particularly of a national Synod, belongs to his Majesty, as an inherent Right of the Crown, by virtue of his Prerogative and supreme Authority in Causes ecclesiastical; and accordingly his Majesty, in the said Act, names them; and to debate and conclude upon such Matters, as his Majesty shall cause to be delivered to the Archbishop of St. Andrews, President of the said national Synod, that no such Assembly is to be kept without his Majesty or his Commissioner's Presence, and that only to be a valid Act, and binding Canon, which is agreed upon by the President, and major Part of the Assembly, and approved and confirmed by his Majesty or his Commissioner: A strange Act; such a Power was never given by any general Council to the Pope, nor claimed by him.



4thly. An Act, asserting all Government does originally reside in his Majesty, and lawful Heirs and Successors, and declares that his Majesty may, by himself or any commissioned by him, take Cognizances of, and make Decision in any Cause or Causes he pleases, *Parl. 3. Sess. 1. Act 18. K. Charles II.* This is strange; for hereby all civil or Kirk-judicatories may be cut off, as needless.

5thly. They establish the King's absolute Power and Authority, and oblige themselves to obey the King, without Reserve entirely, *Parl. 1. Sess. 1. Act 2. James VII.*

III. The many Acts against the Meetings of the nonconform Ministers, Preachers and Hearers, under the Penalties of exorbitant Fines, and other greater Punishments, even Death it self, *Parl. 1. Sess. 1. Act 8. of K. James VII.* and to the exhauling of their Estates, of which some had very great Estates; and that neither they meet in private Houses nor in the Fields, (which yet were but rare) because they could not with Safety, and without being apprehended, meet in Houses, and that merely for Nonconformity, *Parl. 1. Sess. 3. Act 1. K. Charles II. Acts 5 & 7. Sess. 2. Parl. 2. Act 4. Parl. 3. Sess. 1. Act 16 ejusdem, Parl. 1. Sess. 1. Act 24. of K. James VII.*

2dly. Particularly, besides what is last said anent new conform Ministers; first, their imprisoning of about Twelve Ministers, before ever the first Parliament sat down, for meeting together in *Edinburgh*, and drawing a necessary and laudable Supplication to the late King's Majesty, after he came last home to *England*, in 1660. for which, and other Things relating to the Reformation, as they both suspected and alleged, the Committee of Estates gave them a Libel, as being guilty of Treason, and putting them from their Office and Benefice, and did execute one of them, as in the next follows.

2dly. Their executing the Marquis of *Argyle*, the Lord of *Waristoun*, the then Register, for Things whereof many of themselves were guilty; but they said, they had a Remission; and Mr. *James Guthrie* an eminent and faithful Minister of the Gospel, forfeiting all the Three, and mainly for Matters relating to the Reformation, and being Friends thereto, Three famous Martyrs; and did set up their Heads in eminent Places; God in his Providence so ordering it, that, at the very first, a Nobleman, a Gentleman, and a Minister should seal the Work of Reformation with their Blood. This was done in the Year 1661.

3dly. There being outed to the Number of about 300. both from Office and Benefice, by an Act of the Privy Council, in the Year 1661. for Nonconformity; there being in all *Scotland* but between Nine and Ten hundred Ministers and Parish-churches, and commanding them to remove their Residence Twenty Miles from their Parish-churches, Six Miles from Cathedral Churches, and Three Miles from all Royal Burgs; it was impossible to put all these Clauses in Execution as to all of them: And all this according to *Act 1. Sess. 3. Parl. 1. King Charles II.*

4thly. If they preach any, to be punished as seditious Persons, *Act 1. ejusdem*; but withal, securing the Persons of all conformist Preachers in a strange Way, under uncouth Penalties upon the Parishioners, tho' never so innocent, if any Hurt came to them from any whatsoever, *Parl. 1. Sess. 1. Act. 5. K. Charles II.*

5thly. That such as preach in Houses or in the Fields, shall be punished with Death, *Parl. 1. Sess. 1. Act 8. K. James VII.* This was executed upon some of them.

6thly. Denuding them these 27 Years past, of their Maintenance wherewith they maintained themselves; Wives, Children, and Servants, giving and allowing them not a Penny therefor, nay, not out of vacant Stipends; appointing the same to be given to suffering conform Ministers, for their Loyalty, (as they call it, and to their Wives and Bairns after their Death) and this to the impoverishing of many godly Nonconformists, and bringing them into great Straits, *Parl. 1. Sess. 1. Act 52. K. Charles II.*

7thly. Against ordaining of Ministers, making these Ordinations null, and such so ordained to be no Ministers, contrary to the Judgment of all orthodox Protestants, *Parl. 2. Sess. 3. Act 9. Charles II.*

8thly. Against the marrying of People, and the married so, to pay huge Fines, *Parl. 1. Sess. 1. Act 34. Parl. 2. Sess. 3. Act 9. Charles II.*

9thly. Against their Baptizing, and who shall baptize with them, to pay also huge Fines, *Parl. 2. Sess. 2. Act 6. Sess. 3. Act 11. Charles II.*

10thly. The banishing of many of them out of his Majesty's Dominions, and not to return under the Pain of Death, without the Licence of Authority, many of them dying abroad, and that for refusing to sign the Oath of Supremacy; yea, several of them for offering to take the said Oath, with an Explication thereof, holding forth its orthodox Sense, were sentenced with Banishment.

11thly. Their often and long Imprisonments in most unwholsom Places and Prisons, to the putting of them to Expences for maintaining themselves and Family, Payment of Jaylor-fees, paying Money to Clerks for their Petitions, and oft-times in vain, and being necessitate to bribe, especially the King's Advocate, and paying much to the Clerks for the Extracts of their Liberties, when they got it, (these Expences were common to them with others) and severals of them dying in their Prisons; also severals of them were put in the Irons, and some of them tortured, and some of them, since the Liberty was granted, for but modestly Preaching against the repealing of the penal Statutes, were imprisoned.

IV. The rescinding and annulling all the Parliaments that were for renewing the Work of Reformation, and so all their Acts, especially relating thereunto, since the Year 1637. as the Parliaments 1640, 1641, 1644, 1645, 1646, 1647 & 1649. albeit the King himself was present in that of 1641. and ratified the same, and what was then done; and in 1640. *Parl. 1. Sess. 1. Act 15. K. Charles II.*

V. Their rescinding, casting and annulling of Presbyterian Government from its very Foundation, and restoring and re-establishing prelatical Government, *Parl. 1. Sess. 2. Act 1. K. Charles II.*

VI. Their appointing an anniversary thanksgiving Day for the King's Birth-day and Restauration, in the Narrative whereof they rail, near unto Blasphemy, against all the Ways which were used for the Work of Reformation, from 1637 to 1660. they appointed it to be kept as an holy Day for ever, which is proper to God only, *Par. 1. Sess. 1. Act 17. of K. Charles II.*

VII. Their appointing huge Sums of Money to be lifted and paid by this poor oppressed Kingdom, as 1mo. For the King, besides his ordinary Revenues, 1st. 40000 Pounds *Sterling* yearly during his Lifetime is continued, *Parl. 1. Sess. 1. Act 13. Charles II.*

2aly. Of 360000 Pounds of Supply, *Parl. 2. Sess. 2. Act 3. Charles II.*

3dly. Of



3dly. Of 864000 Pounds, *Parl. 2. Sess. 3. Act 4. ejusdem*, and by annexing the Assize to the Crown, *Parl. 1. Sess. 2. Act 2. James VII.*

4thly. Of 216000 Pounds yearly, over and besides the Five Months Cess, appointed by the Third Act of Parliament, 1681. and a Continuation of Four Months Cess termly, from *Woutfunday 1685.* during all the Terms of his Majesty's Lifetime, *Parl. 1. Sess. 1. Act 12. K. James VII.*

5thly. Annexing all the Offices, Privileges and Superiorities belonging to the Earl of *Argyle* to the Crown; as likewise the Lands of the Earl of *Tarnas*, Lord *Melvil*, and others, *Parl. 1. Sess. 1. Act 40. ejusdem.*

6thly. Annexing to the Crown all the Lands and Baronies of all these who were upon the late Plot (as they call it, but indeed meeting and consulting what they were called to do for Defence of the Protestant Religion) for which *Jerviswood* was executed, and others, and all this notwithstanding the King got never one Penny of it, it being bestowed to keep up a military Force here, for putting the Laws and Acts in Execution, and given to indigent Lords, and others who are our Patriots and Governors, for keeping the whole Land under Slavery and Bondage. And for the Lords of Session, *First*, 12000 Pounds *Sterling* for making up a Stock to them, and to be paid by the Shires and Burghs, *Parl. 1. Sess. 1. Act 50. Charles II.* Secondly. For them, 10000 Pounds *Scots* yearly, besides 10000 Pounds granted by his present Majesty's Royal Grandfather, or what hath been formerly granted to them, or otherwise appertained to them, *Parl. 1. Sess. 2. Act 7. of K. Charles II.*

VIII. Approving the Engagement against *England* of 1648. (which was declared unlawful both by Church and State) annulling the Parliaments and Committees kept thereafter, and condemning the Rising in Arms of the West, and all Acts and Deeds flowing from all those (which yet were approved by the Parliament, 1649.) *Parl. 1. Sess. 1. Act 9. K. Charles II.*

IX. An Offer to the King of 20000 Footmen, and 2000 Horsemen, sufficiently armed with Forty Days Provision, to march, when called, to any Part of his Majesty's Dominions, *Parl. 1. Sess. 3. Act 25. Charles II.*

X. That all, of whatsoever Sex, Degree or Quality, depone upon Oath against Delinquents, as they call them, when called thereto, especially anent Conventicles, and if they refuse, to be fined, imprisoned, or banished to the *Indies*, *Parl. 2. Sess. 2. Act 2. Charles II.* and who shall refuse to be thus Witnesses in the Cases of Treason (in their Account) Field or House-conventicles, they shall be liable to be punished as guilty of these Crimes respectively, *Parl. 1. Sess. 1. Act 4. K. James VII.* This is against the moral Law of God, which commands Love to our Neighbour, and also against it and the Light of Nature, when hereby we are to depone against our selves. Yea, if any should refuse upon Oath to depone against themselves, it was told them, in their Judicatories, they should be holden guilty of what was enquired at them.

XI. That the Master is to be answerable for all in his Family, his Tenants and Cottars, with Power to him to punish them for keeping Conventicles (as they called them) or resetting of nonconform Ministers, or intercommuned Persons, by putting them from their Lands notwithstanding of their Tacks, *Parl. 3. Sess. 1. Act 4. Charles II.* also for this against Tenants under huge Penalties, *Parl. 1. Sess. 1. Act 24. James VII.* 2dly. Husbands are to be liable for their Wives Fines, *Parl. 1. Sess. 1. Act 6. James VII.*

XII. Statuting that the concealing, and not revealing of Supplies, given to, or demanded for Traitors (as they accounted them) is Treason, *Parl. 1. Sess. 1. Act 7. James VII.*

XIII. They indemnify all his Majesty's Officers of State, Members of the secret Committee, Lords of Privy Council, and all his Majesty's Judges, and the Officers of the Army, against all Pursuits that can be raised against them for acting in his Majesty's Service, as likewise for their Omissions, *Parl. 1. Sess. 1. Act 31. James VII.* they extended this thus, if they should wound or kill any fleeing from their Barbarity in pursuing them, and to all their Acts made by them.

XIV. The Parliaments, from Time to Time, committed to the Privy Council to act, and do in order to their Acts and what might conduce to the upholding of this their Tyranny and Oppression, yet, their whole Power, which they did execute to the very Height, beyond the Acts of Parliament, having no Law of their own herefor.

### *Their Practice follows.*

1. Their imprisoning of about Twelve Ministers for meeting together in *Edinburgh*, and drawing a necessary and laudable Supplication to the late King *Charles*, after he came last home to *England*, for which and other Things relating to the Reformation, as they but suspected and alledged, they gave each of them one and the same long Libel, as being guilty of Treason, and did put them all from their Office and Benefice, of whom one of them was executed, as afterward we shall hear. This was done by a Committee of Estates, before any Parliament was held after the King's Restauration.
2. Their tolerating of Popery and Popish Meetings, ever since 1660. but no Quarter was given to Presbyterians and their Meetings.
3. Their marching with a great Host to the West, *anno 1678.* against a most innocent People, who neither was speaking nor doing any Thing against them, nor did any Thing in the least by resisting or defending themselves, by which, in quartering, robbing and plundering, they almost consumed these Shires as to their Goods. This can hardly be paralleled.
4. Their putting all the Gentry and Heritors to come forth with their Followers and Arms, when they thought they were diffculted by any Resistance of the grieved and nonconformed Subjects, or had Suspicions of the same, as at the going West of the Host abovementioned, at *Pentland* and *Bethwel*, and at *Argyle's* coming over from *Holland*, which put them to great Expence, and who came not out were greatly fined.
5. Their putting all the Subjects to it to riek out this last Militia, with Arms and Forty Days Provision, intended against the Prince of *Orange*, until they saw their Hopes broken.

6. Many



6. Many were forced to leave the Country to evade their Persecution, where some of them spent much, and some of them all the little Stock they had.

7. Their excessive and exorbitant Fines for mere Nonconformity. 2dly. Their forfeiting Men for Life and Fortune for hinting to help the oppressed, as *Kerstand* and *Caldwel*, not giving to their relict Ladies so much as a Penny of their Joynture, above these Twenty Years past, and others. 3dly. Forfeiting Men for mere Converse with these that were intercommuned, or had been in Arms for their own Defence, so that they should not be seen with their nearest Relations, yea, the Husband behaved not to converse with his Wife or Children, nor they with him, and were to be executed unless they got out a Remission for their Life, and many of these were intercommuned for mere Nonconformity; and thus they extolled their cruel civil Laws above the Law of God, and all this albeit many of themselves were guilty hereof. 4thly. Forfeiting the Laird of *Cesnock* his great Estate, notwithstanding he was absolved by the criminal Court, and gave the same to the Earl of *Melford*. 5thly. Forfeiting and executing the late Earl of *Argyle* by a Sentence of the Criminal Court, and that for a most innocent and candid Explication of the Test, upon which he offered to subscribe it; for no further Process was led against him, when he came into his Country in Arms, after his Escape. 6thly. Their executing of many of these who rose in Arms for their own Defence, being before pillaged and barbarously used by Sir *James Turner*, with his blasphemous ruffian Soldiers, there being no other Mean for Remedy left them, in regard all the Subjects were discharged to supplicate or petition for any Redress of the Wrongs done unto them (and this tho' they expressed, at their Death in their Speeches, much Love, Loyalty and Respect to the King) which is against that known Maxim, *cuiuslibet licet supplicare* & protestari. The like was done to very many of those who rose at *Bothwell* upon the same account. Many of both these had their Heads, and other Pieces of their Body fixt, and set up in publick Places. Also many of them were driven like Sheep into a Church-yard at *Edinburgh*, affording them neither Meat nor Clothing. Many of them were drowned by their Means in a Ship, pretending to send them to *America*, who might easily have been saved, the Ship-master having gone ashore, having left the Doors upon the Deck locked upon them, excepting a few who were upon the Deck and were saved; and yet nothing was done against the Ship-master therefore. 7thly. Their torturing barbarously, by breaking their Legs and Bones, calling them in the Boot; others had their Thumbs crushed by an uncouth and unusual Engine; others had their Ears cut, and afterwards sent to *America* to be sold for Slaves. Now many of these were so dealt with for mere Nonconformity and not deposing upon Oath against themselves. Others also, long before these, were burnt in the Cheek for resisting a Curate coming in upon them, and thereafter were banished; this Curate was excommunicated before in the Time of Presbyterian Government. 8thly. They executed several simple Women for mere Words spoken out of their Zeal, but wanting Knowledge.

It is impossible to relate all their Butcheries and cruel Persecutions, especially the evil Counsellors, viz. the Privy Council, both by their Acts, Practices, and Commands, the bloody Lords of the Justiciary and criminal Court, the King's Advocate, yet on Life, Sir *George Mackenzie*, pleading for these Executions, the cruel Lord Bishops with their Curates, instigating to all these Things, beside their acting in them, the profane and atheistical Officers, and common Soldiers and Dragoons. Now, how can any of these be trusted again? who kept not Faith to God, they will not keep it to Men; also, according to that Maxim, *Falsæ sunt hominibus, non veræ Deo*, they will not keep it to Men; also, according to that Maxim, *Falsæ sunt hominibus, non veræ Deo*, never true to Man.

By all these it is clear, that the Government, both of Church and State, is overturned, the Work of Reformation defaced, and almost ruined, that this poor Land is almost destroyed and eaten up; it is a Wonder it is not so. That People of all Ranks, great and small, have been oppressed in their Consciences, Bodies and Estates, manifold and great Perjuries committed through the imposing of Oaths, and contrary Oaths against their Light, dreadful Breaches of Covenants, and despising of the Oath of God; for which, and the manifold horrid Profanities of all Sorts through the whole Land, and tolerated both by the prelatical Church and backsliding State, and horrid Abominations and Idolatry protected, it is to be feared the Lord may have a Controversy and Quarrel against us, which may be gathered, especially from *Ezek. Chap. 17*. there *Zedekiah* having made a Covenant with the King of *Babylon*, an heathen King, in a Matter of civil Homage, and to get a Crown, and so in a manner forced to it, which God owns for his Covenant and Oath, because *Zedekiah* swore by God, 2 *Chron. Chap. 36. ver. 13*. and yet for the Breach thereof he was dreadfully threatened, and all *Judah* was led captive by the *Chaldeans*.

### The Petition follows.

And now we humbly and earnestly petition and desire his Royal Highness the Prince of *Orange*, to come or send some commissioned by him, and to bring or send some competent Number of Forces, with whom many in this Land are ready to joyn, and thereby to bring us to our first Constitution, particularly and especially to procure,

1st. That a free Parliament or Convention of Estates being called, without imposing of Oaths either upon the Electors or elected Members, which these, of whom we now complain, required before, and at their sitting down; and that no Bishop or evil Counsellor be called to sit to be our Judges, and until the same be had, or if it cannot be had soon, that the Bishops be presently put from their Office as such, or to have any Places of Trust, that a new Council, Justiciary Court, and other well affected Officers be settled and erected.

2dly. That the Oaths and Bonds imposed may be helped or done away, particularly and especially, that the Oaths of the Prerogative and Supremacy may be corrected, and the Oaths of the Declaration abjuring our Covenants and the Test, may be abrogated.

3dly. That when the Parliament sits down, the Office of Bishops above Pastors, with all that pertain thereunto, be assailed, a Yoke which neither we nor our Fathers were able to bear since the first Reformation, the same having no Warrant from God's Word, being contrary to our solemn Covenants and Vows, and which our Predecessors at the bringing in of the first Bishops, in their Remonstrances, Supplications, and Protestations, did hold forth to be the Egg of which Antichrist and the Man of Sin was clected at first, and by



by which, as a Ladder and Steps, he mounted up to the Popedom, withal denouncing a Curse upon these who should build this *Jericho* again, as the Book of Conformity holds forth; by which Cursing, a judicial Stroke from the Lord hath seized upon them ever since; for albeit there may be some good Men in that Office elsewhere, who have not attained such a Height of Reformation herein, and come under such Engagements to God as we against them, yet ours may be reckoned amongst the worst of Men; yea, the Protestants in *Scotland* could never bear with such a Government.

4thly. That Presbyterian Government be restored and re-established, as it was at the Beginning of our Reformation from Popery, and renewed in the Year 1638. continuing until 1660. and that there be no Church-judicatories hereafter, but of Presbyterian Ministers and ruling Elders, by General Assemblies, provincial Synods, Classes or Presbyteries, and Church-sessions.

5thly. That Presbyterian Ministers which are alive, may return to their former Charge, and enjoy the Benefices thereof, and where other Presbyterian Ministers have Meeting-houses at present, they may have the publick Churches with the Maintenance thereof; the present conform Incumbents having come in with all the rest of them, at least generally without the Election of the People, and so are Intruders, and that the rest of these Conformists be referred to the Church-judicatories, it being remembred and considered, (as is already said) that about Three hundred of Presbyterian Ministers were removed from their Charges and Benefices in one Day, anno 1661. and such as were among the lowest and worst of the People, generally as being insufficient or scandalous Men, were put in their Room, wherewith also the whole Church was and is pestered.

6thly. That laick Patronages be discharged, as was done in the Parliament 1649. and the People restored to their Right and Privilege of Election, according to the Warrant of God's Word.

7thly. That what Acts were made debarring any to supplicate and petition Authority, may be cancelled, and a Liberty granted therefor.

8thly. That the Royal Burghs, being restored to their Privileges, may be put to choose Magistrates well affected to this good Cause.

9thly. That these of the West Country may have their Arms restored to them, the same being taken from them, because they are generally well affected.

10thly. That as much as can be, all Losses may be repaired, the Fines repaid by such as appointed, required and received them, and all Forfeitures, found unjustly to be inflicted, be taken off, and their Lands be restored to the right Owners, their Relicks and Heirs, and who have possessed them hitherto, may at least repay to the Relicks of the deceast their bygone Joyntures, which were and are due to them; oured Ministers, their Relicks or Heirs, may have some Recompence for their bygone Stipends. It may be here remembred, that in the Parliament which began anno 1661. great Fines were imposed and exacted of many of all Ranks in the Land, whom they but suspected to have been for the Reformation before; and if the like be done now against known guilty Persons, they cannot justly complain.

11thly. That there be a competent military Force of our own, established of Persons well affected to the re-established good Government of Church and State, as standing Forces before the Prince his Forces be removed, and the same to be paid as formerly these Years past; and that a Militia be settled with new and well affected Officers; and that these Forces which have been employed against us, and are still in Arms, be disarmed and disbanded.

12thly. That there may be a Commission for Plantation of Kirks appointed.

These Things being granted, will the more oblige us to pray to God for your Royal Highness, and good Success in all your glorious Undertakings, who are,

Your Royal Highness's most humble,

and most obliged Servants.

### *Address from the Meeting of Presbyterian Ministers to the Prince of Orange.* No. CLIII.

May it please your Highness,

WE cannot but magnify and bless the Lord, who, in his sovereign Goodness and Mercy, hath raised up your Highness as a worthy Successor of your illustrious Ancestors, whom God eminently honoured zealously to appear for the reformed Religion, and Relief of the Professors thereof in the *Netherlands*, in their greatest Extremities through *Romish* Cruelty and Persecution; and now when the true Religion, the Ministers and Professors thereof were in no less Danger, from their malicious and powerful Enemies, hath graciously inclined your Highness to espouse the Interest of his Churches in these Kingdoms, with so much Hazard and Expence, and hath hitherto blessed your pious and heroick Undertaking with admirable Success, and so little Effusion of Blood. This is the Doing of the Lord, who is wonderful in Counsel, and excellent in working; and it cannot but be marvellous in our Eyes, and will be on Record for Generations to come. And, great Sir, we hold our selves obliged, with all possible Thankfulness, to acknowledge your Highness the Lord's chosen; called, and singularly qualified Servant for this his Work.

Our Hearts were not a little revived and refreshed by your Highness's gracious Declaration in reference to *Scotland*, which was to us as Rain on the mown Grass, perceiving therein your Knowledge and Repentment of our deplorable Condition, with so much Christian Compassion, and magnanimous Resolution to relieve and rescue us from these our insupportable Sufferings, which also encouraged us to offer this our humble



humble Address, so soon as we could with Safety meet upon it : In which we will not enumerate the Particulars of the fore Trials of this Church, referring that to those entrusted herewith, to be presented to your Highness, when called for. Only, Sir, as your Highness hath wisely noticed, one great Occasion of all the Miseries under which this Country hath for a long Time groined, to have been the driving of some Hundreds of Ministers out of their Churches, without either Accusation or Citation, and the filling of many of their Places with ignorant and scandalous Persons ; so it is well known, the true Cause of this was the overturning of the Presbyterial Government, which was generally received as of divine Right, and established by the national Assemblies of this Church, and Sanction of many civil Laws ; and instead thereof the erecting of Prelacy, which being attended with a numerous Train of severe Laws, rigorously executed both on Ministers and People of all Degrees, who found themselves bound up from Compliance therewith, both by Light and Conviction from the Word of God, and the Conscience of many solemn Engagements, became the Source of all the Evils of Sin and Suffering which followed : And to complete our Calamities, when counted and treated as Sheep for the Slaughter, we might not complain or petition without rendring our selves highly criminal.

And, Sir, being in this grievous Bondage, it will, we doubt not, plead for a favourable Construction of our accepting the little Respite allowed us in *June 1687.* seeing, as we ought not to do or comply with what is evil, that Good may come of it ; so neither ought we to forbear to do or make Use of what is in it self lawful and good, because of the bad Intentions of others, while we neither approve thereof, nor partake with them therein, which was our very Case in taking the Benefit of that Liberty ; for then we in our Address most plainly asserted our known Principles, contained in our Confession of Faith, and do declare, that accordingly we have ever been opposite to the Projects of dispensing with, and taking off the penal Laws against Papists, albeit thereby our own great Hazard, through the Continuance of no less severe penal Laws, and more rigorous Execution thereof against our selves, was sufficiently obvious to all of us.

But now, Sir, having, blessed be God, Access unto your Highness, and Confidence in your Zeal for the Glory of God, and Good of his Church, on which we intirely rely, we humbly beseech you in the Bowels of Christ, that in Commiseration of this torn and afflicted Church, you will be pleased to take such proper and effectual Methods as God shall direct you unto, for procuring our Deliverance from that Yoke of Prelacy, which being obtruded without, yea, and against the Consent of this Church, and contrary to the Genius of the Nation, neither we nor our Fathers were able to bear, and the Restoration of the Presbyterial Church-government, and of those Ministers yet alive, to their Charges, who were so unjustly thrust from them, and the Settlement of other Presbyterian Ministers, who are or may be hereafter by the respective Flocks orderly called, as being the most promising Remedy against Popery and Slavery, and against the Continuance of our otherwise incurable Distractions ; that all Things being done for the House of the God of Heaven, according to the Commandment of the God of Heaven, this poor Weather-beaten Church may at length, through God's Blessing, arrive at a safe and quiet Harbour, and Purity, Piety, Order, and Unity may yet again flourish amongst us and our Posterity.

In the mean Time, Sir, that God may bless and protect your Highness's Person, and the Person of her Royal Highness your illustrious Consort, and may ever bestow upon you the Counsel of his Spirit, and the Assistance of his Power in all your generous and just Undertakings, especially in what remains to be done for advancing of Christ's Kingdom, and establishing of Truth and Righteousness in these Lands, and in all the Churches abroad, that you may be for ever recorded as the Repairer of the Breach, the Restorer of Paths to dwell in, and crowned with Victory and Glory, shall be the constant and hearty Prayer of,

Subscribed, at the Appointment of a frequent Meeting,  
Edinburgh, January 1689.  
by

May it please your Highness,

Your Highness's most humble,

most faithful, and most obedient

Servants in Christ.

### *Claim of Right, Act 13. April 11. 1689. N<sup>o</sup>. CLIV.*

**W**Hereas King *James VII.* being a profest Papist, did assume the regal Power, and acted as King, without ever taking the Oath required by Law, whereby the King, at his Access to the Government, is obliged to swear to maintain the Protestant Religion, and to rule the People according to the laudable Laws, and did, by the Advice of wicked and evil Counsellors, invade the fundamental Constitution of this Kingdom, and altered it from a legal limited Monarchy, to an arbitrary despotick Power ; and, in a publick Proclamation, asserted an absolute Power to call, annul and disable all the Laws, particularly arraigning the Laws, establishing the Protestant Religion, and did exerce that Power, to the Subversion of the Protestant Religion, and to the Violation of the Laws and Liberties of the Kingdom.

By erecting publick Schools, and Societies of the *Jesuits*, and not only allowing *Mas*s to be publicly said, but also inverting Protestant Chapels and Churches to publick *Mas*s-houses, contrary to the exprets Laws against saying and hearing of *Mas*s.

By allowing *Papish Books* to be printed, and dispersed, by a Gift to a *Papish Printer*, designing him Printer to his Majesty's Household, College and Chapel, contrary to the Laws.

By taking the Children of Protestant Noblemen and Gentlemen, sending and keeping them abroad, to be bred *Papists*, making great Funds and Dotations to *papish Schools* and Colleges abroad, bestowing Pen-  
sions



ons upon Priests, and perverting Protestants from their Religion by Offers of Places, Preferments and Pensions.

By disarming Protestants, while at the same Time he employed *Papists* in the Places of greatest Trust, civil and military; such as Chancellor, Secretaries, Privy Counsellors, and Lords of Session, thrusting out Protestants to make Room for *Papists*, and entrusting the Forts and Magazines of the Kingdom in their Hands.

By imposing Oaths contrary to Law.

By giving Gifts and Grants for exacting Money, without Consent of Parliament, or Convention of Estates.

By levying, or keeping on Foot a standing Army in Time of Peace, without Consent of Parliament, which Army did exact Locality, free and dry Quarters.

By employing the Officers of the Army as Judges through the Kingdom, and imposing them where there were heritable Offices and Jurisdictions, by whom many of the Lieges were put to Death summarily, without legal Trial, Jury, or Record.

By imposing exorbitant Fines, to the Value of the Parties Estates, exacting extravagant Bail, and disposing Fines and Forfeitures before any Process or Conviction.

By imprisoning Persons without expressing the Reason, and delaying to put them to Trial.

By causing pursue and forfeit several Persons upon Stretches of old and obsolete Laws; upon frivolous and weak Pretences, upon lame and defective Probations; as particularly the late Earl of *Argyle*, to the Scandal and Reproach of the Justice of the Nation.

By subverting the Right of the Royal Burghs, the third Estate of Parliament, imposing upon them not only Magistrates, but also the whole Town-council and Clerks, contrary to their Liberties, and express Charters, without the Pretence either of Sentence, Surrender, or Consent, so that the Commissioners to Parliaments being chosen by the Magistrates and Council, the King might in effect as well nominate that entire Estate of Parliament; and many of the said Magistrates put in by him were avowed *Papists*, and the Burghs were forced to pay Money for the Letters imposing these illegal Magistrates and Councils upon them.

By sending Letters to the chief Court of Justice, not only ordaining the Judges to stop and desist *sine die* to determine Causes; but also ordering and commanding them how to proceed in Cases depending before them, contrary to the express Laws; and by changing the Nature of the Judges Gifts *ad vitam aut culpam*, and giving them Commissions *ad beneplacitum*, to dispose them to Compliance with arbitrary Courses, and turning them out of their Offices when they did not comply.

By granting personal Protections for civil Debts, contrary to Law.

All which are utterly and directly contrary to the known Laws, Statutes and Freedoms of this Realm:

Therefore the Estates of the Kingdom of *Scotland*, find and declare, that King *James VII.* being a profest *Papist*, did assume the regal Power, and acted as King, without ever taking the Oath required by Law, and hath, by the Advice of evil and wicked Counsellors, invaded the fundamental Constitution of the Kingdom, and altered it from a legal limited Monarchy, to an arbitrary despotick Power, and hath exercised the same to the Subversion of the Protestant Religion, and the Violation of the Laws and Liberties of the Kingdom, inverting all the Ends of Government; whereby he hath forfeited the Right to the Crown, and the Throne is become vacant.

And whereas his Royal Highness, *William*, then Prince of *Orange*, now King of *England*, whom it hath pleased almighty God to make the glorious Instrument of delivering these Kingdoms from *Papery* and arbitrary Power, did, by the Advice of several Lords and Gentlemen of this Nation, at *London* for the Time; call the Estates of this Kingdom to meet the Fourteenth of *March* last, in order to such an Establishment, as that their Religion, Laws, and Liberties, might not be again in Danger of being subverted; and the said Estates, being now assembled in a full and free Representative of this Nation, taking to their most serious Consideration the best Means for attaining the Ends aforesaid, do, in the first Place; as their Ancestors in the like Cases have usually done, for the vindicating and asserting their ancient Rights and Liberties, declare.

That by the Law of this Kingdom, no *Papist* can be King or Queen of this Realm, nor bear any Office whatsoever therein; nor can any Protestant Successor exercise the regal Power, until he or she swear the Coronation Oath.

That all Proclamations asserting an absolute Power, to cass, anul, and disable Laws, the erecting Schools and Colleges for *Jesuits*, the inverting Protestant Chapels and Churches to publick Mass-houses, and the allowing Mass to be said, are contrary to Law.

That the allowing *Papish Books* to be printed and dispersed, is contrary to Law.

That the taking the Children of Noblemen, Gentlemen and others, sending and keeping them abroad to be bred *Papists*, the making Funds and Dotations to *Papish* Schools and Colleges, the bestowing Pensions on Priests, and the perverting Protestants from their Religion, by Offers of Places, Preferments, and Pensions, are contrary to Law.

That the disarming of Protestants, and employing *Papists* in the Places of greatest Trust; both civil and military, the thrusting out Protestants, to make Room for *Papists*, and the intrusting *Papists* with the Forts and Magazines of the Kingdom, are contrary to Law.

That the imposing Oaths without Authority of Parliament, is contrary to Law.

That the giving Gifts or Grants, for raising of Money, without the Consent of Parliament, or Convention of Estates, is contrary to Law.

That the employing the Officers of the Army as Judges through the Kingdom, or imposing them where there were heritable Offices and Jurisdictions, and the putting the Lieges to Death summarily, without legal Trial, Jury, or Record, are contrary to Law.

That the imposing of extraordinary Fines, the exacting of exorbitant Bail, and the disposing of Fines and Forfeitures before Sentence, are contrary to Law.

That the imprisoning Persons, without expressing the Reason thereof, and delaying to put them to Trial, is contrary to Law.



That the causing pursue and forfeit Persons, upon Stretchers of old and obsolete Laws, upon frivolous and weak Pretences, upon lame and defective Probation, as particularly the late Earl of Argyle, are contrary to Law.

That the nominating and imposing the Magistrates, Councils, and Clerks, upon Burghs, contrary to their Liberties and express Charters, is contrary to Law.

That the sending Letters to the Courts of Justice, ordaining the Judges to stop or desist from determining Causes, or ordaining them how to proceed in Causes depending before them, and the changing the Nature of the Judges Gifts *ad vitam aut culpam*, into Commissions *durante beneplacito*, are contrary to Law.

That the granting personal Protections for civil Debts, is contrary to Law.

That the forcing the Lieges to depone against themselves in capital Crimes, however the Punishment be restricted, is contrary to Law.

That the using Torture without Evidence, or in ordinary Crimes, is contrary to Law.

That the sending of an Army in an hostile Manner, upon any Part of the Kingdom, in a peaceable Time, and exacting of Locality, and any Manner of free Quarters, is contrary to Law.

That the charging of the Lieges with Lawborrows at the King's Instance, and the imposing of Bonds without the Authority of Parliament, and the suspending Advocates from their Employment, for not comparing when such Bonds were offered, were contrary to Law.

That the putting of Garisons in private Mens Houses, in Time of Peace, without their Consent, or the Authority of Parliament, is contrary to Law.

That the Opinions of the Lords of Session, in the Two Cases following, were contrary to Law, viz. 1. That the concealing the Demand of a Supply for a forfeited Person, although not given, is Treason. 2. That Persons refusing to discover what are their private Thoughts and Judgments, in relation to Points of Treason, or other Mens Actions, are guilty of Treason.

That the fining Husbands for their Wives withdrawing from the Church, was contrary to Law.

That Prelacy, and the Superiority of any Office in the Church above Presbyters, is and hath been a great and insupportable Grievance and Trouble to this Nation, and contrary to the Inclinations of the Generality of the People, ever since the Reformation, (they having reformed from Popery by Presbyters) and therefore ought to be abolished.

That it is the Right and Privilege of the Subjects, to protest for Remedy of Law, to the King and Parliament, against Sentences pronounced by the Lords of Session, providing the same do not stop Execution of these Sentences.

That it is the Right of the Subjects to petition the King, and that all Imprisonments and Prosecutions for such petitioning, are contrary to Law.

That for Redress of all Grievances, and for the amending, strengthening, and preserving of the Laws, Parliaments ought to be frequently called, and allowed to sit, and the Freedom of Speech and Debate secured to the Members.

And they do claim, demand, and insist upon all and sundry the Premises, as their undoubted Rights and Liberties; and that no Declarations, Doings or Proceedings, to the Prejudice of the People, in any of the said Premises, ought in any ways to be drawn hereafter, in Consequence or Example, but that all Forfeitures, Fines, Loss of Offices, Imprisonments, Banishments, Pursuits, Prosecutions, Tortures, and rigorous Executions be considered, and the Parties lesed be redressed.

To which Demand of their Rights, and redressing of their Grievances, they are particularly encouraged by his Majesty the King of England his Declaration for the Kingdom of Scotland, of the Day of October last, as being the only Means for obtaining a full Redress and Remedy therein.

Having therefore an entire Confidence, that his said Majesty the King of England, will perfect the Deliverance so far advanced by him, and will still preserve them from the Violation of their Rights which they have here asserted, and from all other Attempts upon their Religion, Laws and Liberties.

The said Estates of the Kingdom of Scotland, do resolve, that William and Mary, King and Queen of England, France and Ireland, be, and be declared King and Queen of Scotland, to hold the Crown and royal Dignity of the said Kingdom of Scotland, to them the said King and Queen, during their Lives, and the longest Liver of them; and that the sole and full Exercise of the regal Power, be only in, and exercised by him the said King, in the Names of the said King and Queen, during their joynt Lives; and after their Decease, the said Crown and royal Dignity of the said Kingdom, to be to the Heirs of the Body of the said Queen; which failing, to the Princess Anne of Denmark, and the Heirs of her Body; which also failing, to the Heirs of the Body of the said William King of England.

And they do pray the said King and Queen of England to accept the same accordingly.

And that the Oath hereafter mentioned, be taken by all Protestants, of whom the Oath of Allegiance and any other Oaths and Declarations, might be required by Law, instead of them; and that the said Oath of Allegiance, and other Oaths and Declarations may be abrogated.

I A. B. do sincerely promise and swear, that I will be faithful, and bear true Allegiance to their Majesties King William and Queen Mary. So help me G O D.

### Act abolishing Prelacy, July 22. 1689. N<sup>o</sup>. CLV.

Whereas the Estates of this Kingdom, in their Claim of Right, of the 11 of April last, declared, that Prelacy, and the Superiority of any Office in the Church, above Presbyters, is, and hath been a great and insupportable Grievance to this Nation, and contrary to the Inclination of the Generality of the People, ever since the Reformation, they having reformed from Popery by Presbyters, and therefore ought



to be abolished: Our sovereign Lord and Lady, the King and Queen's Majesties, with Advice and Consent of the Estates of Parliament, do hereby abolish Prelacy, and all Superiority of any Office in the Church in this Kingdom, above Presbyters; and hereby rescind, cass and anul the first Act of the second Session of the first Parliament of King *Charles II.* and the second Act of the third Session of the first Parliament of King *Charles II.* and all other Acts, Statutes, and Constitutions, in so far alienarly as they are inconsistent with this Act, and do establish Prelacy, or the Superiority of Church-officers, above Presbyters: And the King and Queen's Majesties do declare, that they, with Advice and Consent of the Estates of this Parliament, will settle by Law that Church-government in this Kingdom, which is most agreeable to the Inclinations of the People.

*Draught of an Act of Parliament excluding Persons from publick Trust. N<sup>o</sup>. CLVI.*

**T**He King and Queen's Majesties considering, that the Estates of this Kingdom have, by their Vote, declared their Sense and Opinion, that such as have, in the former evil Government, been grievous to the Nation, or have shewn Disaffection to the happy Change, by the Blessing of God, now brought about, or have been Retarders or Obstrueters of the good Designs of the said Estates, in their Meeting, are not fit to be employed in the Management of the Affairs of this Kingdom, do, with the Advice and Consent of the Estates of Parliament now assembled, statute and ordain, that no Person of whatsoever Rank or Degree, who, in the former evil Government, have been grievous to the Nation, acting in the Ineroachments mentioned in these Articles of the Claim of Right, which are declared to be contrary to Law, or who have shewn Disaffection to the happy Change, by the Blessing of God, now brought about, by acting in opposition thereto, since the Time that the King and Queen now reigning were proclaimed, or who hath been a Retarder and Obstrueter of the good Designs of the said Estates, *viz.* the securing of the Protestant Religion, the settling the Crown, the establishing the Rights of the Lieges, and the redressing their Grievances, by acting contrary to these good Designs, since the Time that they became publick, by Votes and Acts of the Meeting, be allowed to possess, or be admitted into any publick Trust, Place, or Employment, of whatever Kind, under their Majesties, in this Kingdom.

*Act of Parliament, April 25. 1690. restoring Presbyterian Ministers. N<sup>o</sup>. CLVII.*

**F**Orasmuch as, by an Act of this present Parliament, relative to, and in prosecution of the Claim of Right, Prelacy, and the Superiority of Church-officers, above Presbyters, is abolished, and that many Ministers of the Presbyterian Perswasion, since the First of *January, 1661.* have been deprived of their Churches, or banished for not conforming to Prelacy, and not complying with the Courses of the Time: Therefore their Majesties, with Advice and Consent of the Estates of Parliament, ordain and appoint, that all those Presbyterian Ministers yet alive, who were thrust from their Charges since the First Day of *January, 1661.* or banished for not conforming to Prelacy, and not complying with the Courses of the Time, have forthwith free Access to their Churches, that they may presently exercise the Ministry in these Parishes, without any new Call thereto; and allow them to bruik and enjoy the Benefices and Stipends thereunto belonging, and that for the whole Crop 1689. and immediately to enter to the Churches and Manfes, where the Churches are vacant, and where they are not vacant, then their Entry thereto is declared to be to the Half of the Benefice and Stipend, due and payable at *Michaelmas* last, for the half Year immediately preceeding, betwixt *Whitsunday* and *Michaelmas*; declaring that the present Incumbent shall have Right to the other Half of the Stipend and Benefice, payable for the *Whitsunday* last bypast: And to the effect that these Ministers may meet with no Stop or Hindrance, in entring immediately to their Charges, the present Incumbents in such Churches, are hereby appointed, upon Intimation hereof, to desist from their Ministry in these Parishes, and to remove themselves from the Manfes and Glebes thereunto belonging, betwixt and *Whitsunday* next to come, that the Presbyterian Ministers formerly put out, may enter peaceably thereto; and appoint the Privy Council to see this Act put to Execution. *Extracted forth of the Records of Council, by me*

*J. Hay Cl. Reg.*

God save King *William* and Queen *Mary*:



*Act of Parliament, June 7. 1690. ratifying the Confession of Faith, and settling Presbyterian Church Government. N<sup>o</sup>. CLVIII.*

Our sovereign Lord and Lady, the King and Queen's Majesties, and Three Estates of Parliament, conceiving it to be their bound Duty, after the great Deliverance that God hath lately wrought for this Church and Kingdom, in the first Place, to settle and secure therein the true Protestant Religion, according to the Truth of God's Word, as it hath of a long Time been professed within this Land; as also the Government of Christ's Church within this Nation, agreeable to the Word of God, and most conducive to the Advancement of true Piety and Godliness and the establishing of Peace and Tranquillity within this Realm; and that by an Article of the *Claim of Right*, it is declared, that Prelacy, and the Superiority of any Office in the Church, above Presbyters, is and hath been a great and insupportable Grievance and Trouble to this Nation, and contrary to the Inclinations of the Generality of the People, ever since the Reformation, (they having reformed from Popery by Presbyters) and therefore ought to be abolished; likeas, by an Act of the last Session of this Parliament, Prelacy is abolished: Therefore their Majesties, with Advice and Consent of the said Three Estates, do hereby revive, ratify, and perpetually confirm all Laws, Statutes, and Acts of Parliament, made against Popery and Papists, and for the Maintenance and Preservation of the true reformed Protestant Religion, and for the true Church of Christ within this Kingdom, in so far as they confirm the same, or are made in favours thereof. Likeas, they, by these Presents, ratify and establish the Confession of Faith now read in their Presence, and voted and approved by them, as the publick and avowed Confession of this Church, containing the Sum and Substance of the Doctrine of the Reformed Churches; which Confession of Faith is subjoyned to this present Act. As also, they do establish, ratify, and confirm the Presbyterian Church-government and Discipline, that is to say, the Government of the Church by Kirk-sessions, Presbyteries, provincial Synods, and general Assemblies, ratified and established by the 114 *Act*, Jam. VI. Parl. 12. anno 1592. intituled, *Ratification of the Liberty of the true Kirk*, &c. and thereafter received by the general Consent of this Nation, to be the only Government of Christ's Church, within this Kingdom; reviving, renewing, and confirming the foresaid Act of Parliament, in the whole Heads thereof, except that Part of it relating to Patronages, which is hereafter to be taken into Consideration; and rescinding, annulling, and making void the Acts of Parliament following, viz. *Act anent Restitution of Bishops*, Jam. VI. Parl. 18. Cap. 2. *Act ratifying the Acts of the Assembly*, 1610. Jam. VI. Parl. 21. Cap. 1. *Act anent the Election of Archbishops and Bishops*, Jam. VI. Parl. 22. Cap. 1. *Act intituled, Ratification of the Five Articles of the general Assembly at Perth*, Jam. VI. Parl. 23. Cap. 1. *Act intituled, For the Restitution and Re-establishment of the ancient Government of the Church, by Archbishops and Bishops*, Char. II. Parl. 1. Sess. 2. *Act 1. Act anent the Constitution of a national Synod*, Char. II. Parl. 1. Sess. 3. *Act 5. Act against such as refuse to depone against Delinquents*, Char. II. Parl. 2. Sess. 2. *Act 2. Act intituled, Act acknowledging and asserting the Right of Succession to the imperial Crown of Scotland*, Char. II. Parl. 3. *Act 2. Act intituled, Act anent Religion and the Test*, Char. II. Parl. 3. *Act 6.* with all other Acts, Laws, Statutes, Ordinances and Proclamations, and that in so far alienarly as the said Acts and others, generally and particularly abovementioned, are contrary or prejudicial to, inconsistent with, or derogatory from the Protestant Religion, and Presbyterian Government now established; and allowing and declaring, that the Church-government be established in the Hands of, and exercised by these Presbyterian Ministers, who were outed since the First of January, 1661. for Nonconformity to Prelacy, or not complying with the Courses of the Time, and are now restored by the late Act of Parliament; and such Ministers and Elders only as they have admitted or received, or shall hereafter admit or receive: And also, that all the said Presbyterian Ministers have, and shall have Right to the Maintenance, Rights, and other Privileges, by Law provided, to the Ministers of Christ's Church within this Kingdom, as they are, or shall be legally admitted to particular Churches. Likeas, in pursuance of the Premises, their Majesties do hereby appoint the first Meeting of the general Assembly of this Church, as above established, to be at *Edinburgh*, the third Thursday of October next to come, in this instant Year, 1690. And because many conform Ministers, either have deserted, or were removed from Preaching in their Churches, preceeding the 13 Day of April, 1689. and others were deprived for not giving Obedience to the Act of the Estates, made the said 13 of April, 1689. intituled, *Proclamation against the owning of the late King JAMES, and appointing publick Prayers for King William and Queen Mary*: Therefore their Majesties, with Advice and Consent foresaid, do hereby declare all the Churches, either deserted, or from which the conform Ministers were removed or deprived, as said is, to be vacant, and that the Presbyterian Ministers exercising their Ministry, within any of these Parishes, (or where the last Incumbent is dead) by the Desire or Consent of the Parish, shall continue their Possession, and have Right to the Benefices and Stipends, according to their Entry in the Year 1689. and in Time coming, ay and while the Church, as now established, take further Course therewith. And to the effect the Disorders that have happened in this Church may be redressed, their Majesties, with Advice and Consent foresaid, do hereby allow the general Meeting and Representatives of the foresaid Presbyterian Ministers and Elders, in whose Hands the Exercise of the Church Government is established, either by themselves, or by such Ministers and Elders, as shall be appointed and authorized Visitors by them, according to the Custom and Practice of Presbyterian Government throughout the whole Kingdom, and several Parts thereof, to try and purge out all insufficient, negligent, scandalous and erroneous Ministers, by due Course of ecclesiastical Process, and Censures; and likewise, for redressing all other Church-disorders; and further, it is hereby provided, that whatsoever Minister, being convened before the said general Meeting, and Representatives of the Presbyterian Ministers and Elders, or the Visitors to be appointed by them, shall either prove contumacious in not appearing, or be found guilty, and shall be therefore censured, whether by Suspension, or Deposition, they shall *ipso facto* be suspended from, or deprived of their Stipends and Benefices. And ordain this Act to be printed and published. Extracted forth of the Records of Parliament, by me



*Reasons for rescinding the Forfeitures.* N<sup>o</sup>. CLIX.

**T**HE Persons forfeited, with the Heirs of such as are deceased, and were forfeited during the Two last Reigns, specially since the first of *January 1665.* do humbly crave, that a general Act may be past rescinding their Forfeitures, for the Reasons following, *viz.*

1<sup>st</sup>. Because it is evident by his Majesty's Declaration, while Prince of *Orange*, for the Kingdom of *Scotland*, that the Oppressions, and violent Persecutions which these Persons suffered, as well after as before their Forfeitures, are there set down amongst the principal Motives that induced his Majesty to undertake for the Relief of this Kingdom; and that his said Undertaking was accounted, by all good Men, no less just and generous, than its Success was happy and glorious.

2<sup>dly</sup>. Because it is no less manifest, that the greater Part of the Articles of the Declaration of the Estates against King *James*, such as the imposing of Oaths contrary to Law, the Oppression of a standing Army in Time of Peace, the imposing of exorbitant Fines, the imprisoning Persons without expressing the Reason, the employing the Officers of the Army as Judges, with their summar Executions, and the like, were but Continuations of what was begun in the preceeding Reign; and that the Claim of Right adding thereto many more Particulars chiefly ascribable to that Reign, such as the forcing Men to depone in capital Crimes against themselves, the Abuse of Torture, the sending of an Army upon any Part of the Kingdom in an hostile Manner in Time of Peace, the charging the Lieges with Lawborrowes at the King's Instance, the imposing of Bonds without Authority of Parliament, the putting of Garisons in private Mens Houses, the fining Husbands for their Wives, the Imprisoning and Persecution of Persons for petitioning the King, doth plainly hold forth, that both the Reigns were arbitrary and oppressive, so that to declare King *James* to have forfeit the Right to the Crown for the abovementioned Causes, and all other Particulars above set down, to be contrary to Law; and yet not to restore the Persons who suffered thereby, and the saddest Part of whose Sufferings it was to be made mad by the said Oppressions, and forced to the Extremity of rising in Arms, would be very inconsequent.

3<sup>dly</sup>. Because the Relief of those thus oppressed, and thereby forced to rise in Arms, being really intended, to think to effeuate the same by Reductions upon Specialities, is neither advisable nor practicable, as may easily appear by what follows.

4<sup>thly</sup>. Because the Persons forfeited, and now expecting to be restored, are above five hundred, and all the Specialities that can be found by the greatest Stretch of the most subtle Invention, will not afford Relief to Fifty of the said Five hundred; so that above Four hundred and fifty, and these of the poorest and most distressed, must still remain in Misery: Besides, that by the making and allowing of the foresaid Stretches to find out Informalities, the Rules, Forms and Practick of the Court of Justiciary, are like to be rendred uncertain and doubtful; which is of far more dangerous Consequence, than any Inconvenience that can be justly apprehended from a general Act.

5<sup>thly</sup>. Because when the Design is known and manifest, *viz.* to relieve and restore the foresaid Persons forfeited, to go about to do the same under the Colour of Informalities, which can reach but a few, and the greater Part of these few very lamely and constrainedly, is but to expose both the Justice and Prudence of the Kingdom, unless at the same Time the Righteousness of these Reductions be, by a general Act, fairly owned and declared.

6<sup>thly</sup>. Because it is well known, that the first Appearance of his Majesty, when Prince of *Orange*, for our Relief and Deliverance, was Light and Joy, and as Life from the Dead to all these afflicted Persons; and that in effect they still are, and will perpetually prove the Persons most true and faithful to his Majesty, whereas their former Persecutors did then sink into Grief and Despondency, so that it cannot be thought, that any true Friend to King *William* will now offer to oppose these poor Mens Restitution.

But the great and common Objection, is, to restore Persons who were forfeited for rising in Arms upon necessary standing Laws, and clear and evident Probation, were to lay down the worst of Preparatives to encourage Rebellions for the future.

To which it is answered, 1<sup>st</sup>. That it is earnestly wished that the Persons that make this Objection may be well considered, whether they be biassed by particular Interest, or truly, and at the Bottom Approvers of the late Proceedings against King *James*.

2<sup>dly</sup>. It is a known Rule, That in Criminals, as to either Condemnations, or Absolutions, Precedents and Examples are of no Force.

3<sup>dly</sup>. That whatever the King and Parliament shall now do, by their sovereign Power, upon Consideration of particular Circumstances as to Things, can never, in Law or Sense, be made a Preparative to hinder the Execution of standing Laws for hereafter; it being most certain, that whenever these Laws shall be transgressed, or contravened, the alledging of Things for a Preparative found by King and Parliament, to be distinguished by their Circumstances, would be of no Force.

4<sup>thly</sup>. As these miserable Attempts at *Pentland* and *Bothwell-bridge* were contrary to the standing Law, so it is undeniable, that all the lesser Attempts made throughout the Kingdom, after the Prince of *Orange* his Arrival into *England*, against King *James*, before the Meeting of the Estates, do fall under the same Construction; and that all the Difference, as to this Point, that can be made betwixt them, is, that (blessed be God) these had the far better Success.

5<sup>thly</sup>. As in *England* they needed not a general Act, so we see, that the late Forfeitures have been reversed and rescinded upon such slender Reasons, that if there had been Need of a general Act, their Parliament had never stood to have past it.

6<sup>thly</sup>. Can any Man alledge, that the rescinding of Forfeitures for these former Insurrections, can be a bad Preparative to encourage Insurrections for the future; but, at the same Time, he must think, that the late great Revolution may likewise be drawn into a far more mischievous Consequence, a Thought which certainly all honest Men must abhor.



And therefore, seeing that the Oppressions of the forfeited Persons are clearly acknowledged by the Claim of Right, their Relief, more than insinuate by his Majesty's Declaration, while Prince of Orange, their Redress expressly assured by the Meeting of the Estates, their Restitution plainly assented to by his Majesty's printed Instructions, the Manner of their Relief by Specialities evidently impracticable and delusive, and that the forfeited Persons themselves cannot fail to be amongst the true Friends to King William, what Reason can be adduced to hinder their Restitution by a general Act? specially seeing, that the alone publishing of this Representation, may, and will undoubtedly cut off the ill Consequence of a supposed Preparative, to the End of the World.

But it is further objected, That, as to many of these Forfeitures, there are Donators, and where Donators are, Forfeitures cannot be rescinded, unless the Donators be particularly called, which at this Time hath been omitted.

To which it is answered, 1<sup>st</sup>. That if there were any Weight in this Objection, as there is none, it could only be objected with any Probability against the Reductions of particular Forfeitures; but to say, that when the King and Parliament proceed by virtue of their sovereign and legislative Power, to rescind Forfeitures in general, and that in Prosecution of the States Claim of Right, and after their having forfeited the late King James, for the Causes, and in the Manner we have seen, is neither reasonable nor tolerable.

2<sup>dly</sup>. It is denied, that Donators need be called to Reductions of Forfeitures in Parliament, *per modum justitie*, because in effect, they have no proper Interest, in as much as all their Interest is only founded in the Gift, which is consequential to the Sentence of Forfeiture, and must of Necessity stand or fall as the Sentence is found to be just or unjust: And the Gift being a free Gift of his Majesty, and the King and Parliament together, reviewing the Sentence, whether just or unjust, and his Majesty's Advocate, the proper Contradictor, being always present at such Reductions, to affirm that the Donators must be called to a Cognition of this Nature to be made by King and Parliament, is evidently unnecessary.

3<sup>dly</sup>. The proper Case requiring Donators to be called, is, when either their Gifts are questioned, or there falls in a Competition about them; but to think, that where the Gift is free and gratuitous, as the King's Gifts are, that the King, the Author of the Gift, with the Parliament having the sovereign Authority of the Kingdom, may not review the Sentences upon which these Gifts proceed, is obviously unjust and presumptuous.

4<sup>thly</sup>. Let Search be made into the Records, and it will be found, that this Point was never before controverted, for albeit that it may be found, that sometimes a Donator (and it may be Two cannot be found) hath been called *ex superabundanti*, and it is like for the particular repeating and stating of his Informations; yet generally it will appear, that to Reductions, *per modum justitie*, Donators were not called. Nor is there any Ground here to distinguish betwixt Reductions upon the Head of Irrelevancy, and Reductions for Want of due Probation, seeing that on the Part of these that gave Sentence, both are alike unjust. And if it be alleged, that the Donators, in the second Case, should be called because he may supply the Probation; it may be as justly affirmed, that he may be called in the first, because he may add to the Accusation, which yet is by all denied; but the true Reason of the Parliament's Practice in this Case, is, because that Donators have only gratuitous Gifts; and as the King is their Author, so the King and Parliament have the sovereign Power, and only proper Interests to re-examine all such Sentences, they being only pronounced at the King's Advocate's Instance, and the Authority of the Parliament supplying all Defects.

But 5<sup>thly</sup>. To put this Question out of Doubt, the Records of Parliament do afford plain, and almost parallel Instances to the Case in Hand, that our Parliaments have rescinded Forfeitures without calling the Donators, and that by a general Act, where the Case appears to be rather less favourable, as may be clearly seen in the Instance of that general Reduction of Forfeitures that was in the Year 1585. and in many other Instances extant in the Records of Parliament.

There is another Question here moved, whether Transactions and Compositions, made by the Persons forfeited, or their Friends for them, with their Donators, can be declared void, and the Sums paid, or agreed to be paid in Composition, ordained to be restored; and some incline to think that this cannot be, in respect that here is a Transaction which is an express Bargain on the account of the Hazard, and the Faith of such Transactions is so established by Law, that they cannot be called in question: But on the other Hand it is to be considered, that the Difference of Transactions from other Bargains, is, that by a Transaction some Thing doubtful and litigious betwixt Two Parties is agreed, and the Pretence of the one Party remitted or discharged for some Consideration to be given by the other, which being a Method and Expedient to terminate and put an End to Pleas, the Law has been more careful to preserve and establish such Agreements: But by this it also plainly appears, that the Bargains and Compositions made with Donators, were, in effect, no Transactions, but plain Bargains of Purchase; for there being neither *res*, nor *lis dubia* in the Case, both the Sentence and Gift of Forfeiture being clear according to the Law for the Time, it is evident, that the Bargains that the Donators made, were direct Bargains of Sale, for as high a Price as they could get; and that they were alike ready to make over their Gifts, either to the forfeited Persons, or to Strangers, which of them did bid most; so that if they sold these Estates within the Worth, it was not on the account of any Pretension the Buyer might have, either to the Estate or the Price of it, but merely from the common *animus*, and Uncertainty of all Forfeitures, which made them content to take what they could get from any Hand whatsoever. 2<sup>dly</sup>. This may be yet farther cleared, if the Case be put to the Donators selling and disposing upon a forfeit Estate to a Stranger, in which Case it cannot be questioned, but if the Forfeiture came to be reduced, the Person forfeited would be reposed to his Estate, and the Stranger Purchaser have Recourse, upon his Warrantice, against the Donator: How then the forfeit Person, or his Friends Purchase should be thought, in this Point, to differ from the Purchase of a Stranger, is evidently inconceivable: It is granted, if the Bargain had been expressly made with this Condition, that no Event or Revolution, though reducing the Forfeiture, should give Ground of Repetition, that then Condition should be kept, the Bargain, in this Case, being a plain Bargain of Hazard, as of a *jactus retis*, or the like: But then, what Composition in Scotland, whether with Friend or Stranger, was so concluded? 2<sup>dly</sup>. Suppose a Bargain had been



so made, yet it must be fairly and honestly made, without Fear, Force, or Concussion, which leads to a Third Argument, *viz.*

3dly. *Etio.* That the Compositions for Forfeitures had been made upon these express Terms, (as yet we know none in *Scotland* were) that the Parties forfeited should not repete their Money, tho' the Forfeiture should come to be reduced, yet even in this Case, if this Bargain was agreed to out of extreme Necessity, the Party forfeited having no other Remedy to prevent the starving and ruining of himself and his Family, can any rational Man deny, but that this Extremity going over by a happy Change of Times, the Person who was thereby forced should be relieved of his Bargain, and repaid against it? But so it is, that this is directly our present Case, it being undeniable that the forfeit Persons or their Friends, who of late composed for their Estates with Donators, did do it merely for preventing the utter Ruin of themselves, their Families and Creditors, for being pressed with the Severity of a Forfeiture and rigid Donator, that left them nothing, what stronger Fear Force, and Concussion could Men be under? So that if Law restore against Bargains made through Fear and Force, as we know it doth, certainly Restitution in the Case in hand is the most just that ever was heard of, specially if it be considered, that this Restitution is demanded from King and Parliament, whose sovereign Power may, and ought in Equity to grant it, tho', in the strict Law, it were more doubtful, as indeed it is not.

4thly. Not to mention how at this Time the whole Kingdom is most happily relieved and discharged of Bonds and Subscriptions, and even of Oaths (which in Law are more binding than Transactions) to men only imposed, tho' by a Necessity far inferior to that whereby these Compositions were extorted, do we not see how, that by the Act, Debitor and Creditor 1661. the Faith of private Bonds was upon, for less Considerations, altered and superseded, and even express Bargains, concerning proper Wadsets, clearly innovate, and Renunciations upon Agreement discharged. If then the Parliament did, at that Time think fit, upon bare Reasons of Convenience, to make such Stretches upon private Bargains fairly concluded, can any rational Man think, that Compositions so visibly extorted upon such unjust Grounds, as the late Forfeitures were, should now be sustained?

5thly. Was it not upon this most just Consideration, that his Majesty, in his printed Instructions, allows his Consent to be given to what the Parliament should propose for Restitution to be made of Fines, or Compositions for Fines or Forfeitures, from those who had the Benefit of them, so that indeed it may justly be wondred, how that after the Oppressions we have seen, and the Force that Men have been laid under to redeem their Estates from them, by giving often more than the Half to such as assisted to spoil them, any should have the Confidence, either to call such Compositions legal Transactions, or to plead, that they ought still to be regarded as binding, specially after that his Majesty hath so clearly declared himself in this Point.

But 6thly, and lastly. And for Superabundance, it is certain, that, in many Cases, the Donators did compound or sell the Estates forfeited without any Consent of the Party forfeited. And further it might appear, in some Cases, that Men did always refuse to consent to the Bargain, so that, to allege a Transaction in these Cases, to bar them, or their Friends from Repetition, were most absurd.

*In respect whereof the general Act ought to pass, as it is conceived, and unanimously voted by the Committee of Parliament.*

### *Act of Parliament rescinding Fines and Forfeitures. N<sup>o</sup>. CLX.*

OUR sovereign Lord and Lady, the King and Queen's Majesties, and Three Estates of Parliament, in Prosecution of the Claim of Right, and for Relief of their Majesties good Subjects, and the better Settlement of the Peace, Quiet, and Tranquillity of this Kingdom, by the Tenor hereof declare, stand and ordain, that the Decrees and Doms of Forfeiture pronounced against the Persons after named, *viz.* Robert Bontin in Phinnick Parish, John Hart in West-quarter of Glastoird, Robert Scot in Shaveock, in the Parish of Dalserf, Matthew Paton Shoemaker in New-mills, John Grier in Four Merk Land, John Graime Servant to John Gordon of Midtoun, James Smith in old Letham, Alexander Macmillan in Carsfarn, James Macmillan in Mondrogat, George Mackartny in Blairkenney, John Short in the Parish of Dalry, Cornelius Anderson Taylor in Air, James Blackwood Servant to John Brown in Phinnick Parish, William Welsh in the Parish of Kilpatrick, John M'coul Son to John M'coul in Carsfarn, James Muirhead in the Parish of Irengray, Captain Andrew Arnot, Major John M'culloch, Gavin Hamilton in Maudsley in Carlowk Parish, Christopher Strang Tenant in Kilbride, John Gordon of Knockbreck, Robert Gordon Brother to the said John, John Walker in Kilbride Parish, John Ross in Mauchline, James Hamilton Tenant in Kittimuir, John Shiels in Fawood, Mr. Alexander Robertson, John Wilson in Corlack, George Crawford in Cumnock, John Lindsay in Edinburgh, John Gordon in the Parish of Irengray, Mr. Hugh Mackell, Thomas Lennox, Umphrey Colquhoun, Ralph Shiels Clothier in Air, William Pedin Merchant there, John Wardrop Merchant in Glasgow, Robert Macmillan, John Wilson in the Parish of Kilmawers, Mungo Knap in Leavelle, Colonel James Wallace, Major John Learmont, M'cullan of Barfeob, Mr. John Welsh, Mr. James Smith, Patrick Listoun in Calder, William Listoun his Son, William Porterfield of Quarreltoun, William Muir of Caldwell, John Caldwell of Caldwell younger, Robert Ker of Kerland younger, Mr. John Cunningham of Bedland, Alexander Porterfield Brother to Quarreltoun, Maxwel younger of Monrief, M'cullan of Balnagichan, Robert Cannon of Mondrogat younger, Robert Chalmers Brother to Gidgirth, Mr. Gabriel Sempie, Mr. John Guthrie, Mr. Alexander Pedin, Mr. William Veitch, Mr. John Crookshanks, Patrick Macnaught in Cumnock, Mr. John King, Mr. John Kid, Andrew Sword, Thomas Brown, John Widdel, John Clyde, James Wood, Patrick Macdougall of Freuch, Mr. William and Alexander Gordons elder and younger of Earltoun, Mr. W Jam



William Fergusson of Kaitloch, James Gordon of Craichly younger, Patrick Dunbar younger of Machrimoir,  
 William Gordon of Culvenan, John Bell of Whiteside, John Gibson of Auchincryn, Gibson younger  
 of Inghiltoun, Gordon of Dundee, Grier of Dalgour, Smith of Kilney,  
 M'clellan of Balmageichan, Thomas Bogle of Boglehole, James Baird of Dungeon-hill,  
 Gordon of Grange, Lennox of Irelandtown, Gordon of Bacharrow, John  
 Fullartoun of Auchinhee, David M'culloch Son to Ardweil, William Whitehead of Millhouse, John Welsh of  
 Cornley, Neilson of Corfack, Robert M'clellan of Barfob, Samuel M'clellan his Brother,  
 Fullartoun of Nether-mill, George Mackartney of Blacker, Gordon of Gararie, Alex-  
 ander Gordon of Knockgray, Herron of Littlepark, Gordon of Holms,  
 Gordon of Overbar, John Macnaught of Culquhad, Patrick Murdoch, alias Laird Murdoch,  
 Binning of Dalvennan, Major Alexander Ross, John Malcolm, Archibald Alison, James Skene Bro-  
 ther to the Laird of Skene, John Potter, Archibald Stuart, Isobel Alison, Marian Harvey, Thomas Turnbull  
 of Standhill, Walter Turnbull of Bewlie, John Murray, Christopher Miller, William Gogar, Robert Sangster,  
 David White Smith in Lanerk, Gideon Weir Gunsmith there, David Gibson there, John Wilson Writer in La-  
 nerker, Mr. Thomas Pillans, James Lawrie Writer there, Archibald Simpson there, Thomas Lauchlan there,  
 William Fergusson there, John Semple Mason there, Thomas Inglis there, Alexander Anderson there, John Pum-  
 phray there, John Jack in Nemphlar, William Padzean Mason in Lanerk, Robert Lockhart of Birk-hill, Ga-  
 yin Hamilton of Hill, James Weir of Johns-hill, John Steil in Over-water-head, John Haddoway in Douglas,  
 James White in Douglas, William Falconer in Hamilton, Arthur Tacket there, Gavin Wetherpoon of Heatherly-  
 know, John Eastoun Portioner of Gairn-queen, Robert Goodtown Maltman in Glasgow, James Cunningham  
 Merchant there, Isaac Blackwel Son to Thomas Blackwel there, William Riddel Feuar of Rutherglen, Robert  
 Fleming of Auchinfin, John Hamilton Feuar of Rogertoun, Thomas Craig Feuar in Jacktoun, John Miller  
 younger of Long-calderswood, John Wilson of High-fleet, Robert Steven Feuar of Newland, John Steil of  
 Windhill, John Cochran of Craig, James Dykes of Halburn, John Cairnduff Feuar in Jacktoun, Thomas Pa-  
 ton at the old Kirk of Cambusnethan, John Whitelaw in Bothwell-shiels, John Paterfon there, John White of  
 Newk, Thomas Lin of Blairachin, Gilbert Mackilwraith of Dumorchie, Thomas Macjarrow of Bar, John  
 Macjarrow of Pingerroch, Henry Macgarroch of Alt-albany, George Macklure of Bennan,  
 Mackilwraith of Auchinflow, John Macalexander of Dumochrein, Macmickan Son to  
 Macmickan of Kilsinnian, Alan Bowie Son to Bowie of Drumly, Adam Philip, Andrew Pittil-  
 loch, Laurence Hay, Mr. Donald Cargil, Mr. James Boick, Mr. Walter Smith, William Thomson, William  
 Cuthil, Patrick Foreman, Robert Garnock, David Farrie, James Stuart, Alexander Russel, William Murray  
 of Meadow-head, Archibald Earl of Argyle, George Arthur of Bonahill Portioner of Balwhattone, James  
 Ure of Shargertoun, Donald Connel Portioner of Buckleyvie, Thomas Russel of Middlerig, Edward Marishal  
 Heritor of Kaemuir, John Taylor elder in Holehouse, John Schaw Son to John Schaw of Easter-green-hill,  
 George Mochrie Fiar of Stonerig, Thomas Fergusson of Finnarts, William Harvey in Lanerk, Christian  
 Fife, Robert Gray Englishman, James Robertson, John Finlay, William Cochran, Samuel Grierfon of Dalgo-  
 war, William Grierfon of Lochquharrie, James Welsh of Little-clowden, John Brown Heritor in Newtown,  
 Henry M'culloch of Barholm, Anthony Mackay of Cloncaird, Hay of Arianan, Andrew Mar-  
 tin of Little-arries, Fullerton of Senwick, Halliday of Mayfield, Mr. Thomas  
 Vernor Minister, Mr. Samuel Arnot Minister, George Gordon Second Son to Holm, Alexander Macnaught  
 younger of Overtoun, Crichtoun of Hole of Baquhassie, Alexander Hunter of Calquhassie,  
 Alexander Mackay of Drumbowie, Alexander Hume Portioner of Hume, Cunningham of Mont-  
 grenan, William Lawrie of Blackwood, John Menzies of Dalquhairn, Robert Hamilton Brother to the Laird of  
 Prestoun, William Boig in Auchinreoch in Campsie Parish, John Russel Portioner of Eastfield, Gavin Paterfon  
 Feuar in Bothwell-shiels, Robert Russel of Windie-edge, Mr. Thomas Hamilton of Raith, James Hamilton  
 of Park-head, James Maxwell of Williamswood, John Maxwell Portioner of Bogtoun, Robert Lockhart of  
 Bankhead, Andrew Brown of Duncanzemen, Mr. Matthew Campbell of Waterhouse, James Brown in New-  
 mills, John Paterfon in Daldilling, Adam Reid in Mauchline, John Crawford of Torshaw, John Wilson  
 younger of Lindsayhill, Mr. John Halbert, James Macneillie of Auchnairn, Colonel John Burns, Robert Hamil-  
 ton of Monkland, Edward Atkin, Mr. John Dick Son to David Dick Writer in Edinburgh, John Whitelaw,  
 Arthur Bruce, William Cochran, George Martin sometime Notar and Reader at Dalley, John Ker Wright,  
 sometime in the Parish of Hunnum, James Muir at the Cross-foord-boat, Henry Hall of Haugh-head, Mr. John  
 Menzies of Wintercleugh, or Hangingshaw, Calderhead younger of Windie-edge, Henry Bos-  
 wel Portioner of Dunfystoun, Robert Steil Portioner of Stain, John Meek Portioner of Hinfelwood, James Howi-  
 son Maltman in Lanerk, John Cochran of Waterside, John Paton of Meadowhead, called Captain Paton, Tho-  
 mas Herknefs in Locherbane, Andrew Clerk sometime in Lead-hills in Crawford Parish, Samuel Maceuen  
 in Glencairn Parish, James Nicol in Peeblesshire, William Young in Lanerkshire, John Hutchison Portioner of New-  
 bottle, John Semple, John Wat, Gabriel Thomson, George Jackson, Thomas Wood, James Graham, Tho-  
 mas Robertson, Mr. Robert Bailly of Jerviswood, Walter sometime Earl of Tarras, Robert Miller in the  
 Parish of Rutherglen, Robert Pollock Shoemaker in Glasgow, Thomas Kennedy of Grange, John Porterfield of  
 Douchal, John Mackay of Larg, John Russel of Carraig, John Russel of Arnes, John Macquharrie, James  
 Smith, James Lawfon, Alexander Wood, Alexander Vallange, James Kirkwood, Sir John Cochran of Ochil-  
 tree, Sir Patrick Hume of Polwart, George Pringle of Torwoodlee, Mr. Robert Martin late Clerk to the  
 Justice Court, Mr. Robert Fergusson sometime Chaplain to the Earl of Shaftsbury, Thomas Stuart of Cult-  
 nefs, Sir Hugh Campbell elder of Cefnock, Sir George Campbell younger thereof, George Lord Melvil, David  
 Montgomery of Langshaw, Richard Rumbold Englishman, David Stuart Son to Thomas Stuart of Cultnefs,  
 Mr. William Spence Servant to the Earl of Argyle, William Denholm of Westshiels, James Stuart Advocate,  
 Mr. Gilbert Elliot, Thomas Stodhart, James Wilkison, Matthew Bryce, Archibald Campbell, David Law,  
 Gavin Russel, Mr. Thomas Archer Preacher, Mr. Charles Campbell Son to the late Earl of Argyle, Archibald  
 Campbell Son to the Lord Neil Campbell, Mr. John Campbell Son to the Earl of Argyle, John Nisbet, called of  
 Hardhill, Andrew Fletcher of Saltoun, Sir Duncan Campbell of Auchinbreck, Donald Campbell of Barbreck,  
 John Campbell younger of Melford, John Campbell of Knap, Mr. Alexander Campbell Advocate, Dugal Camp-  
 bel of Kilberrie younger, the deceased Alexander Macmillan of Drummore, Donald Macneil of Creir, Duncan  
 Campbell of Corridel, Alexander Campbell of Ottar, Major Henderfon, Captain John Fullerton,



ton, *Mr. George Wishart Preacher, Mr. Alexander Hastie, Robert Elphinstoun of Lapnefs, Caprain John Henry, Patrick Campbel Son to Mr. John Campbel, called Black Patrick, Patrick Macarthur of Inchrine, Archibald Mackilvernock of Oab, Iver Maciver, alias Campbel of Arshneith, the decest Dugal Macavish of Dimardrie, Neil Campbel of Even-achan, Campbel of Koldrivine, Ker of Kerland younger, John Campbel of Dargachie, Robert Campbel his Brother, Alexander Macarthur Captain to the late Argyle, Colin and Duncan Campbels elder and younger of Allangreg, James sometime Duke of Buccleugh and Monmouth, Donald Campbel of Belnabie, Archibald Campbel of Dana, Duncan Campbel of Culgaltero, Angus MacIachlan of Barnagad, Alan MacIachlan of Dunnad, Colin Campbel of Blairintibert, the decest Donald Campbel of Drumfin, Donald Campbel of Oab, Duncan Campbel elae of Drumfin, Angus Campbel of Daltonre, John Campbel of Ulva, Alexander Lamont of Monydryn, John Campbel of Ardtar-rich, John M'chinnie of Invernydane, Alexander M'clunie of Keanlochlean, Archibald Macphinnie of Drip, Alexander Campbel younger of Sonarachan, James Wilson in Mofshead of Lochwinnoch, John Anderson younger of Westertoun, James Boyl, called Mr. James Renvick Precentor, Mr. James Renvick a Preacher, Mr. Gabriel Maxwell Minister, Andrew Martin of Little-arries, Andrew Meek in Carnwath Parish, John Stuart Son to James Stuart in Drumby, Nicolas Cochran Portioner of Melrofs, John Cochran of Chapel, Robert Fullerton of Bennels, John Wilson, Mr. Thomas Pillan, Archibald Simpson, Alexander Anderson, John Semple, William Padzean, Thomas Inglis, Thomas Lachlane, William Fergusson, Alexander Brown, Gideon Weir, James Howison, James Algier in Kennets-head, Park in the Shire of Rentrew, John Hutchison of Harlaw, Captain James Wishart: And generally, all and whatsoever Decrees and Dooms of Forfeitures, given and pronounced against any of the Subjects of this Kingdom, either by the high Court of Parliament, or ordinary, or circuit Courts of Justiciary, or any other Court or Commission, from the first of January, One thousand six hundred sixty five, to the fifth Day of November, One thousand six hundred eighty eight, with all Escheats fallen upon the Ground of the said Forfeitures, since the said Day, are, and shall be void, and of no Avail, Force, Strength, nor Effect, in all Time coming; rescinding and reducing the same for ever, except the Decrees of Forfeiture pronounced against Patrick Roy Macgregor, Patrick Drummond, Alister More Macgregor, John Macintosh, and Philip Stansfield: And in like Manner, all and sundry Inletments, Charters, Precepts, Instruments of Sasine, Presentations, and other Rights whatsoever, of Lands, Heritages, Tiends and Possessions, made and granted, and proceeding upon the said Forfeitures and Hornings, to, and in favours of whatsoever Persons, mediately or immediately, with all Decrees and Sentences given and pronounced by any Judges, consequent, depending upon the said Forfeitures and Hornings, are void and null from the Beginning, and of no Force, Strength, nor Effect; and that without any special Process of Reduction, or other Declarator to follow thereupon. Declaring this present Act as sufficient to all Parties concerned, as if the said Sentences of Forfeitures and Hornings, with the said Charters, Dispositions, and other Rights and Titles whatsoever, with the Decrees and Sentences following thereupon, were specially and orderly retreated and reduced, and as all Parties having Interest had been specially called thereto. Likeas, their Majesties, and Three Estates, rehabilitate, reintegrate, and restore so many of the said Persons as are living, and the Memory of them who are decest, their Heirs Successors, and Posterity, to their Goods, Fame, and worldly Honour, and to use all lawful Acts and Deeds in Judgment and outwith the same, and to all and sundry their Lands, Heritages Tacks, Steadings, Debts and Possessions whatsoever, which they, or any of them had the Time of the leading of the said Process against them. Declaring always hereby, that where the Debtors of the forfeit Persons have made Payment *bona fide*, upon Distress, to Donators, or others having Right from them; such Debtors are hereby fully exonerated and discharged, allowing to the Party forfeited, Recourse against the Donator alienarly. And also, their Majesties and Three Estates, decern and declare. That the Children of the Persons forfeited since the said first Day of January, One thousand six hundred sixty five, are, and shall be habil to enjoy, brulk, and claim all Rights pertaining, or that may righteously pertain to them; and that all the Deeds granted by any of the Persons forfeited, to any others of their Estate, real or personal, or any Part thereof, be as valid as if they had not incurred the said Sentences. Declaring it lawful to the Persons forfeited, and their Children, to succeed to their Predecessors by Brieves or otherwise, notwithstanding of the said Dooms of Forfeiture which are hereby ordained to be buried in perpetual Oblivion. And further, their Majesties and three Estates, ordain the Persons forfeited, and the Heirs of them who are decest, to be fully repossessed to their Lands, Teinds, Heritages, Tacks, or Possessions, whereof they or their Predecessors were in Possession, the Time when they were challenged for the Deeds whereupon the Forfeitures followed, with full Right and Access to all Bygones since the Term of *Martinas 1688. inclusive*, with all other Bygones yet resting unplifted in the Tenants Hunds: As likewise, to all Bygones whatsoever, intromitted with by any Donator or his Assignes, in the Case of special Reasons, and Acts to be past thereanent, in Manner aftermentioned. Likeas, their Majesties, with Advice and Consent of the said Estates, do discharge all Fines yet unpaid, which were imposed by Sentences from the first of January, One thousand six hundred sixty five, to the fifth of November, One thousand six hundred eighty eight, upon any Person or Persons for Church-irregularities, or Nonconformities, or refusing of publick Bonds, Subscriptions and Oaths, or for not obeying Acts, Proclamations, or Orders thereanent, resetting of, or conversing with Rebels, for the Causes foresaid, refusing to depone on Libels against themselves, in capital Cases, albeit restricted to arbitrary Punishment, and any Bonds granted for these Fines, with all Hornings, Denunciations, and Intercommunings, given, pronounced, and issued forth in Parliament, or by any other Court or Commission, against any Persons for the said Causes: And remit to the Commission appointed by this Act to consider the Grounds of Repetition of such of the said Fines as are already paid to Donators, or others having Right from them, and other private Parties. And it is hereby declared, that it shall be leifum to any of the said Persons, or Parties forfeited, who are hereby restered, who have componed either by themselves or others, with any Donators, or others for their Forfeitures, or Escheats following upon the Grounds of the said Forfeitures, to repete from the said Donators, and others, and their Heirs and Successors, all and whatsoever Sums of Money paid for the said Compositions, and that all Bonds and other Securities given for Payment of the said Compositions for Forfeitures, and Escheats following on the Grounds thereof, and not yet paid, nor the Sums unplifted, are, and shall be for hereafter null and void; excepting always herefrom, the Bond granted by James Weir, and others, to the Earl of Airly, for a Competition of the said James Weir his Forfeiture, to which Bond the Lord Rutherford has Right, without Prejudice to the*



forfeited Person Debtor in the Bond, to have Repetition and Recourse against the Donator, or any Assigny from him, without onerous Causes. And their Majesties, with Consent foresaid, declare, that the said Donators, and others, and their foresaids, are, and shall be liable to refund the said Sums so paid, and give back the said Bonds and Securities to the Parties concerned; declaring likewise, all Rights of such Persons, who have componed and acquired Rights of Forfeiture, Fines, Escheats, and others foresaid, by Warrant, and Commission from, and to the Behoof of the Persons forfeited, fined, or denounced, or their apparent Heirs, or nearest of Kin, or by Warrant and Commission of the Relations or Minors, for their Behoofs, to be good and valid: Which Persons are hereby understood, not to be defrauded of the Money laid out by them, but are to be paid with Deduction of their Intrusions, and are to retain the Rights acquired by them, for Security thereof, they always restricting their Possession, by virtue of the same, to the Payment of the Annualrents of the said Compositions. And because there is no Reason, that the foresaid Persons forfeited, and thereby dispossessed of their Estates, should be liable to pay Annualrents to their Creditors; during their being dispossessed (excepting always such Persons as, upon special Acts, shall obtain Repetition of their bygone Rents,) therefore their Majesties, with Consent foresaid, do remit to the Commission appointed by this Act, to consider how far the said forfeited Persons ought to be liberated of their bygone Annualrents, during the Time foresaid. As also, if their Cautioners, who were not forfeited, ought to be liberate of the said Annualrents at the Hands of the Creditors, and what Time hereafter shall be allowed to the said forfeited Persons and their Cautioners, for making Payment of the principal Sums, and bygone Annualrents, during which Time, Diligence, at the Instance of the Creditors, is to be superseded, and if the Diligence to be superseded shall be only personal. Moreover, their Majesties, and Estates of Parliament, by their Presents, freely remit and discharge all Unlaws, Penalties and Escheats, adjudged in the Justice-court, or other Courts, and all Sums of Money that may be asked for Contravention of any Bond or Act, on the Accounts abovementioned, made to the Two late Kings, since the said first Day of January, 1665. either from the Principals, or their Cautioners, which are yet resting unuplifted. And seeing many of the Lieges were spoiled and plundered without any previous Sentence, and Bonds and other Rights were extorted, or exacted from them through Fear and Terror, their Majesties, with Advice and Consent foresaid, ordain the Creditors, or others having Right, to deliver up to the Debtors, all Bonds, and other Rights extorted or exacted upon the Accounts foresaid, and where the Bonds are registered, to grant Discharges thereof, bearing a Clause of Registration, and that betwixt and the first of November next, under the Pain of the Double of the Penalty in the Bond, to be decerned against them without any Modification, in case the Bonds be found to have been extorted, or exacted in Manner foresaid, and insisted for, or not delivered up to the Debtors therein. And likewise ordain the Clerks of the Privy Council, and the Clerks of any other Courts, general Receivers, and others who have in their Hands, Bonds which were extorted, or exacted on the Accounts foresaid, to deliver up the same to the Debtors, if they be required; and allow the foresaid Persons spoiled and plundered, to pursue for Repetition of the Damages and Spoils on the Accounts foresaid, for which Bonds were not granted, either before the Commission appointed by this Act, or the Judge ordinary, as they please; and appoint the Lords of Session, upon probable Grounds, to grant Suspension of any Charges to be given on the foresaid Bonds, without Caution or Confignation, and that gratis without Payment of any Dues. And their Majesties, and Estates of Parliament, being willing that this present Act be inviolably and irrevocably kept, ordain the same, and whole Clauses thereof, to be interpret by all Judges and Ministers of the Law, in the most extensive Sense and Construction the Words can bear, in favours of the Persons forfeited, fined, denounced, or otherwise lesed, as said is. And forasmuch as, since the intenting of the said Processes of Forfeitures and Fines, and since the Denunciation of some of the said Persons to the Horn, or their being charged upon Bonds to enter in Ward, or to depart off the Realm, or that, for other necessary and probable Causes, they were absent, or forth of the Realm, and had not free Access to compare for Pursuit and Defence of their Actions, sundry Processes are led, and Decrees given, and other Proceedings had not only against themselves, but also against the Minors, who were in their Tutory and Curatory, to their great Prejudice and Hurt; therefore their Majesties, and Estates of Parliament, for Remedy thereof, do hereby repon the said Persons to their lawful Defences, and do allow the Probability and Necessity of their said Absence to be tried, either by way of Suspension, Exception, or Reply in the first Instance, but any further Process, Nonsummons of Reduction, and also for Reparation of Losses sustained by falling, or running of Wards, Nonentries, and other Casualties, or of shorter Prescriptions, through Absence of the Persons when forced, by the Severities foresaid, to flee the Country and withdraw. Their Majesties, with Advice and Consent foresaid, hereby repon and restore them against such Casualties, fallen during their Absence, which they might have prevented, if they had been present, declaring, that as to Casualties fallen before their Absence, the Years of their Absence shall be discounted, both as to the Casualties, and as to the said shorter Prescriptions. Attour their Majesties considering, that the Wives, or Relicts of several of the Persons abovementioned, who had Right to the Joyntures out of their Husbands Estates, were prevailed upon, by Donators and others, in respect they wanted Confirmations, to assign and make over their Joyntures to, and in favours of the said Donators, and others deriving Right from them, upon their getting Security for a lesser Liferent out of their Husbands Estates from the Donators, and others having Right from them, or in regard foresaid, for some other Cause no ways adequate to the Value of their Liferent, therefore their Majesties, with Advice and Consent foresaid, declare all such Bargains void and null, and hereby repon and restore the Relicts to their former Joyntures, assigned and made over, as said is, they always refunding to the Donators, and others deriving Right from them, after Count and Reckoning, whatever was given them in lieu of their said Joyntures. And it is hereby declared, that this present Act shall be as valid, and effectual to all others therwise lesed, in manner, and upon the Grounds foresaid, in the Reign of King Charles II. before the Year 1665. to bring in their Processes, or particular Acts before the Parliament, or such as they shall appoint for that effect, and to crave and receive Redresses according to the Merit of their Causes, as accords of the Law; and further, but Prejudice of any of the Persons particularly or generally abovementioned, who are restored



restored by this present Act, to bring in particular Acts of Parliament, rescinding the Decrees of Forfeiture past against them upon such special Grounds of Nullities and Injustice as they can instruct, and that both as they shall appoint for that Effect. And their Majesties, with Advice and Consent of the said Estates, do hereby dissolve from the Crown and Patrimony thereof, any of the Estates belonging to the said Estate and Restoration of Persons forfeited and fined, whether here specially insert, or not; and for the Repetition of Compositions and Sums of Money paid by them, or by any others their Majesties Lieges, as aforesaid. And to the effect that all, to whom the Benefit of this Act is competent, and who find it necessary for them to apply, may have the Benefit thereof applied to them; as also, that the Claims and Pretences of all Donators and their singular Successors, for cnerous Causes, may be cognosed upon, tried, discuss and determined in Parliament, their Majesties, with special Advice and Consent of the Three Estates, do nominate and appoint the Persons after named, as a Commission of Parliament, viz. The Earls of Crawford, Mortoun and Levin, the Viscount of Kinnure, the Lords Carmichael and Ruthven, Sir Robert Sinclair of Stevenston, William Macdowal of Garthland, Thomas Dunbar of Grange, Duncan Forbes of Colinton, John Dempster of Pitliver, and Hugh Macgussock of Rusko, Sir John Hall Lord Provost of Edinburgh, Alexander Spittle of Leuchat Commissioner for Innerkerthing, Mr. James Smallem Commissioner for Dumbarton, Mr. Robert Cleland Commissioner for Anstruther-vester, Mr. John Boswel for Sanquhar, and Sir William Hamilton Commissioner for the Queensferry, to meet at the high Town Council-house of Edinburgh, the first Tuesday after the Adjournment of this Session of Parliament, at Ten a Clock in the Forenoon, and thereafter upon such Days, and at such Times as they shall think fit to appoint, and any seven of them to be a Quorum, with full Power to the said Commission, or their Quorum, to receive the Claims and Allegiances of all Persons, to whom the Benefit of this Act is competent, or who may be otherwise therein concerned, and upon Citation of all Parties having Interest therein, to hear and discuss their Claims and Allegiances, and for that effect to issue Citations, and to take all Trial for verifying the said Claims, and to prepare and report their Judgment thereanent, to the next Session of this, or any other ensuing Parliament. And specially, but Prejudice of the Generality foresaid, their Majesties, with Consent foresaid, do remit to them to consider the Cases aftermentioned, viz. Of Mr. Francis Montgomery of Giffan, anent the Lands of Hillhead, of the Laird of Grant, anent the Fine of Brodie of Lethin, of Sir John Hall, anent the Laird of Brody's Fine, of Mr. Roderick Mackenzie younger, Advocate, anent the Forfeiture of Dalvennan, of Charles Oliphant of Langtoun, anent the Forfeiture of Patrick Liltoun, of John Fergusson of Donaldtoun, anent the Forfeiture of Macculloch of Barholm, of the Laird of Orbistoun and William Hamilton of Wisshaw, anent the Forfeiture of Monkland, of Hugh Stevenson, anent the Forfeiture of Montgrenan, the Case of the Earl of Balcarras, anent the refunding of the Composition paid to him for the Forfeiture of Denholm of Westshiels, of the Earl of Glencairn, anent the Forfeitures gifted in his favours, the Case of Andrew Macmillan of Craignel, and his Heirs, against Hugh Wallace of Inghistoun, of Hugh Kennedy younger of Ardmillan, concerning Thomas Fergusson and Captain William Seton, and the Case of John Anderson of Dowhill, anent the Fine of Ten Thousand Merks, which he was necessitate, upon a Sentence, to pay to the Donator, for the Escape of Thomas Blackwell out of the Tolbooth of Glasgow, to hear the Parties concerned, and to report, as said is. Declaring lastly, that this present Act, nor no Part of it shall be any ways invalidate by the Act *salvo jure*, to be past in this present Parliament.

F I N I S.





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